TITLE 6

MOTOR VEHICLES AND TRAFFIC

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CHAPTER 1

MISCELLANEOUS TRAFFIC PROVISIONS

SECTION:

6-1-1: Seasonal Weight Restrictions
6-1-2: Unreasonable Acceleration

6-1-1: SEASONAL WEIGHT RESTRICTIONS:

A. Definitions: Any term used in this section and defined in Minnesota Statutes Section 160.02, as amended, has the same meaning given to it by that section.

B. Authority To Impose Weight Restrictions: The City Engineer may prohibit the operation of vehicles upon any street under his/her jurisdiction or impose weight restrictions on vehicles to be operated on such street whenever the street, by reason of deterioration, rain, snow, or other climatic conditions, will be seriously damaged or destroyed unless the use of the vehicles on the street is prohibited or the permissible weights are reduced.

C. Signs Posted: Signs plainly indicating the prohibition or restriction shall be posted at the appropriate locations as determined by the City Engineer.

D. Violations; Penalty: No person shall operate a vehicle on a posted street in violation of the prohibition or restriction. Any person who shall violate any provision of this section shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as defined by State Law. (Ord. 215, 11-4-1997)

6-1-2: UNREASONABLE ACCELERATION:

A. Unreasonable Acceleration Prohibited: It shall be unlawful for any person to operate or permit to be operated any motor vehicle on any public street or highway, public or semipublic property in a manner that creates or causes unreasonable acceleration.

B. Prima Facie Proof: Prima facie evidence of such unreasonable acceleration shall be squealing or screeching sounds emitted by the tires spinning or sliding upon the acceleration of said vehicle, or causing the vehicle to unnecessarily turn abruptly or swerve from side to side.

C. Violation; Penalty: Any person who violates any of the provisions of this section shall be guilty of a petty misdemeanor and shall be punished according to State Law. (Ord. 251, 2-16-1999)

CHAPTER 2

PARKING REGULATIONS; STREET OBSTRUCTIONS

SECTION:

6-2-1: Parking Restrictions On Public Rights-Of- Way
6-2-2: Parking Boat Trailers
6-2-3: Obstructing Public Rights-Of-Way
6-2-4: Removal, Towing Of Vehicles
6-2-5: Citation
6-2-6: Violation; Penalty

6-2-1: PARKING RESTRICTIONS ON PUBLIC RIGHTS-OF-WAY:

A. Parking:
It shall be unlawful for any person to leave, park, permit or allow any vehicle to stand or remain upon any city street or right-of-way or on the traveled portion of the road or to obstruct the flow of traffic, unless for an emergency, between the hours of one o'clock (1:00) A.M. and six o'clock (6:00) A.M. from November 1 to April 15, except as provided by this chapter. (Amended Ord. 416, 2-6-12)

B. Parking During Snowfall: It shall be unlawful to park or permit to be parked, or to continue to park or permit to stand, any vehicle upon any city street after two inches (2") or more snowfall until such time as the snow has been plowed from the street. (Amended Ord. 416, 2-6-12)

C. Vehicle Length And Weight Restrictions: It shall be unlawful for any person to leave, park, permit, or allow any vehicle in excess of twenty four feet (24') in length or having a carrying weight in excess of one ton to stand or remain upon any street or right-of- way or on the traveled portion of the road or to obstruct the flow of traffic at any time of any day unless such vehicle is being used for the purpose of moving goods from or to a commercial or residential location within one block from where such vehicle is located. In no instance shall any vehicle described as being in excess of twenty four feet (24') in length or having a carrying weight in excess of one ton be left, parked or permitted to be parked on any street or right-of- way, or in violation of any seasonal parking restrictions, or for a period of more than two (2) continuous hours of any day unless prior authorization from the City is obtained. (Amended Ord. 392, 5/18/10)

D. Property Other Than Vehicles: No property of any kind or description,

except motorized vehicles, together with property lawfully attached thereto, may be parked, stored, or permitted to stand upon any city street or right-of-way at any time, except as the same may be permitted by resolution of the City Council.

E. Obstructing Mailboxes And Driveways: It shall be unlawful for any person to leave, park or permit any vehicle to be parked in front of, or in such a manner or place as to interfere with or hinder access by persons or vehicles to, mailboxes or receptacles therefor, or to park or permit to be parked any vehicle in such place or manner as to obstruct or hinder access to any driveway, whether the same is public or private.

F. Additional Restrictions: Notwithstanding the foregoing restrictions, the City Council may impose additional parking restrictions on streets within the city if, in its opinion, such restrictions are necessary to protect the health, safety and welfare of persons or property. Streets subject to such additional restrictions shall be designated by City Council resolution, and such restrictions shall not be enforced until posted notice thereof on such streets has taken place. (Amended Ord. 218, 5-6-1997)

6-2-2: **PARKING BOAT TRAILERS:** The parking of boat trailers without boats is prohibited on school property or within one thousand feet (1,000') of the Crooked Lake boat launch site. The following shall be exempt from the requirements of this section:

A. Parking spaces specifically designated for boat trailer parking adjacent to the boat launch site;

B. Boat trailers located on private property; and

C. Boat trailers owned and operated by The Department of Natural Resources and the County Sheriff's Department. (Amended Ord. 218, 5-6-1997)

6-2-3: **OBSTRUCTING PUBLIC RIGHTS-OF-WAY:** No person shall deposit or permit to be deposited and leave on any public street in the city leaves, grass, sand or similar materials, nor shall any person plow, shovel, or blow or permit the blowing, shoveling or plowing of snow onto a public street in the city and leaving it. This provision shall not apply to any person who is in the process of constructing or maintaining a yard or drive; provided, that the materials are immediately removed from the street. (Amended Ord. 218, 5-6-1997)

6-2-4: **REMOVAL, TOWING OF VEHICLES:**

A. Authority: The designated law enforcement official is hereby authorized

and empowered to remove or cause to be removed any vehicle parked, stored, stalled, or standing on city streets in violation of any of the provisions of this chapter.

B. Removal Or Towing; Redemption: Said vehicles may be removed by towing or otherwise and stored in garages or outside storage areas by persons, individuals, or firms engaged in the general garage or towing business within the city. Said vehicles shall not be removed from the places where they are stored until the owners or authorized agents shall have fully paid the costs incurred for towing and storage to the person or firm who has furnished such service.

C. Unredeemed Vehicles; Lien For Costs: In the event that any vehicle held or stored is not claimed or recovered by the owner thereof, there is deemed to be imposed upon such vehicle a possessory lien for the amount of the costs incurred for towing and storage. Such lien shall be foreclosed in the manner provided by law for the foreclosure of possessory liens.

D. Prima Facie Proof: Upon proof that a certain vehicle was parked, stored, or allowed to stand in violation of this chapter and that a certain person is the registered owner of said vehicle, this shall be prima facie evidence that such person committed or authorized the commission of such violation. (Amended Ord. 218, 5-6-1997)

6-2-5: **CITATION:** Community Service Officers or the County Sheriff's Department may issue citations for violations of this chapter; provided, that no Community Service Officer may require a person served to sign a promise to appear with respect to any such citation. (Amended Ord. 218, 5-6-1997)

6-2-6: **VIOLATION; PENALTY:** Any person, firm, or corporation violating any provision of this chapter shall be guilty of a petty misdemeanor and, upon conviction thereof, shall be subject to a fine as provided in the City Code. (Amended Ord. 218, 5-6-1997; Amended Ord. 408, 7-6-11; Amended Ord. 416, 2-6-12)

CHAPTER 3

GOLF CARTS AND MOTORIZED WHEELCHAIRS

SECTION:

6-3-1: Definitions
6-3-2: Special Operator's Permit
6-3-3: Operation On Private Property
6-3-4: Operation On Public Property
6-3-5: Violation; Penalty

6-3-1: **DEFINITIONS:** The following definitions apply in this chapter:

OPERATE: To ride in or on and control the operation of a golf cart or motorized wheelchair.

PHYSICALLY DISABLED: Any person who:

A. Because of disability, cannot walk without significant risk of falling;

B. Because of disability, cannot walk two hundred feet (200') without stopping to rest;

C. Because of disability, cannot walk without the aid of another person, a walker, a cane, crutches, braces, a prosthetic device, or a wheelchair;

D. Is restricted by a respiratory disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter;

E. Has an arterial oxygen tension (PAO2) of less than sixty (60) mm/hg on room air at rest;

F. Uses portable oxygen;

G. Has a cardiac condition to the extent that the person's functional limitations are classified as class III or class IV according to standards set by the American Heart Association;

H. Has lost an arm or leg and does not have or cannot use an artificial limb; or

I. Has a disability that would be aggravated by walking two hundred feet (200') under normal environmental conditions to an extent that would be life threatening.

RIGHT-OF-WAY: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other conditional use.

ROADWAY: That portion of a highway improved, designed, or ordinarily used for vehicular travel.

SPECIAL OPERATOR'S PERMIT: A permit of operation with prescribed restrictions on operation times, designated roadways, or other limits deemed reasonable by the city.

SPECIAL VEHICLES: Shall be limited to motorized golf carts or motorized wheelchairs.

TRUNK HIGHWAYS: All Interstate highways, all U.S. highways, and all state highways.

WHEELCHAIR: Any manual or motorized wheelchair, scooter, tricycle, or similar device used by a physically disabled person as a substitute for walking. (Ord. 254, 5-4-1999)

6-3-2: **SPECIAL OPERATOR'S PERMIT:**

A. Permit Authorized: A special operator's permit may be issued by the City Clerk for operation within the city limits.

B. Qualified Applicants: Any physically disabled person may apply for a special operator's permit that would allow the operation of a special vehicle to be operated by that physically disabled person on prescribed streets and during specified hours.

C. Application For Permit: The permit application shall include the following information:

1. Name and address of applicant.

2. The nature of the disability.

3. Special vehicle make and model.

4. The requested roadways on which the applicant wishes to use the vehicle.

5. Other information the City deems appropriate.

D. Review Criteria: The special operator's permit request will be reviewed on a case by case basis, and the following criteria may be used to limit operation of said vehicle:

1. Operation is limited to designated roadways established by the City Clerk.

2. The City Clerk shall specify hours of operation.

3. Vehicles must display the slow moving vehicle emblem.

4. Operation is limited to the person identified as physically disabled.

5. Applicant shall provide physician's verification of the disability and the ability to safely operate a special vehicle.

6. The applicant shall identify the vehicle make and model.

7. Applicant must provide evidence of insurance in compliance with provisions of Minnesota Statutes Section 65B.48, Subdivision 5.

E. Term Of Permit; Renewals: The permit shall be granted for a period not to exceed one year and may be renewed after annual review by the City Clerk.

F. Records Kept; Annual Review: A permanent record of all special operator's permits shall be maintained and annually reviewed by the City Clerk.

G. Revocation Of Permit: The permit may be revoked if it is found that the special operator's permit restrictions are violated. (Ord. 254, 5-4-1999)

6-3-3: **OPERATION ON PRIVATE PROPERTY:** No person shall operate a special vehicle on lands not owned by the person without the written or oral permission of the owner, occupant, or lessee of such lands; provided, that in the

case of oral permission, the owner, occupant, or lessee of such lands is present. (Ord. 254, 5-4-1999)

6-3-4: **OPERATION ON PUBLIC PROPERTY:**

A. Permit Required: No person shall operate a special vehicle within the right-of-way of any trunk, state, county state aid or county highway, or city street within the city, except as allowed under Section 6-3-2 of this chapter.

B. Ride On Shoulder Or To Right: On right-of-way designated for city streets, special vehicles shall be permitted only on the shoulder of the roadway, or, in the absence of an improved shoulder, on the right hand most portion of the roadway, and in the same direction as the street traffic on the nearest lane of the roadway adjacent thereto.

C. Hours Prohibited: No person shall operate a special vehicle within the right-of-way of any trunk, county state aid, or county highway between the hours of one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise. (Ord. 254, 5-4-1999)

6-3-5: **VIOLATION; PENALTY:** Any person, firm, corporation, or voluntary association which violates any provision of this chapter shall be guilty of a petty misdemeanor and, upon conviction thereof, shall be subject to a fine as provided in the City Code. (Ord. 254, 5-4-1999; Amended Ord. 416, 2-6-12)

CHAPTER 4

SNOWMOBILES, ALL-TERRAIN VEHICLES, AND OFF-HIGHWAY MOTORCYCLES

SECTION:

6-4-1: Definitions
6-4-2: Age Restrictions For Snowmobile Operation
6-4-3: Prohibited And Permitted Areas
6-4-4: Operation On Public Property
6-4-5: Operation on Private Property
6-4-6: Equipment Requirements
6-4-7: Unattended Snowmobiles
6-4-8: Chasing Animals Prohibited
6-4-9: Exemptions From Provisions
6-4-10: Violation; Penalty

6-4-1: **DEFINITIONS:** Unless the context clearly indicates otherwise, the words, combinations of words, terms, and phrases as used in this chapter shall have the meanings set forth in this section:

ALL-TERRAIN VEHICLE: A motorized flotation-tired vehicle of not less than three (3) low pressure tires, but not more than six (6) low pressure tires, that is limited in engine displacement of less than eight hundred (800) cubic centimeters and total dry weight less than six hundred (600) pounds.

BOULEVARD: That portion of the street right-of-way between the curb line and the property line.

OFF-HIGHWAY MOTORCYLCE (OHM): A motorized, off-highway vehicle traveling on two wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control, including a vehicle that is registered under chapter 168 for highway use when it is used for off-highway operation on trails or unimproved terrain. (M.S. 84.787 subd. 7) (Amended Ord. 328, 5-2-2006)

OPERATE: To ride in or on, and control the operation of, a snowmobile or all-terrain vehicle.

OPERATOR: Every person who operates, or is in actual physical control of a snowmobile or all-terrain vehicle.

OWNER: A person, other than a lien holder, having the property in or title to snowmobiles or all-terrain vehicles, and entitled to the use or possession thereof.

PUBLIC LANDS: Public parks, playgrounds, trails, paths, and other public open spaces; scenic and historic sites; schools, and other public buildings and structures.

RIGHT-OF-WAY: The entire strip of land traversed by a highway or street in which the public owns the fee or an easement for roadway purposes.

ROADWAY: That portion of a highway improved, designed, or ordinarily used for vehicular travel, including the shoulder, but not including the boulevard.

SAFETY OR DEADMAN THROTTLE: A device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving track.

SNOWMOBILE: A self-propelled vehicle designed for travel on snow or ice and steered by skis or runners.

URBAN DISTRICT: The territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet (100'), for a distance of a quarter mile or more. (Amended Ord. 109, 6-6-1995)

6-4-2: AGE RESTRICTIONS FOR SNOWMOBILE OPERATION:

A. Age Restrictions: No person under fourteen (14) years of age shall operate on streets or highways, or make a direct crossing of a street or highway, as the operator of a snowmobile. A person fourteen (14) years of age or older, but less than eighteen (18) years of age, may operate a snowmobile on streets or highways as permitted under this chapter, and make a direct crossing thereof, only if he/she has in his immediate possession a valid snowmobile safety certificate issued by the Commissioner of Natural Resources, as provided by Minnesota Statutes Section 84.86, as amended.

B. Responsibility Of Snowmobile Owner: It is unlawful for the owner of a

snowmobile to permit the snowmobile to be operated contrary to the provisions of this section. (Amended Ord. 109, 6-6-1995)

6-4-3: **PROHIBITED AND PERMITTED AREAS:**

A. Prohibited Areas: No person shall operate an all-terrain vehicle, off-highway motorcycle or snowmobile south of the line legally described in Exhibit A attached to Ordinance 109 and on file in the office of the City Clerk for public use and inspection, with the exception of designated snowmobile trails or areas that have been approved by the City Council and private property, as regulated in 6-4-5, provided permission is granted by the owner, occupant, or lessee of such land. (Amended Ord. 563, 7/16/24)

B. Permitted Areas: The operation of all-terrain vehicles, off-highway motorcycles or snowmobiles is permitted north of the described line as shown in Exhibit A attached to ordinance 109 on file in the office of the City Clerk for public use and inspection. The following designated trails or areas south of this line are permitted (Amended Ord. 563, 7/16/24):

1. On Round Lake (when frozen) when access can be legally obtained.

2. On Crooked Lake (when frozen) when access can be legally obtained. (Amended Ord. 109, 6-6-1995; amd. 2003 Code)

6-4-4: **OPERATION ON PUBLIC PROPERTY:** No snowmobile, off-highway motorcycle or all-terrain vehicle shall be operated on public property within the city in violation of the following provisions (Amended Ord. 563, 7/16/24):

A. Within the city including, but not limited to: school grounds, park property, playgrounds, recreation areas and golf courses, except, snowmobiles may be operated on designated snowmobile trails or designated access thereto.

B. Upon the roadway, shoulder, inside bank or slope of any trunk, county state aid, or county highway within the city and, in the case of a divided trunk or county highway, on the right-of-way between the opposing lanes of traffic.

C. On city streets, except on the shoulder of the roadway or, in the absence of an improved shoulder, on the right hand most portion of the roadway (not on boulevard areas), and in the same direction as the street traffic on the nearest lane of the roadway adjacent thereto. In addition, snowmobiles, off-highway motorcycles or all-terrain vehicles shall take the shortest route on any city street to access any county road, county

state aid highway, or any designated snowmobile trails. (Amended Ord. 563, 7/16/24)

D. On a public sidewalk or walkway provided or used for pedestrian travel.

E. At any place while under the influence of an alcoholic beverage or controlled substance.

F. At any speed in excess of fifteen (15) miles per hour on any public city street, or elsewhere at a rate of speed greater than reasonable or proper under all the surrounding circumstances.

G. At any speed in excess of fifteen (15) miles per hour on any county road or county state aid highway in an urban district. All other county roads and county state aid highways not in an urban district must comply with Minnesota Statutes, or elsewhere at a rate of speed greater than reasonable or proper under all the surrounding circumstances.

H. At a speed greater than fifteen (15) miles per hour when within one hundred feet (100') of any riverbank or lakeshore; or within one hundred feet (100') of fishermen, icehouses, or skating rinks; nor shall operation be permitted within one hundred feet (100') of any sliding area; nor where the operation would conflict with the lawful use of property, or would endanger other persons or property.

I. At any place in a careless, reckless, or negligent manner, so as to endanger the person or property of another, or to cause injury or damage thereto.

J. In a manner so as to create loud, unnecessary, or unusual noise, which disturbs, annoys, or interferes with the peace and quiet of another.

K. On any days between the hours of eleven o'clock (11:00) P.M. and eight o'clock (8:00) A.M.; except, on Saturday and Sunday, the restriction shall be between one o'clock (1:00) A.M. and eight o'clock (8:00) A.M.

L. So as to tow any person or thing on a public street or highway, except through use of a rigid tow bar attached to the rear of the snowmobile or all-terrain vehicle.

M. Within fifteen feet (15') of any public sidewalk, walkway, or trail.

N. In a tree nursery or planting in a manner that damages or destroys growing stock.

O. Authorized snowmobiles, off-highway motorcycles and all-terrain vehicles may be used on any public property within the city for rescue,

emergency, or law enforcement purposes. (Amended Ord. 563, 7/16/24)

P. A snowmobile, off-highway motorcycle or all-terrain vehicle may make a direct crossing of a street or highway, provided (Amended Ord. 563, 7/16/24):

1. The crossing is made at an angle of approximately ninety degrees (90°) to the direction of the street or highway, and at a place where no construction prevents a quick and safe crossing.

2. The snowmobile, off-highway motorcycle or all-terrain vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway. (Amended Ord. 563, 7/16/24)

3. The driver yields the right of way to all oncoming traffic, which constitutes an immediate hazard.

4. In crossing a divided street or highway, the crossing is made only at an intersection of such street or highway with another public street or highway.

5. If the crossing is made between the hours of one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise or, in conditions of reduced visibility, only if both front and rear lights are on.

6. A snowmobile, off-highway motorcycle or all-terrain vehicle may be operated upon a bridge other than a bridge that is the main traveled lanes of an interstate highway, when required for the purpose of avoiding obstructions to travel when no other method of avoidance is possible, provided the snowmobile, off-highway motorcycle or all-terrain vehicle is operated in the extreme right hand lane, the entrance to the roadway is made within one hundred feet (100') of the bridge, and the crossing is made without undue delay. (Amended Ord. 563, 7/17/24)

Q. No snowmobile, off-highway motorcycle or all-terrain vehicle shall enter any controlled intersection without making a complete stop. The operator shall then yield the right-of- way to any vehicles or pedestrians that constitute any immediate hazard. (Amended Ord. 563, 7/16/24)

R. An all-terrain vehicle, off-highway motorcycle or snowmobile may be operated upon any public street or highway in any emergency during the period of time when and at locations where the condition of the roadway renders travel by automobile impossible. (Amended Ord. 109, 6-6-1995; amd. 2003 Code; Amended Ord. 563, 7/17/24)

6-4-5: **OPERATION ON PRIVATE PROPERTY:** The operation of all-terrain vehicles and off-highway motorcycles shall be prohibited in the following areas:

A. Any property in the R-2, R-3, or R-4 zoning district.

B. Any property less than 2.5 acres in size.

C. Off-highway motorcycles and ATV's shall not be operated between the hours of 8:00 PM and 8:00 AM within the City.

D. Exception: ATV's may be used in the above areas for tasks directly related to property maintenance or improvement, such as snowplowing, hauling or lawn maintenance. (Amended Ord. 328, 5-2-06)

6-4-6: **EQUIPMENT REQUIREMENTS:** It is unlawful for any person to operate a snowmobile, off-highway motorcycle or all-terrain vehicle any place within the corporate limits of Andover unless it is equipped with the equipment set forth as follows (Amended Ord. 563, 7/16/24):

A. Muffler; Cutout, Bypass: Standard mufflers which are properly attached and in constant operation, and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, bypass, straight pipe or similar device on a snowmobile motor, and the exhaust system shall not emit or produce a sharp popping or crackling noise.

B. Brakes: Brakes adequate to control the movement of, and to stop and hold, the snowmobile, off-highway motorcycle or all-terrain vehicle under any conditions of operation. (Amended Ord. 563, 7/16/24)

C. Safety Throttle: A safety or so-called "deadman" throttle in operating condition so that when pressure is removed from the accelerator or throttle, the motor is disengaged from the driving track.

D. Lights:

1. At least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet (100') ahead during the hours of darkness under normal atmospheric conditions. Such headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming vehicle operator.

2. It shall be equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from

a distance of five hundred feet (500') to the rear during the hours of darkness under normal atmospheric conditions.

3. Such equipment shall be in use when the vehicle is operated between the hours of one-half (1/2) hour after sunset, or one-half (1/2) hour before sunrise, or at times of reduced visibility. (Amended Ord. 109, 6-6-1995)

6-4-7: **UNATTENDED SNOWMOBILES:** Every person having a snowmobile in a public place shall lock the ignition, remove the key and take the same with him. (Amended Ord. 109, 6-6-1995)

6-4-8: **CHASING ANIMALS PROHIBITED:** It is unlawful to intentionally drive, chase, run over, kill, otherwise take or attempt to take any animal, wild or domestic, with a snowmobile, off-highway motorcycle or all-terrain vehicle . (Amended Ord. 109, 6-6-1995; amd. 2003 Code; Amended Ord. 563, 7/16/24)

6-4-9: **EXEMPTIONS FROM PROVISIONS:** The City's enforcement agency or the County Sheriff's Department, in order to provide enforcement, shall be exempt from the requirements of this chapter. (Amended Ord. 109, 6-6-1995)

6-4-10: **VIOLATION; PENALTY:** Any person violating any provision of this chapter shall be guilty of a petty misdemeanor and, upon conviction thereof, shall be subject to a fine as provided in the City Code. (Amended Ord. 109, 6-6-1995; amd. 2003 Code; Amended Ord. 416, 2-6-12)

CHAPTER 5

ABANDONED, DISABLED VEHICLES

SECTION:

6-5-1: Narrative; Nuisance Declared
6-5-2: Definitions
6-5-3: Vehicles Exempt From Provisions
6-5-4: Abandoned Vehicle On Private Property
6-5-5: Impoundment Of Abandoned Vehicles
6-5-6: Vehicles To Be Tagged
6-5-7: Report Of Impoundment
6-5-8: Reclamation Of Impounded Vehicle
6-5-9: Public Sale Of Unclaimed Vehicle
6-5-10: Enforcement; Entry Powers
6-5-11: Violation

6-5-1: **NARRATIVE; NUISANCE DECLARED:** The accumulation and storage of abandoned, wrecked, junked, partially dismantled, or inoperative vehicles within the city is hereby found to create a condition which reduces the value of private property, invites plundering, creates fire hazards, attracts vermin, and constitutes an attractive nuisance creating a hazard to the health and safety of the public. The accumulation and outside storage of such vehicles is determined to be of the nature of rubbish, litter and unsightly debris, which adversely affects the health, safety and general welfare of the community. Therefore, the accumulation and storage of such vehicles on public or private property is hereby declared to constitute a public nuisance, which may be abated as provided herein or as provided under any other ordinance of the City. (Amended Ord. 245, 10-6-1998)

6-5-2: **DEFINITIONS:** The following definitions and terms shall apply in the interpretation and enforcement of this chapter:

ABANDONED MOTOR VEHICLE: A motor vehicle, as defined by Minnesota Statutes Section 169.01, which has remained for more than forty eight (48) hours in a condition described by one of the following:

A. On public property in violation of either the Minnesota Statutes or City ordinance;

B. On private property without consent of the person in control of the property;

C. Disabled;

D. Without license plates conspicuously displayed thereon; or

E. With license plates, which have an expiration date more than ninety (90) days prior to the date of inspection.

DISABLED: Partially or completely dismantled or appearing either to be undrivable or to be lacking any of those parts of a motor vehicle which are essential to the functioning of the vehicle, including, but not limited to, the motor, drive train, and wheels.

OFFICIAL NEWSPAPER: The newspaper adopted by the City Council on an annual basis for which public hearings and notices are published to inform the general public.

PRIVATE PROPERTY: All property not defined as public herein provided.

PUBLIC PROPERTY: Property in control of any government or its agencies. The traveled portion of a street, for the purpose of this chapter, is not public property, but that portion of the right-of-way between the traveled portion of a street and the adjacent property line is public property.

TOWING CONTRACTOR: A person under contract by the City. (Amended Ord. 245, 10-6-1998)

6-5-3: **VEHICLES EXEMPT FROM PROVISIONS:** The following vehicles shall not be considered abandoned motor vehicles:

A. A classic or pioneer car, as defined in Minnesota Statutes Section 168.10; provided that it is kept secure and as long as it has substantial potential further use consistent with its usual function;

B. Vehicles on the premises of a motor vehicle and parts dealer, junkyard, junk dealer, motor vehicle salvage dealer, automobile repair garage, or body shop, which is licensed by the City;

C. A vehicle kept inside an enclosed garage or storage building; and

D. A vehicle which is registered to the owner or occupant of the property and which is being kept for repair on the property; provided, that the vehicle is kept for no longer than ten (10) days in a disabled condition and is kept secure from entry, and provided that only one disabled vehicle may be kept on the property at any given time. (Amended Ord. 245, 10-6-1998)

6-5-4: ABANDONED VEHICLE ON PRIVATE PROPERTY:

A. Abandoned Vehicles Prohibited: No person in charge or control of private property, whether as owner, tenant, occupant, lessee or otherwise, shall allow an abandoned motor vehicle to remain on such property.

B. Warning Notice:

1. If the City determines that any person in charge or control of private property is in violation of any section of this chapter, the City shall serve upon said violator a ten (10) day warning notice specifying the following: a) the nature of the violation in detail; b) the penalty for the continued violation; and c) such action that is necessary to correct the violation. The notice shall further state that any person, firm, corporation or voluntary association which violates or refuses to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as defined by State Law. Each day that a violation is permitted to exist shall constitute a separate offense.

2. Any violator who is served with a ten (10) day warning notice, as mentioned above, who responds by moving the item that is in violation to a new location within the city limits which is also in violation of this chapter, shall be considered to be in continued violation, and the original ten (10) day warning notice grace period shall continue to run in the same manner as if the violator had not moved the item from the original location.

C. Injunction To Abate Nuisance: The City Attorney may make an application for injunction to the District Court, or other court of competent jurisdiction, pursuant to the Minnesota Rules of Civil Procedure and Minnesota law, authorizing entry onto land and the removal of property necessary to correct and abate the nuisance.

D. Notice Of Taking:

1. Following a court order for abatement, the Police/Sheriff's Department shall give notice to the property owner or owner of said abandoned vehicle

of the taking. The notice shall set forth the date and place of the taking, the year, make, model and serial number of the abandoned motor vehicle and the place where the vehicle will be held, shall inform the owners and any lien holders of their right to reclaim the vehicle under Section 6-5-8 of this chapter and shall state that failure of the owner or lien holders to exercise their right to reclaim the vehicle shall be deemed a waiver by them of all right, title and interest in the vehicle and a consent to the sale of the vehicle at a public auction pursuant to Section 6-5-9 of this chapter.

2. The notice shall be sent by mail to the registered owner, if any, of the abandoned motor vehicle and to all readily identifiable lien holders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the official newspaper of the City. (Amended Ord. 245, 10-6-1998)

6-5-5: **IMPOUNDMENT OF ABANDONED VEHICLES:** The City Administrator, towing contractor, or other authorized persons are hereby authorized to remove or have removed any motor vehicle left at any place within the city which is in violation of this chapter, or is lost, stolen or unclaimed. The impounding and taking into custody of a motor vehicle pursuant to this chapter shall be done with the assistance of a County Sheriff/Police officer. A Sheriff/Police officer, City Administrator or duly authorized agents may enter upon private property, after a hearing and the issuance of a court order, at all reasonable hours for the purpose of inspecting and removing such vehicle, and it shall be unlawful for any person to prevent a Sheriff/Police Officer, City Administrator or duly authorized agents from entering on private property for the purposes of carrying out their duties hereunder or to interfere with him/her in the lawful performance of his/her duties. (Amended Ord. 245, 10-6-1998)

6-5-6: **VEHICLES TO BE TAGGED:** Any vehicle ordered impounded by the City under this chapter shall immediately be tagged for identification by the City Administrator or duly authorized agents. Such tag shall show the disposition of the vehicle ordered by the City Administrator or duly authorized agents, and the reason for which impounded. The tag shall be delivered to the towing contractor with the tow sheet. (Amended Ord. 245, 10-6-1998)

6-5-7: **REPORT OF IMPOUNDMENT:**

A. The Sheriff/Police Officer or other authorized person directing the impounding of any vehicle shall prepare a written report of the description of such vehicle. Such report shall, among other things, include the following:

1. Make of vehicle.

2. License number and expiration date.

3. Color of vehicle.

4. Number of tires.

5. Tools and other separate articles of personal property.

6. General description of the car with regard to condition, damaged parts, and other such information as may be necessary to describe adequately the vehicle and property delivered to the towing contractor.

B. A copy of such report, signed by the City Administrator or duly authorized agents, shall be delivered to the towing contractor at the time of impounding. The towing contractor shall check such report, and his/her signature thereon shall be considered a receipt for the vehicle and property described in said report. The original and one copy of said report and the towing contractor's receipt shall be filed at Andover City Hall. (Amended Ord. 245, 10-6-1998)

6-5-8: RECLAMATION OF IMPOUNDED VEHICLE:

A. The owner or any lien holder of an abandoned motor vehicle shall have a right to reclaim such vehicle from the City upon payment of all towing and storage charges resulting from taking the vehicle into custody within fifteen (15) days after the date of the notice required by Subsection 6-5-4D of this chapter.

B. Nothing in this chapter shall be construed to impair any lien of a garage keeper under the laws of the state or the right of a lien holder to foreclose. For the purposes of this section, "garage keeper" is an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair or maintenance of motor vehicles. (Amended Ord. 245, 10-6-1998)

6-5-9: PUBLIC SALE OF UNCLAIMED VEHICLE:

A. Public Sale: An abandoned motor vehicle taken into custody and not reclaimed within thirty (30) days by the owner shall be sold to the highest bidder at a public auction or sale following reasonable published notice thereof. The owner shall be given a receipt in a form prescribed by the agency, which shall be sufficient title to dispose of the vehicle. The receipt

shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership.

B. Disposition Of Proceeds: From the proceeds of the sale of an abandoned motor vehicle, the City shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all notice and publication costs incurred pursuant to this chapter. Any remainder from the proceeds of a sale, if unclaimed, shall be deposited in the State Treasury. (Amended Ord. 245, 10-6-1998)

6-5-10: **ENFORCEMENT; ENTRY POWERS:** The City Administrator or duly authorized agents, with a court order, may enter upon all public and private places at any reasonable time for the purpose of enforcing this chapter. (Amended Ord. 245, 10-6-1998)

6-5-11: **VIOLATION:** Any person who abandons a motor vehicle on any public or private property, without the consent of the person in control of such property, or who violates any provision of this chapter shall be guilty of a petty misdemeanor and, upon conviction thereof, shall be subject to a fine as provided in the City Code. (Amended Ord. 245, 10-6-1998; Amended Ord. 416, 2-6-12)

CHAPTER 6

ELECTRIC-ASSISTED BICYCLES AND MOTORIZED FOOT SCOOTERS

SECTION:

6-6-1: Policy and Purpose
6-6-2: Incorporation of State Laws
6-6-3: Definitions
6-6-4: Speed Restrictions
6-6-5: Prohibition on Careless/Reckless Operation
6-6-6: Additional Local Regulations
6-6-7: Enforcement
6-6-8: Penalties

6-6-1: **POLICY AND PURPOSE:** The city council recognizes the increasing use of electric-assisted bicycles ("e-bikes") and motorized foot scooters ("e-scooters") as efficient and eco-friendly modes of transportation and recognizes that Minnesota Statutes Sections 169.011, 169.222, and 169.225 govern the operation of e-bikes and e-scooters, granting operators the rights and duties of bicyclists while imposing specific requirements. In order to promote public safety on city streets, sidewalks, bike lanes, and paths, the city council seeks to enforce allowed speeds of up to 15 miles per hour, consistent with the state limit, for e-scooters and speeds of up to 20 miles per hour as a prudent restriction for e-bikes within municipal boundaries and recognizes that careless operation of these devices poses risks to operators, pedestrians, and other roadway users, necessitating explicit prohibition and enforcement.

6-6-2: **INCORPORATION OF STATE LAWS:** All provisions of Minnesota Statutes Sections 169.011 (definitions), 169.222 (operation of bicycles and electric-assisted bicycles), and 169.225 (motorized foot scooters) are hereby incorporated by reference as if fully set forth herein. Operators of e-bikes and e-scooters within the city shall comply with all applicable state traffic laws, including but not limited to rights and duties equivalent to those of bicyclists, equipment requirements (e.g., lighting, brakes, reflectors), helmet mandates for minors, minimum age restrictions (under 15 for e-bikes; under 12 for e-scooters), prohibitions on passengers (except as allowed under state law), and rules for riding positions (e.g., as near to the right-hand curb as practicable, except when overtaking or avoiding hazards).

The City may prohibit or restrict operation on specific sidewalks, bike paths, or trails under its jurisdiction, and such restrictions shall be posted conspicuously.

6-6-3: **DEFINITIONS:** The following definitions apply in this chapter:

ELECTRIC-ASSISTED	As defined in Minnesota Statutes § 169.011, Subd. 27,

BICYCLE (E-BIKE):	including Class 1 (pedal-assist up to 20 mph), Class 2 (throttle-assist up to 20 mph), Class 3 (pedal-assist up to 28 mph), and multiple-mode e-bikes, provided they meet state classification requirements.
MOTORIZED FOOT SCOOTER (E-SCOOTER):	As defined in Minnesota Statutes § 169.011, Subd. 46, a device with handlebars, powered by an electric motor, capable of maximum speed of 15 mph, with no more than two 12-inch or smaller wheels.
CARELESS/RECKLESS OPERATION:	Operating an e-bike or e-scooter in a manner that is heedless, without due caution or circumspection, and endangers the life, person, or property of another, or the operator themselves. Examples include but are not limited to weaving through traffic unsafely, failing to yield to pedestrians, operating at excessive speed in congested areas, or ignoring traffic signals.

Use of illegal "e-motos" (high-powered devices marketed as e-bikes, exceeding 750W/28 mph limits) is illegal and not permitted on sidewalks, bike lanes, and paths within the city. Licensing and registration are required for e-motos.

6-6-4: **SPEED RESTRICTIONS:**

A. Speed restrictions apply regardless of e-bike class under state law.

B. Speed shall be measured by the device's speedometer (required on Class 3 e-bikes per state law) or by law enforcement radar or laser/LIDAR. Operators must reduce speed in areas with pedestrians, children, or reduced visibility, and yield to all pedestrians on sidewalks or crosswalks.

C. Violation of this section is a petty misdemeanor.

6-6-5: **PROHIBITION ON CARELESS/RECKLESS OPERATION:**

A. No person shall operate an e-bike or e-scooter in a careless or reckless manner. Operators must exercise due care at all times, including yielding the right-of-way, signaling turns, and maintaining control to avoid collisions.

B. In addition to state careless driving provisions under Minnesota Statutes § 169.13, Subd. 21, this ordinance applies specifically to e-bikes and e-scooters. Evidence of careless or reckless operation may include operation

under the influence of alcohol or controlled substances, distracted operation (e.g., using a mobile device), or failure to maintain a safe following distance. This also includes any negligent action that creates an unreasonable risk, including but not limited to, riding against traffic, darting into intersections, swerving in front of vehicles, or performing stunts.

C. Upon issuance of a citation or formal complaint, in addition to any state penalties, the city may impound the device for up to 30 days.

6-6-6: **ADDITIONAL LOCAL REGULATIONS:**

A. Helmet Requirement: All operators under 18 years of age must wear properly fitted and fastened protective headgear meeting standards under Minnesota Statutes § 169.225, Subd. 4, or equivalent.

B. Prohibited Areas: Operation is prohibited on sidewalks in business districts unless posted otherwise. E-scooters are restricted from sidewalks except for direct access to adjacent property.

C. Shared Devices: Operators of shared e-bike or e-scooter services must park devices in designated zones to avoid impeding pedestrian traffic.

D. The city manager or designee may designate additional bike lanes or paths for exclusive e-bike/e-scooter use and post speed advisories.

6-6-7: **ENFORCEMENT:** The Anoka County Sheriff's Office is authorized to enforce this ordinance. Officers may issue warnings, citations, or seize non-compliant devices. If required for operation, operators must produce proof of compliance (e.g., device labeling per Minnesota Statutes § 169.222, Subd. 6b) upon request.

6-6-8: **PENALTIES:**

A. Violations of Sections 6-6-4 and 6-6-6 are petty misdemeanors, punishable by a fine of up to $300. Repeat offenses within 12 months may result in device registration revocation or a mandatory safety course.

B. Violations of Section 6-6-5 are misdemeanors, punishable by 90 days in jail and/or a $1,000 fine. Repeat offenses within 12 months may result in device registration revocation or a mandatory safety course.

C. Devices operated in violation may be impounded at the owner's expense until compliance is demonstrated.

D. Civil penalties may apply for shared service operators failing to maintain devices in accordance with this ordinance.