

**Proposed for June 20, 2022 - CITY OF CARVER
ORDINANCE NO. 05-2022**

**AN ORDINANCE AMENDING CHAPTER 46 OF THE CARVER
CITY CODE REGARDING TRAFFIC AND VEHICLES**

THE CITY COUNCIL OF THE CITY OF CARVER, CARVER COUNTY, MINNESOTA, DOES ORDAIN:

Section 1. The City Council of the City of Carver hereby amends section 46-2 of the Carver City Code by adding the underlined language and deleting the ~~stricken~~ language as follows:

Sec. 46-2. - Penalties.

~~Unless otherwise declared in this chapter with respect to particular offenses,~~Except for parking-related violations, which shall be a petty misdemeanor, and other violations that are expressly deemed a petty misdemeanor, it shall be a ~~petty~~ misdemeanor for any person to do any act forbidden or fail to perform any act required by this chapter. ~~For any violation of a provision of law adopted by reference, the person shall be punished as provided in section 1-16.~~ All parking-related violations shall be subject to a fine as specified in the city's fee schedule.

Section 2. The City Council of the City of Carver hereby amends section 46-3 of the Carver City Code by adding the underlined language and deleting the ~~stricken~~ language as follows:

Sec. 46-3. Global parking restriction for campers and trailers.

Self-propelled campers, camper trailers and unhitched trailers cannot be parked on any city street for more than ~~one day in any calendar week~~ 48 consecutive hours.

Section 3. The City Council of the City of Carver hereby amends section 46-29 of the Carver City Code by adding the underlined language and deleting the ~~stricken~~ language as follows:

Sec. 46-29. - Unauthorized signs traffic control devices.

- (a) *Prohibition.* No person shall place, maintain or display upon or in view of any street or highway any unauthorized sign, signal, or other marking device which purports to be or is an imitation of or resembles an official traffic or parking control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal. No person shall place or maintain upon any street or highway a speed bump or similar device intended to function similarly to a speed bump. No person shall place or maintain, nor shall any public authority permit, upon any street or highway any traffic sign or signal bearing any commercial advertising. This shall not be deemed to prohibit the erection upon private property ~~adjacent to streets or highways of~~ signs giving useful directional information ~~and~~ which cannot be mistaken for official signs, provided, however, that such signs must otherwise comply with all city sign regulations. This section shall not be interpreted to prohibit any sign, signal, device, or marking that is otherwise approved by the

city or the respective public road authority, as the case may be.

- (b) *Nuisance.* Every prohibited sign, signal, device, or marking defined by this section on streets or highways is hereby declared to be a public nuisance and the ~~clerk/administrator~~ City Manager, engineer or sheriff's deputy of the city, and other municipal employees as may be directed, shall be authorized to remove any sign in violation of this section.

Section 4. The City Council of the City of Carver hereby amends section 46-51 of the Carver City Code by adding the underlined language and deleting the ~~stricken~~ language as follows:

Sec. 46-51. - Prohibitions for stopping, parking.

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of an officer or traffic control device, in any of the following places:

- (1) *Sidewalks.* On a sidewalk.
- (2) *Driveways.* ~~In front~~ Within five feet of a public or private driveway.
- (3) *Intersections.* Within an intersection.
- (4) *Fire hydrants.* Within ten feet of a fire hydrant.
- (5) *Crosswalks.* On a crosswalk.
- (6) *Crosswalks at intersections.* Within 20 feet of a crosswalk at an intersection.
- (7) *Stop sign or signals.* Within 30 feet upon the approach to a flashing beacon, stop sign or traffic control signal located at the side of a roadway.
- (8) *Safety zones.* Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings.
- (9) *Reserved Railroads.* ~~Within 50 feet of the nearest rail of a railroad crossing.~~
- (10) *Fire stations.* Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of said entrance when properly sign posted.
- (11) *Street excavation.* Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
- (12) *Stopped vehicles.* On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- (13) *Bridges.* Upon any bridge or other elevated structure upon a street or highway or within a street or highway tunnel, except in downtown on 3rd Street, 4th Street, and Main Street, or as otherwise expressly authorized ~~provided~~ by provision of this Code.
- (14) *Traffic control devices.* At any place where official traffic control devices prohibit stopping.
- (15) *Parking camping trailers and campers.* ~~No person shall, for camping purposes, leave or park a camper or camping trailer on or within the limits of any street or highway or on any highway right of way, except where signs are erected designating the place as a campsite. No person shall leave or park a camper on any streets, highways or the rights-of-way, unless in a designated campsite parking spot, for a longer period than six~~ more than 48 consecutive hours.

- (16) *Traffic officer directions.* No person shall stop or park a vehicle on a street or highway when directed or ordered to proceed by any peace officer.
- (17) *Display for sale.* No vehicle shall be parked on any street for the purpose of displaying it for sale.
- (18) *Fire escape.* No person shall park a vehicle so as to block a fire escape or the exit from any building, whether on public or private property.
- (19) *City order.* No person shall park any vehicle where temporary signs are posted reading "No Parking," as long as such signs are in place.
- ~~(20) *Snow removal parking restrictions.* The engineer or public services superintendent is hereby authorized to post no parking signs for snow removal along streets where snow removal operations will require the use of the entire width of the street by snow plowing and snow removing equipment. These signs shall be posted at frequent intervals at least four hours prior to the time when snow removal commences on the street so posted, and the signs shall be removed promptly after completion of the snow removal operation. Snow removal shall be done on any street so posted as soon as possible following a lapse of four hours after posting the signs. No person shall park any vehicle, nor leave any vehicle which was parked at the time of posting, for a period of more than two hours thereafter, in any block on any street so posted during the time the said signs are posted. It is unlawful for any person other than an authorized representative of the public works department or county sheriff's department to remove the signs.~~
- (204) *Existing parking signs.* Existing signs which have been posted by direction of the council, engineer, or the public services superintendent director regulating parking of vehicles shall be recognized as properly placed under this section unless changed by proper direction of the council.
- (212) *Parking in alleys.* No person shall park a vehicle or permit it to stand, whether attended or unattended, upon any alley in the city. However, this shall not prohibit the parking of vehicles for less than a period of one hour along any alley for the purpose of having access to any abutting property for the purpose of loading or unloading merchandise or other material when access cannot conveniently be secured upon the property itself.
- (223) *No truck parking zones.* The council may, by resolution, establish no truck parking zones and the ~~public services superintendent~~ public services director shall mark by appropriate signs any zone so established. Such zones shall be established where heavy traffic by trucks or other traffic congestion makes parking by trucks a hazard to the safety of vehicles or pedestrians. No person shall park a truck of more than two-ton capacity between 6:00 a.m. and 8:00 p.m. on any week day upon any street in any such zone, but parking of such vehicle for a period of not more than 30 minutes shall be permitted in such zone for the purpose of having access to abutting property when such access cannot conveniently be secured otherwise.
- (234) *Limited time parking zones.* The council may designate no parking or limited time parking zones by a resolution setting forth the location of the zone, and in the case of a limited time parking zone, the time limit imposed. The county sheriff's department shall post signs at locations so designated which shall indicate, in accordance with the resolution, a no parking zone or the specified time limit for parking. If there is a concrete curb, the curb ~~shall~~ may be painted yellow at the designated parking zone in the discretion of the public services director or assigned

personnel.

- (245) *Operation and parking of vehicles on private parking lots.* No person shall operate a motor vehicle on any private parking lot within the city at a speed greater than is safe and reasonable under the conditions of traffic then existing, and in no event at a speed exceeding 15 miles per hour. Parking of vehicles on these lots must conform to any stalls or positions for parking designated on the surface of the parking area. No vehicle shall be parked or allowed to stand in any area of a parking lot which has been designated or which is used as a lane for moving traffic, so as to interfere with the movement of traffic. The council may authorize the sheriff's department or ~~public services superintendent~~ public services director to post signs at any entrances to a private parking lot from a public street, which shall designate one-way traffic for entrance or exit, and the driver of any vehicle entering or leaving any such lot shall comply with any posted one-way signs.
- (256) ~~*North side of Third Street West between Ash Street and Hickory Street.*~~ The city council ~~recognizes that the 300 block of Third Street West is narrow and with vehicles parked on both sides of the street emergency vehicles cannot access homes further west of the 300 block. This results in limited assistance on a year round basis. Therefore, parking in this effective area will only be allowed on the north side of Third Street West between Ash Street and Hickory Street.~~ *Fire lanes.* No person shall park a motor vehicle within a marked fire lane or otherwise cause or maintain any obstruction within a marked fire lane, whether on public or private property.
- (26) *Broadway Street overnight parking restrictions.* Between 2:00 a.m. and 6:00 a.m., no motor vehicle shall be parked on Broadway Street between Fourth Street and Main Street.

Section 5. The City Council of the City of Carver hereby amends section 46-79 of the Carver City Code by adding the underlined language and deleting the ~~stricken~~ language as follows:

Sec. 46-79. - Parking prohibited.

No person shall park ~~his~~ or maintain a snowbound vehicle ~~or allow a vehicle he owns or operates to be parked~~ upon any street or alley within the corporate limits of the city ~~when such vehicle is in a snowbound condition.~~

Section 6. The City Council of the City of Carver hereby amends section 46-80 of the Carver City Code by deleting it in its entirety and replacing it with the following underlined language:

Sec. 46-80. - ~~Parking violations~~Winter parking restrictions.

- (a) —At any time after two inches or more of snow has accumulated on any public street or alley, whether the accumulation is due to new fallen snow or the drifting or blowing of snow from previous snowfalls, it is unlawful to park any vehicle, car, truck, van, bus, trailer, camper, (whether motorized or not), wagon, motorcycle, bicycle, snowmobile, or other object or piece of equipment on any such public street or alley until the city has plowed the public street or alley. ~~Due to the limited number of available parking spots on 3rd Street, "No Parking" restrictions will be enforced from 5:00 a.m. to 10:00 a.m. when two inches or more of snow has accumulated.~~

- (b) ~~The fine shall be per violation; if not paid by the 16th day after the fine is issued, the fine shall increase. Each following 30 days that the fine is unpaid, it shall increase once more. All fines for this section are provided in appendix A to this Code. This section shall be enforced by the county sheriff's department.~~

Section 7. The City Council of the City of Carver hereby amends section 46-122 of the Carver City Code by adding the underlined language and deleting the ~~stricken~~ language as follows:

Sec. 46-122. - Prohibiting excessive vehicle noise.

Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abnormal or excessive noise means:

- (1) Distinct and loudly audible noise that unreasonably annoys, disturbs, injures, or endangers the comfort and repose of any person or precludes their enjoyment of property or affects their property's value:
 - a. Noise in excess of that permitted by M.S.A. § 169.69, as it may be amended from time to time, which requires every motor vehicle to be equipped with a muffler in good working order; or
 - b. Noise in excess of that permitted by M.S.A. § 169.693 and Minnesota Rules 7030.1000 through 7030.1050, as this statute and these rules may be amended from time to time, which establish motor vehicle noise standards.
- (2) It is unlawful for any person to discharge the exhaust or permit the discharge of the exhaust from any motor vehicle except through a muffler that effectively prevents abnormal or excessive noise and complies with all applicable state laws and regulations.
- (3) It is unlawful for the operator of any truck to intentionally use ~~an~~ compression release engine ~~retarding~~ brake on any public highway, street, parking lot or alley within the city which causes abnormal or excessive noise from the engine because of an illegally modified or defective exhaust system, except in an emergency.
- (4) M.S.A. §§ 169.69 and 169.693 (motor vehicle noise limits) and Minnesota Rules 7030.1000 through 7030.1050, as these statutes and rules may be amended from time to time, are hereby adopted by reference. It is the intention of the city council that all future amendments to any statutes and rules reference or adopted by reference in this article are also referenced or adopted by reference as if they had been in existence at the time this section was adopted.
- (5) Signs stating "Vehicle Noise Laws Enforced" may be installed at locations deemed appropriate by the city council to advise motorists of the prohibitions contained in this article, except that no sign stating "Vehicle Noise Laws Enforced" shall be installed on a

state highway without a permit from the state department of transportation. The provisions of this article are in full force and effect even if no signs are installed.

Any person who violates any provision of this article shall, upon conviction, be guilty of a petty misdemeanor and punished by a fine of not more than \$300.00.

~~Engine-retarding~~ Compression release engine brake means a dynamic brake, jake brake, jacobs brake, c-brake, paccar brake, transmission brake or other similar compression release engine ~~retarding~~-brake system which alters the normal compression of the engine and subsequently releases that compression.

Section 8. The City Council of the City of Carver hereby amends section 46-196 of the Carver City Code by adding the underlined language and deleting the ~~stricken~~ language as follows:

Sec. 46-196. - Operation on public streets, parks, waters and land.

(a) *Prohibited.*

- (1) Except as provided in subsection (a)(2) of this section, no person shall operate a snowmobile upon any public street, park, alley, lot, lake or stream within the corporate limits of the city between the hours of 10:00 p.m. and 7:00 a.m.
- (2) Between the hours of 10:00 p.m. and 7:00 a.m. a snowmobile may be operated only for purposes of leaving a business establishment or residence at which the operator was located and proceeding directly to the operator's residence by the most direct route or proceeding directly outside of the corporate limits of the city over one of the routes authorized in subsection (b) of this section.
- (3) At no time shall any snowmobile be operated on any public street within the corporate limits of this municipality at a speed in excess of 20 miles per hour.
- (4) Snowmobiles shall not be operated in city parks with the exception of the Riverside Park minimum maintenance road.
- (5) Snowmobiles shall not be operated on any paved public trail, ~~with the exception of the 6th Street West trail, and it shall be prohibited to operate a snowmobile with metal traction devices (studs) on the 6th Street W. trail.~~
- (6) No snowmobile shall be operated on a public sidewalk.
- (7) No snowmobile shall be operated on any portion or segment of the levee constructed along the north bank of the Minnesota River running within the corporate limits of this municipality.
- (8) It is unlawful to intentionally chase, run over, or kill any animal with a snowmobile.

(b) *Authorized routes within corporate limits.*

- (1) Snowmobiles may be operated only during the period from November 1 through March 30 and only when there is adequate snow cover so that the snowmobile does not damage city streets, sidewalks or other city rights-of-way. Authorized by the city as entrance/exit access within the corporate limits of the city are the following:
 - a. Old Carver Road to 4th Street, and Broadway.
 - b. 6th Street W., to Broadway.
 - c. Broadway to Main Street W. (south side).
 - ed. Snowmobiles shall access the Minnesota River through Riverside Park on the minimum maintenance road.
- (2) Snowmobiles shall be authorized to park on Broadway between 4th Street and Main Street.
- (3) At no time shall any snowmobile be operated on any public street within the corporate limits of this municipality at a speed in excess of 20 miles per hour.
- (4) Snowmobiles shall not be operated in city parks with the exception of the Riverside Park minimum maintenance road.
- (c) *Required equipment.* No snowmobile shall be operated upon any public street, alley, lot, lake or stream within the corporate limits of the city unless it is equipped with at least one headlamp and one tail lamp, and with brakes which conform to standards prescribed by state law. Furthermore, every snowmobile shall at all times be equipped with a muffler in good working order which blends the exhaust noise into the overall vehicle noise and is in constant operation to prevent excessive or unusual noise. No person shall use a muffler cut out, bypass, or similar device. The exhaust system shall not emit or produce a sharp popping or cracking sound.
- (d) *Emergency.* ~~Exception for emergencies and steamboat days.~~ Notwithstanding the prohibition of operating an snowmobile upon a roadway to the contrary, an snowmobile may be operated on a public thoroughfare:
 - (1) ~~In~~ in an emergency during the period of time and at locations where snow upon the roadway renders travel by automobile impractical and the roadway is officially declared impassable for automobile traffic; ~~and,~~
 - (2) ~~During steamboat days by authorized city personnel, including, but not limited to, steamboat days committee members.~~
- (e) *Other provisions.* All other provisions of this chapter pertaining to motor vehicle equipment shall apply to snowmobiles, except those which by their nature can have no application.

(f) *Rights and duties.* Every person operating a snowmobile upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to a motor vehicle owner or driver as provided by law and the provisions of this section, except as to those provisions which by their nature can have no application.

Section 9. The City Council of the City of Carver hereby amends section 46-224 of the Carver City Code by adding the underlined language and deleting the ~~stricken~~ language as follows:

Sec. 46-224. - Lawn mowing and lawn maintenance equipment.

Equipment dedicated or used for the mowing of grass and weeds and maintenance of lawns may not, except as provided herein, be operated on streets, roadways, trails or sidewalks in the city but may be used in the unimproved portion of a right-of-way for maintenance purposes. ~~which is not a street, roadway, trail or sidewalk, and lawn~~ Lawn mowing and lawn maintenance equipment equipped with a snow plow or snow blower may operate between November 1 to April 15 on a public right-of-way for the sole and limited purpose of moving from one driveway, street, roadway, sidewalk or trail to another driveway, street, roadway, sidewalk or trail at a distance not to exceed 500 feet, in order to allow such lawn mowing and lawn maintenance equipment and its operator to remove snow from the driveway, street, roadway, trail or sidewalk.

Section 10. The City Council of the City of Carver hereby amends Appendix A of the City of Carver Code of Ordinances, which contains the city’s 2022 fee schedule, by adding the underlined language and deleting the ~~stricken~~ language as shown in the excerpt below.

<u>Snowbound Vehicle Parking Violations</u>	\$35.00 <u>\$50.00</u>	
<u>If not paid by the 16th day after fine is issued</u>	<u>\$55.00</u>	
<u>Each following 30 days</u>	<u>\$55.00</u>	<u>Not to exceed \$700.00</u>

Section 11. This ordinance shall take effect immediately upon its passage and publication in accordance with state law.

Passed and adopted by the City Council of the City of Carver on the 20th day of June, 2022.

Courtney Johnson, Mayor

ATTEST:

Vicky Sons-Eiden, City Clerk