

900 Traffic

901 Local Road Authority

901.010 Definitions. Minnesota Statutes Chapters 168B, 169 and 169A are incorporated as part of the Shoreview City Code. The terms defined in those chapters of the Minnesota Statutes shall apply in the interpretation of the Shoreview Code Chapter 901. The following terms have the meanings ascribed to them:

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- (A) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except in devices used exclusively upon stationary rails or tracts.
- (B) "Motor vehicle" means every vehicle which is self propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires. Motor vehicle does not include an electric personal assisted mobility device or a vehicle moved solely by human power.
- (C) "Trailer" means any vehicle designed for carrying property or passengers on its own structure and for being drawn by a motor vehicle, but does not include a trailer drawn by a truck-trailer semi-trailer combination or in an auxiliary axle on a motor vehicle which carries a portion of the weight of the motor vehicle to which it is attached.

901.020 Load Limits. Whenever a city street may be seriously damaged or destroyed by reason of deterioration, rain, snow, or other climatic conditions, the City Manager may impose restrictions as to the weight of vehicles which may use such streets. Where necessary, the City Manager may prohibit the use of such streets. The City Manager shall cause appropriate signs to be erected and maintained clearly indicating the weight restrictions or the prohibition of use. The signs shall be erected at each end of any streets affected. No person shall operate a motor vehicle on any street in violation of the restrictions so imposed. Violation of this section shall be a misdemeanor. In addition, the City may commence a civil proceeding to recover damages to the city streets caused by operation of a motor vehicle in violation of this section.

901.030 Parking Regulations. Except as herein provided, the following parking regulations shall apply to all public streets and properties in the City.

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- (A) Observance of posted parking restrictions. No person shall park a motor vehicle and/or trailer in violation of posted parking restrictions.
- (B) Time Limit. No motor vehicle and/or trailer shall be parked or left standing on any street between the hours of 2:00 a.m. and 5:00 a.m. unless administratively waived by the Director of Public Works.
- (C) Obstructing Traffic. No motor vehicle or trailer shall be parked or left standing on any street so as to interfere with the passage of other vehicles.
- (D) Parking Permits. Property owners may apply for waiver of parking restrictions.
 - (1) The application shall be submitted on forms provided by the City Manager and shall include the following information:
 - (a) Dates of requested waiver.
 - (b) Streets impacted.
 - (c) Indemnification of the City for claims arising from permitted parking.
 - (2) Applications shall be submitted to the City at least 48 hours in advance of the requested waiver.
 - (3) Applications shall be reviewed by the Director of Public Works for potential traffic and/or pedestrian safety impacts.
 - (4) If a parking permit is issued/approved, the City shall forward information to Ramsey County Sheriff's Office for enforcement purposes.

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- (E) On-Street Parking Permit Zones. The City Council may, by Resolution, designate parking permit zones on the local city street system and permitted parking times and the fee for the permit. The Director of Public Works shall mark each area with the appropriate signage and/or pavement markings. It is unlawful for any vehicle to be parked in a parking permit zone during restricted hours without an authorized parking permit tag displayed and visible in the front window.

901.040 Snow Removal.

- (A) Snow Emergency. When the City Manager determines that on-street parking interferes with the City's snow removal operation(s), he may declare a snow emergency. The City Manager shall cause an announcement to be made of the snow emergency, by radio or television broadcast, newspaper announcement, public posting, or any combination or methods as he or she determines will best inform the public. The announcement shall specify the date and time the snow emergency shall commence. Unless terminated by the City Manager, a snow emergency shall continue in effect, and all on-street parking shall be prohibited.
- (B) Parking Prohibited. No vehicle shall be parked on any unplowed area of any street, or within twenty-five feet of either end of an unplowed area.
- (C) Plowing Completed. The prohibitions of Section 901.090(B), shall not apply on any block after snowplowing operations are completed on that block.
- (D) Enforcement. Any authorized City employee or agent may, in order to facilitate snow removal, summarily remove or cause to be removed any vehicle parked in violation of Section 901.090(B), or may require the driver or owner to remove the vehicle from the street.

901.050 Towing.

(A) Trailers.

- (1) Authorized. Any City employee or law enforcement agency may tow any trailer parked in violation of this section. Such trailer shall be stored at the location designated by the City Council.
- (2) Notice. As soon as practicable after an authorized City employee or agent removes a trailer parked in violation of the provisions of this section, the City Manager shall advise in writing the person shown to be the owner of such vehicle by the registration thereof, of the following facts:
 - (a) A general description of the trailer, together with the license number thereof.
 - (b) The approximate time and reason for removal and the place to which the trailer has been removed.
 - (c) The charge for such removal and daily storage shall be as provided by the contract between the City and the independent contractor who has contracted to provide these services for the City. The provisions of this section do not apply to those situations where trailers have been towed by private trailer towing firms which are not under contract with the City.
 - (d) The notice shall be addressed to the registered owner and shall be deposited with postage prepaid in the United States mail as soon as practicable after the removal of the trailer. Before the trailer shall be reclaimed, the owner or other claimant shall satisfactorily identify himself, establish his right, title or interest to the trailer and the right of possession thereof, and shall pay, in addition to any fine which may be assessed, all costs and charges in connection with the removal and storage of such trailer.

- (B) Motor Vehicles. Motor vehicles may be towed pursuant to the provisions of MS 169.041 and its subdivisions.
- (C) Costs and Penalties. Payment of the impoundment costs and charges shall not relieve the owner or other person responsible for the violation from payment of any fine or penalty for violation of this or any other applicable ordinance, statute, or regulation. No person shall reclaim an impounded vehicle without first paying all of the towing costs and storage charges in addition to any fine which may be assessed.

901.060 Prima Facie Violation. The presence of any trailer or motor vehicle on a street when standing or parked in violation of this section is prima facie evidence that the registered owner of the trailer or motor vehicle committed or authorized the commission of the violation.

901.070 Fines. Specific fines for violations of Chapter 901 shall be adopted by City ordinance.

902 Water Surface Regulations

902.010 Lake Owasso. Portions of Lake Owasso are located within the City and the City of Roseville. Due to the amount of watercraft traffic on Lake Owasso, the City Councils of the City and Roseville, by adoption of a joint powers agreement, have determined that the regulation of watercraft speed on Lake Owasso is necessary in order to protect the safety and welfare of those people who use the waters of Lake Owasso or reside on property adjacent to the shoreline of Lake Owasso.

(A) Maximum Speed. Motorboat speed on Lake Owasso shall not exceed forty miles per hour (40 mph) which speed limit shall be in effect 24 hours per day.

902.020 Island Lake. Due to the size and configuration of Island Lake, the following restrictions are necessary to protect the safety and welfare of the persons using the lake, as well as adjacent shoreland and trees:

(A) An emergency Slow-No Wake speed restriction shall apply to the entire lake when water elevation reaches 947.0 feet (NGVD, 1929), with the exception of permitted watercraft activity associated with a special event, provided that adequate shoreland erosion protection practices are implemented during the event. Special events shall not be permitted when water elevations exceed 947.4 feet (NGVD, 1929).

(B) No person shall operate a motorboat on Island Lake which:

- (1) Utilizes a tank or bladder that is fully or partially filled with water (or other liquid) to artificially increase the wake of the boat for any purpose. Exceptions to this restriction are:
 - (a) a live well designed for holding live bait or live fish, or
 - (b) an installed or portable fuel tank conforming to the fuel system standards of the American Boat and Yacht Council.

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- (2) Is weighed down with any additional ballast (other than the normal fuel or passenger load), or utilizes any device to artificially increase the wake of the boat for any purpose, or
- (3) Is operated so as to create a wake that endangers, harasses, or unnecessarily interferes with any other person or property.

902.025 All Lakes. In order to protect the safety and welfare of those people who use the waters of all the lakes within the City or who reside on property adjacent to the shoreline of the lakes, the following regulations shall apply to motorboats:

(A) Slow No-Wake. Within 150 feet of the shore of any lake in the City, no person shall operate a motorboat or be towed on water skis or a similar device at a greater than “slow-no wake” rate of speed, as defined in Minnesota Statute 86B.005, Subd. 16a, with the following exceptions:

- (1) Straight-out departure and straight-in return from and to the shore.
- (2) Motorized watercraft activity associated with a special event.

(B) Separation Distances. Persons operating a motorboat, and those being towed on water skis or a similar device shall, at all times, maintain an adequate distance (considering speed and conditions) from other watercraft swimmers, swim rafts, and docks, as to avoid an accident. When a swimmer is present, motorboats or persons being towed on water skis or a similar device shall not pass between a swim raft and the nearest shore with the following exemptions:

- (1) Authorized resource management emergency and enforcement personnel, when acting in the performance of their duties.
- (2) A temporary exemption from these restrictions for a special event may be granted upon the issuance of permit by the Ramsey County Sheriff’s Department.

(C) Racing Prohibited. No motor boat shall engage in any form of race, game of tag, game of follow-the-leader, or any other stunting and exhibition, except in the case of a properly-sponsored boat race or water show or exhibition.

903 Snowmobiles and Recreational Motor Vehicles

903.010 Incorporation of State Statute. Any person operating a snowmobile or a recreational motor vehicle within the City of Shoreview, unless provided otherwise herein, shall be subject to the provisions of Minnesota Statutes Section 84.81 through 84.90, inclusive, as amended, and the regulations of the Commissioner of Natural Resources adopted pursuant thereto.

903.020 Definitions. For purposes of this chapter:

- (A) "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice steered by skis or runners.
- (B) "Recreational Motor Vehicle" means any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including but not limited to snowmobile, trail bike or other all-terrain vehicle, hovercraft, or motor vehicle licensed for highway operation which is being used for off-road recreational purposes.

903.030 Limitation of Operations. Snowmobiles and recreational motor vehicles may be operated only in the following locations within the City of Shoreview:

- (A) On the operator's property subject to the provisions of this chapter.
- (B) On privately owned property if the operator has in possession written permission from the property owner; or, on privately owned property if the property owner has posted a clearly visible notice indicating "Snowmobiles Allowed" or "Recreational Motor Vehicles Allowed" or words substantially similar.
- (C) On public trails specifically designated by City Council resolution or on lakes which are subject to the jurisdiction of the City of Shoreview.
- (D) In the event of an emergency declared by the Mayor of the City of Shoreview, riders may ride on improved City streets in the most right-hand lane then available for traffic or as close

as practicable to the right-hand curb or edge of the improved roadway, except when overtaking and passing another vehicle stopped in that lane or proceeding in the same direction.

(E) On trunk highways, county state aid roads or county roads as regulated by the State of Minnesota or the County of Ramsey.

903.040 Hours of Operation. No person shall operate a snowmobile, a recreational motor vehicle which is not licensed for highway use, or, a recreational motor vehicle licensed for highway use when operating on private property, within the City of Shoreview from 10:00 p.m. until 8:00 a.m. prevailing time in Ramsey County, Minnesota.

903.050 Speed. No person shall operate a snowmobile or a recreational motor vehicle within the City of Shoreview at a rate of speed greater than reasonable or proper under all the surrounding circumstances. No person shall operate a snowmobile or a recreational motor vehicle within the City of Shoreview at a rate of speed in excess of fifteen (15) miles per hour within 150 feet of any fisherman, fish house, pedestrian, skier, skater, skating rink, sliding area, ski tow area, residential dwelling, or other area where such operation would conflict with or endanger other persons or property.

903.060 Lakeshore Speed Distance Requirements. No person shall operate a snowmobile or a recreational motor vehicle within 150 feet of any residential shoreline on lakes which are subject to the jurisdiction of the City of Shoreview except at a speed of fifteen (15) miles per hour or less for the purposes of access to or egress from such lake or for the purpose of parking the snowmobile or recreational motor vehicle near the shoreline.

903.070 Destruction of Signs. It is unlawful for any person to post upon, mutilate or remove any notice or sign provided for in this chapter from any lands or waters.

903.080 Passage Through Gates or Wires. No person shall enter or leave the lands of another with a snowmobile or a recreational motor vehicle, or pass from one portion of such lands to another portion, through a closed gate, without returning the gate to its original position. No person shall enter or leave the land of another with a

snowmobile or a recreational motor vehicle by cutting any wire or tearing down or destroying any fence.

903.090 Separability. The provisions of this chapter shall be separable, and the invalidity of any section, paragraph, subdivision or other part thereof shall not make void, impair, or invalidate or affect the remainder thereof.

904 Administrative Citations

904.010 **Purpose.** Shoreview authorized by resolution the use of administrative citations for specific traffic offenses, as permitted by the Legislature in Minn. Stat. § 169.999. The City is required by that statute to establish and maintain procedures through which motorists receiving administrative citations may obtain an independent hearing or judicial review of a citation. The City Council finds that establishing a voluntary administrative citation procedure ensures the availability of an independent hearing and retains full opportunity to obtain judicial review of a citation.

904.020 **Definitions.** As used in this chapter, except as otherwise provided, the following terms shall have the respective meanings ascribed to them:

- (A) Citation. An administrative citation issued to a motorist for a Designated Traffic Offense occurring within the City.
- (B) Designated Traffic Offense. Those traffic offenses eligible for administrative citation as designated by Minn. Stat. § 169.999, subd. 1(b)(1), (2) and (3), as it may be amended from time to time.
- (C) Issuing Officer. The licensed peace officer employed by or under contract with the City who issues any particular administrative citation.
- (D) Flyer. A document which informs a person receiving an administrative citation of:
 - (1) the recipient's right to challenge the citation or opt for a standard criminal citation;
 - (2) the City's process for handling challenges to administrative traffic citations;
 - (3) the process for paying a traffic citation; and
 - (4) the effect of an administrative traffic citation on a recipient's driving record.
- (E) Recipient. The person who receives an administrative citation under this chapter.

- (F) Manager. The Shoreview City Manager or Manager's designee.

904.030 **Authorization**. Licensed peace officers employed or under contract with the City may issue administrative citations for Designated Traffic Offenses occurring within the City. The fine for committing a Designated Traffic Offense shall be the amount stated in Minn. Stat. § 169.999, subd. 5, as it may be amended from time to time.

- (A) Form of Citation. An issuing officer must use the uniform administrative traffic citation form approved by the Commissioner of Public Safety. The officer shall also serve upon the recipient the current version of the City's response form. The response form shall reference the response options stated at Section 904.030 (C); and shall provide directions for returning the response form.
- (B) Delivery to City. The issuing officer shall deliver a copy of the administrative traffic citation to the City Manager within a reasonable time of the date of issuance.
- (C) Response to Citation. A recipient shall respond to the citation within 14 days of receipt. The recipient may:
- (1) Admit the violation stated in the citation and agree to pay the fine;
 - (2) Deny the violation stated in the citation and request a hearing; or
 - (3) Request that the administrative citation be converted to a standard traffic citation and filed for processing by the Violations Bureau of the Ramsey County District Court.
- (D) Standard Citation Issued If No Response. If the City Manager receives no written response to a citation within the 14-day response period, the City Manager shall request that the peace officer who issued the citation convert the allegations into a standard traffic citation, file that regular citation at the District Court and mail a copy to the recipient.

904.040 **Hearing Officers.** The City shall maintain a list of hearing officers available to conduct hearings on the merits of an administrative citation, if requested by a recipient. Hearing officers shall have executed a contract to provide hearing officer services with the Ramsey County Sheriff's Department. The hearing officer shall have executed a contract to provide hearing officer services with the Ramsey County Sheriff's Department or, with one of the cities that receive law enforcement services from the Ramsey County Sheriff's Department.

- (A) Request For Hearing. If the recipient responds by requesting a hearing, the City Manager shall assign the case to a hearing officer on the list. The Manager shall notify the hearing officer, the recipient and the issuing officer of the assignment in writing. The hearing officer shall schedule a hearing within a reasonable date of receiving the notice. Any delays in holding the hearing shall be reported to the City Manager by the hearing officer.
- (B) Citation Materials. At assignment, the City Manager shall transmit a copy of the citation to the hearing officer. Within five days of assignment, the issuing officer or the officer's department shall transmit copies of all materials relating to the citation to the hearing officer, including but not limited to: additional written reports; certificates of calibration, logs, and other documentation required to support the evidentiary use of speed detection equipment under Minn. Stat. § 169.14; relevant certificates of training for the citing officer; and any pictures showing the alleged offense. The hearing officer shall transmit a copy of any materials received to the recipient at the earliest opportunity but at least three days in advance of the hearing.
- (C) Hearing. At the hearing, the hearing officer shall receive the testimony of any witnesses, witness statements, and comments presented by the person cited. The hearing officer will consider these items alongside the materials submitted by the issuing officer, and may weigh the evidence and make credibility determinations to the best of the hearing officer's ability. The hearing officer is not

required to apply the rules of evidence in making determinations about the evidence presented. The issuing officer is not required to attend the hearing.

- (D) Decision, Findings. After considering all of the evidence submitted, the hearing officer shall determine, by a preponderance of the evidence, whether the person cited did or did not violate the statute or statutes identified in the citation. The hearing officer shall make written findings supporting the determination and transmit them to the cited person and the City Manager within five days of closing the hearing.
- (E) Payment Following Finding Of Violation. If the hearing officer finds a violation, the fine for the Designated Traffic Offense is due within 30 days of the date the findings are sent to the recipient. The hearing officer may not alter or reduce the fine for any offense or combine multiple offenses into a single fine. Payment of fines due shall be made to the City Manager.
- (F) Standard Citation Issued If No Payment. If payment is not made within the 30 days, the Manager shall request that the issuing officer or the officer's department issue a standard traffic citation for the offenses in the administrative citation, mail a copy of the citation to the individual, and file the citation along with the hearing officer's written findings with the Ramsey County District Court.

904.050 **Designated Administrative Traffic Citation Program Manager**. Pursuant to Resolution No. 10-09, the City Council has designated the Ramsey County Sheriff's Department and its licensed peace officers to administer the City's administrative traffic citation program and to perform the duties of the City and the City Manager as specified therein.

904.060 **Severability**. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part thereof, other than the part held to be invalid.