

CHAPTER 7 – TRAFFIC CODE

Part 1. Highways/Traffic Regulations

701.01. Speed Regulations: No person shall operate or halt any vehicle upon a street or highway within the City of Carlton, Minnesota, carelessly or heedlessly in disregard of the rights or safety of others or in a manner so as to endanger or to be likely to endanger any person or property.

No person driving a vehicle within this City of Carlton shall drive the same at a speed greater than is reasonable and prudent, having due regard to the traffic, the surface and the width of the highway, and of any other conditions then existing. Until the streets of this City of Carlton have been zoned as authorized by Chapter 464, Laws of Minnesota 1937, no vehicle shall be driven thereon at a speed in excess of THIRTY (30) MILES PER HOUR. After the streets of said City have been zoned and different speed zones established thereon, and the signs posted pursuant thereto, no vehicle shall be driven upon any street in said City at a speed greater than that indicated on such signs, and driving at any greater speed shall be prima facie evidence that the speed is not reasonable nor prudent and that it is unlawful. No person shall drive a vehicle at such a slow rate of speed or in a manner so as to willfully impede the normal flow of traffic.

701.02. Operating and Turning Vehicle: Upon all highways within the City of Carlton of sufficient width, except upon one-way streets, or except upon those with four or more traffic lanes established and plainly marked thereon, the driver of a vehicle shall drive the same upon the right half of the traveled portion of the highway and shall drive slow moving vehicles as closely as possible to the right-hand edge or the curb of such highway unless it is impracticable to travel on such side of the highway and except when overtaking and passing another vehicle. No person shall stop or turn a vehicle or change from one traffic lane to another unless the same can be done with safety and without interfering with the normal flow of pedestrian and vehicle traffic, and such stop, change of position or turn shall always be indicated by the driver by extending his left arm horizontally to the left from and beyond the vehicle or by using an approved and efficient device to give such warning and by giving an audible warning by sounding the horn if the same is necessary to warn pedestrians at crossings.

701.03. Glass and other Injurious Substance on Highways: No person shall throw or deposit glass, metal, garbage, tin cans, or any other similar substance upon any highway, and anyone who drops or throws, or permits to be dropped or thrown any such destructive or injurious substance shall immediately cause the same to be removed. Any wrecked or damaged vehicle on a street or roadway shall be removed therefrom without unreasonable delay, and pending removal shall be guarded with proper lights, equal in intensity to ordinary parking lights or by red flares; and when removed, no glass or injurious substance shall be left upon the street or roadway by the person removing said vehicle.

701.04. Stop Streets: It shall be unlawful for the driver of any vehicle to fail to bring such vehicle to a full stop before entering any “Thru” street properly designated as such by the action of the City or by its duly authorized representatives.

701.05. Driver's License – Vehicle Ownership: No person shall drive a vehicle upon the streets of this municipality without having in this possession, as now required by the laws of the State of Minnesota, a State automobile driver's license or chauffeur's license. No person shall drive a motor vehicle belonging to another without the owner's consent.

701.06. It shall be unlawful for any person who is a habitual user of narcotic drugs or any person who is under the influence of intoxicating liquor or narcotic drugs to drive or operate any vehicle upon the streets or highways in the City of Carlton.

701.07 Equipment - Use of: No person shall drive a motor vehicle on any highway within the City, unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive and unusual noise, and it shall be unlawful to use a "muffler cut-out" on any motor vehicle upon any such highway.

No vehicle shall be used upon any street in the City without lighting equipment, a windshield wiper, a rear vision mirror, a horn or other warning device, front and rear bumpers, brakes as required by Chapter 464, Laws of Minnesota, 1937. Lamps shall be lighted at all times when any such vehicle is operated upon the street of the City from a half hour after sunset to a half hour before sunrise and at any other time when there is not sufficient light to render persons and vehicles clearly discernible 500 feet ahead upon the highway.

701.08. Emergency Vehicles: The provisions of this ordinance shall not apply to vehicles when operated with due regard for safety, under the direction of peace officers in the chase or apprehension of violators of the law or persons charged with or suspected of any such violation, nor to fire departments or fire patrol vehicles when traveling in response to a fire alarm, or to public ambulances in emergency use or service.

When a fire alarm shall be sounded or when the warning device of any emergency vehicle shall be sounded, all vehicles upon the streets of the City shall draw to the right side of the street and permit such vehicle to pass. No vehicle of any kind shall precede fire apparatus to a fire using the same street that it is using. No vehicle shall follow fire apparatus at less than 500 feet nor be parked within the block where fire apparatus has stopped in answer to a fire alarm.

701.09. Pedestrians: Whenever possible, pedestrians shall use the right half of crosswalks in crossing streets. Pedestrians shall cross streets subject to signals at controlled intersections. When traffic at intersections is not controlled, motor vehicles shall yield the right of way to pedestrians by changing their rate of speed or stopping if necessary when such pedestrians are in the intersection, but no vehicle shall pass another vehicle that has slowed down at a crosswalk for a pedestrian to pass. At any other point than a crosswalk, pedestrians shall yield the right of way to motor vehicles. This shall not relive the driver of any motor vehicle of the obligation to use due care. No person shall stand on a street in a roadway for the purpose of soliciting rides. Pedestrians walking upon a street or roadway shall walk near the left side of the roadway, giving way to oncoming traffic.

701.10. Penalty: Any person convicted of violating any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine, as set in the Fine Schedule,

and/or by imprisonment in the county jail, not to exceed the maximum as set by Minnesota Statutes.

701.11. **Separability:** Every section, provision or part of this ordinance is declared separable from every other section, provision or part, and the holding of any section, provision or part hereof invalid shall not affect any other section, provision or part.

Part 2. Parking Regulations – Adoption of State Traffic Code

AN ORDINANCE REGULATING THE USE OF HIGHWAYS WITHIN THE VILLAGE OF CARLTON, INCORPORATING PROVISIONS OF THE STATE HIGHWAY TRAFFIC REGULATION ACT BY REFERENCE, AND IMPOSING PENALTY FOR THE VIOLATION THEREOF.

The Council of the Village of Carlton do ordain as follows:

- 702.01.** HIGHWAY TRAFFIC REGULATION ACT INCORPORATED BY REFERENCE. The regulatory provisions of Minnesota Statutes 1945, c. 169, as amended by Laws 1947, Chapters 114, 204, 428, 505, are hereby adopted as a traffic ordinance regulating the use of highways, streets and alleys within the City of Carlton and are hereby incorporated in and made a part of this ordinance as completely as if set out here in full.
- 702.02.** PARKING REGULATIONS. Every vehicle parked upon any street where there is a curb SHALL BE PARKED PARALLEL TO THE CURB AND WITH THE RIGHT-HAND WHEELS OF SUCH VEHICLE WITHIN TWELVE INCHES OF THE RIGHT-HAND CURB. On other streets a vehicle shall be parked to the right of the main traveled portion thereof and parallel thereto and in such a manner that it shall not interfere with the free flow of traffic thereon. This shall not apply, however, to any vehicle disabled upon any street, but every police officer of the City is authorized to require the person in charge thereof to move it to a place of safety and upon neglect or failure to do so, or in the case of any motor vehicle being left alone or abandoned in any such position, said officer is authorized to provide for the removal of such vehicle to the nearest convenient garage or other place of safe keeping.

No person shall park a vehicle or permit it to stand, whether attended or unattended, (upon any highway within the City) in any of the following places:

1. On a sidewalk.
2. In front of a public or private driveway.
3. Within an intersection.
4. Within fifteen feet of a fire hydrant.
5. On a crosswalk.
6. Within twenty feet of a crosswalk at an intersection.
7. Within thirty feet upon the approach to any flashing beacon, "Stop" sign, or traffic-control signal located at the side of a roadway.
8. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or marking.
9. Within fifty feet of the nearest rail of a railroad crossing.
10. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly sign-posted.
11. Alongside or opposite any street excavation or obstruction, when such stopping, standing, or parking would obstruct traffic.
12. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
13. Upon any bridge or other elevated structure upon a highway, except as otherwise provided by ordinance.
14. At any place where official signs prohibit stopping.

14a. On the westerly side of Second Street from Chestnut Street to Cedar Street.

No person shall, for camping purposes, leave or park a house trailer on any street or the right of way thereof.

No person shall park a commercial vehicle of more than ONE TON capacity upon any of the following streets in said City, to-wit: Second, Third and Chestnut Streets; provided, however, that this shall not prohibit the parking of such vehicles for not more than a period of thirty (30) minutes along any such street for the purpose of having access to any property abutting thereon when such access cannot conveniently be secured from an alley or other side street. No vehicle shall be parked on any street for the purpose of displaying it for sale and no vehicle shall in any case be parked upon any street in any one place for a longer consecutive period than EIGHT (8) HOURS: PROVIDED THAT WHERE SUCH PARKING OCCURS ON A STATE TRUNK HIGHWAY AND AFTER SIGNS HAVE BEEN POSTED PURSUANT THERETO. VEHICLES SHALL NOT BE PARKED IN ANY ONE PLACE FOR A LONGER CONSECUTIVE PERIOD THAN TWO (2) HOURS FROM 8 A.M. TO 6 P.M. ON THE FOLLOWING STREETS, TO-WIT: Chestnut Street between First and Third Streets and on Third Street between North and School Streets.

702.03. **Congested Districts.** The City Council by resolution, or the Mayor in an emergency, may designate certain blocks to be known as congested districts wherein 30 minute, one hour or two hour limited parking zones may be designated and marked by appropriate signs in the zones so established. Such zones shall be established wherever necessary for the convenience of the public or to minimize traffic hazards and to permit a free flow of traffic. No persons shall park any vehicle in any limited parking zone between the hours of 8:00 o'clock a.m. and 6:00 o'clock p.m. on any weekday for a longer period than is specified on the sign marking such zone.

702.04. **Through Streets.** The City Council by resolution, or the Mayor in an emergency, may designate any street as a through street and any intersection as a stop intersection where necessary to preserve the free flow of traffic and to prevent accidents, and appropriate signs shall be posted at the entrance to such streets or intersections, but no trunk highway shall be designated as a through street and no intersection on a trunk highway shall be designated as a stop intersection unless the consent of the Commissioner of Highways to such designation is first secured. Every driver of a vehicle shall bring his vehicle to a full stop before entering any established street or intersection properly designated and posted.

702.05. **One-Way Streets.** The City Council by resolution, or the Mayor in an emergency, may designate one-way streets where necessary to preserve the free flow of traffic and to prevent accidents, and appropriate signs shall be posted at the entrances to such streets indicating in which direction lawful vehicular traffic shall move. No person shall operate any vehicle on a street designated and sign posted for one-way traffic as a one-way street in a direction opposite to that permitted on such street.

702.06. **Winter Parking**
(1) Enforcement Period. During the period from November 1 to March 31 of each year, no person, persons, firm or corporation shall park any motor vehicle on the streets,

alleys, boulevards, sidewalks or public grounds within the corporate limits of said City between the hours of three (3) o'clock A.M. and six (6) o'clock A.M

- (2) **Impoundment.** A motor vehicle found to be in violation of this section is subject to removal to an impound lot at the owner's expense, by a towing authority authorized by the City, an only at the direction of a peace officer who has prepared, in addition to a parking citation, a written towing report describing the motor vehicle and the reasons for towing, in accordance with Minn. Stat. 168B.035. Towing and storage fees are in addition to any fine otherwise imposed for the violation of this section. Such vehicle shall not be released until the fine and the fees for towing and storage are paid.

- 702.07. **PENALTY.** Any person, persons, firm or corporation found to be in violation of any of the prohibition contained in these Parking Regulations shall be guilty of an administrative offense payable to the City at City Hall according to the City fine schedule, or if not resolved, to be filed with the District Court as a petty misdemeanor and, upon conviction, shall be punished by a fine up to the maximum provided by Minnesota Statute for petty misdemeanor offenses, together with costs of prosecution and required court fees.
- 702.08. **SEPARABILITY.** Every section, provision, or part of this ordinance is declared separable from every other section, provision or part, and the holding of any section, provision or part hereof invalid shall not affect any other section, provision or part.

Part 3. Open Bottle

AN ORDINANCE RELATING TO TRAFFIC REGULATIONS, PROHIBITING THE DRINKING OF INTOXICATING LIQUORS AND NON-INTOXICATING MALT LIQUORS IN MOTOR VEHICLES ON HIGHWAYS, AND PROHIBITING THE CARRYING OF OPEN BOTTLES OR RECEPTACLES IN MOTOR VEHICLES ON HIGHWAYS EXCEPT UNDER CERTAIN CIRCUMSTANCES AND PROVIDING PENALTIES”.

The Village Council of the Village of Carlton do hereby ordain as follows:

- 703.01. No person shall drink or consume intoxicating liquors or non-intoxicating malt liquors in any motor vehicle when such vehicle is upon a public highway or street within the limits of the City.
- 703.02. No person shall have in his possession on his person while in a private motor vehicle upon a public highway or street within the limits of the City, any bottle or receptacle containing intoxicating liquor or non-intoxicating malt liquor which has been opened, or the seal broken, or the contents of which have been partially removed.
- 703.03. It shall be unlawful for the owner of any private motor vehicle or the driver, if the owner be not then present in the motor vehicle, to keep or allow to be kept in a motor vehicle when such vehicle is upon the public highway or street within the limits of the City, any bottle or receptacle containing intoxicating liquors or non-intoxicating malt liquors which has been opened, or the seal broken, or the contents of which have been partially removed except when such vehicle is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. A utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

703.04.

Whoever violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine as set in the Fine Schedule, and/or imprisonment in the County Jail not to exceed the maximum as set by Minnesota Statutes, plus the costs of prosecution in either case.

Part 4. Exhibition of Speed

AN ORDINANCE REGULATING THE USE OF MOTOR VEHICLES IN THE CITY OF CARLTON

The City Council of the City of Carlton does ordain as follows:

- 704.01.** No person shall start or accelerate any motor vehicle with an unnecessary exhibition of speed on any public or private driveway within the City. Prima Facia evidence of such unnecessary exhibition of speed shall be squealing or screeching sounds emitted by the tires or the throwing of sand or gravel by the tires of said vehicle or both.
- 704.02.** Penalty. Any person violating any provision of this Ordinance shall be guilty of a petty misdemeanor and shall be punished by a fine as set in the Fine Schedule.

Part 5. Trailers on City Streets, Alleys and Thoroughfares

AN ORDINANCE RELATING TO PARKING OF MOTOR VEHICLES, BOATS AND TRAILERS UPON CITY STREETS, ALLEYS AND THOROUGHFARES

The Council of the City of Carlton does hereby ordain:

- 705.01.** The term “semi-truck” shall include any semi-truck, semi-tractor and semi-truck/tractor/trailer combination or any motor vehicle or instrument pushed, pulled or driven by a motor vehicle, the primary use of which is the production of income of its owner, possessor or lessee. Any truck pulling a trailer used for commercial purposes shall be included in the definition of “semi-truck.”

The term “self-propelled camper” shall include any motor vehicle of any type operated on wheels, which is capable of being self-propelled which is used for temporary or permanent habitation.

The term “straight truck” shall include any truck used for commercial purposes which is large than a van or pickup truck.

The term “non-self-propelled camper” shall include pickup campers not mounted on a pickup truck, tent campers and other structures used for temporary or permanent habitation which are not self-propelled campers.

- 705.02.** No semi-truck used for transportation of petroleum products or other hazardous materials shall be parked upon any street, alley or thoroughfare or public ground, except when loading or unloading products being, or to be, transported.
- 705.03.** No semi-truck shall be parked upon any City street, alley, thoroughfare or public ground for more than one hour. A semi-truck normally used for transportation of petroleum products which is empty may also be parked upon any city Street, alley, thoroughfare or public ground for up to one hour.
- 705.04.** Any property owner lawfully parking a semi-truck, on private property, prior to the original date of passage of this ordinance , which said act becomes unlawful because of rezoning of such property shall be entitled to continue such usage during the period of time such

property owner continues to own such property. Abandonment of such usage for a continuous period of one year shall terminate the right of such property owner to thereafter continue such usage.

- 705.05.** No semi-truck lawfully parked in the City of Carlton may run its engine, whether or not such engine is used to propel the vehicle, for more than 30 minutes in any three hour period.
- 705.06.** No self-propelled camper may be parked upon any city street, alley or thoroughfare or public ground for more than seven (7) days, or major part thereof, in any calendar year.
- 705.07.** No non-propelled campers, boats or boat trailers may be parked upon any city street, alley, thoroughfare or public ground, except when being loaded or unloaded.
- 705.08.** No truck, care or any vehicle shall be parked upon any public street, alley, thoroughfare or public ground or vacant lot in the City of Carlton for more than 24 consecutive hours, if said vehicle is a “dead storage” vehicle or a vehicle under repair. Dead storage vehicle, for the purpose of this section, is any vehicle absent any major parts or absent a tire or wheel or otherwise disabled.
- 705.09.** No motor vehicle of any kind may be parked upon a sidewalk in the City of Carlton, except for brief periods of time when loading or unloading, and shall be so parked so as not to obstruct pedestrian traffic unnecessarily. Any straight truck or semi-truck may be parked on a City street or thoroughfare at a job site during the duration of a particular job, provided that such vehicle shall be parked in such manner as to not obstruct the orderly flow of vehicular or pedestrian traffic.
- 705.10.** Penalty. Any person, firm or corporation violating this Ordinance shall be guilty of a petty misdemeanor and, upon conviction, shall be punished by the fine provided by Minnesota Statute for petty misdemeanor offenses, together with costs of prosecution.

Part 6. Snowmobiles and All-Terrain Vehicles

AN ORDINANCE REGULATING AND CONTROLLING THE USE OF SNOWMOBILES AND ALL TERRAIN VEHICLES.

The City Council of the City of Carlton Ordains:

- 706.01.** Intent. It is the intent of this ordinance to supplement Minnesota Statutes, Section 84.81 through 84.88 as amended and Minnesota Statutes Chapter 169, with respect to the operation of snowmobiles and all-terrain vehicles. Such statutes are incorporated herein by reference. This section is not intended to allow what the statutes prohibit.
- 706.02.** Definitions.
- Subd. 1. For the purpose of this ordinance, the terms defined herein shall have the meaning ascribed to them.

Subd. 2. "Person" includes an individual, partnership, corporation, the state and its agencies and subdivision, and any body of persons, whether incorporated or not.

Subd. 3. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice, steered by skis or runners.

Subd. 4. "All Terrain Vehicle" or "ATV" or "Recreational Vehicle" refers to self-propelled vehicles of the kinds known variously as "trail bikes", "dirt bikes", "mini bikes", "three wheelers", "four wheelers", amphibious vehicles and similar devices other than snowmobiles used at least partially for travel on natural terrain.

Subd. 5. "Owner" means a person, other than a lien holder having the property in or title to snowmobile or ATV entitled to the use or possession thereof.

Subd. 6. "Operate" means to ride in or on and control the operation of a snowmobile or ATV.

Subd. 7. "Operator" means every person who operates or is in actual physical control of a snowmobile or ATV.

Subd. 8. "Deadman throttle" or "Safety throttle" means a device which when pressure is removed from the engine, accelerator, or throttle, causes the motor to be disengaged from the driving mechanism.

Subd. 9. "Natural Terrain" means areas other than roadways or driveways (private or public), parking lots and other areas the surface of which has been intentionally modified for motor vehicle operation thereon.

706.03. Except as herein specifically permitted and authorized, it is unlawful for any person to operate a snowmobile or ATV not licensed as a motor vehicle within the limits of the City of Carlton:

- 1) On the portion of any right of way of any public highway, street, road, trail or alley used for motor vehicle travel, except that a snow mobile may operate upon the most right hand lane of a municipal street or alley and may in passing or making a left turn operate on other lanes which are used for vehicle traffic in the same direction. Snowmobiles traveling together or being driven in the same direction must travel in single file. It shall be unlawful for 2 or more snowmobiles to travel abreast on any street within the City of Carlton. Snowmobiles may also be operated upon the ditch bottom or the outside bank of trunk, county state-aid and county highways where such highways are so configured within the corporate limits.
- 2) On a public sidewalk provided for pedestrian travel.
- 3) On boulevards within any public right of way.
- 4) On private property of another without specific permission of the owner or person in control of said property.

- 5) Upon any school grounds except as permission is expressly obtained from responsible school authorities.
- 6) On any other public place or grounds including parks, golf courses, cemeteries, parking lots, airport runways, etc.
- 7) On streets as permitted by this ordinance as a speed exceeding 15 miles per hour.
- 8) During the hours from 10:00 p.m. to 7:00 a.m. unless entering or leaving the City by the most direct route and at a speed not in excess of 15 miles per hour.
- 9) At any place in a careless, reckless or negligent manner or needlessly in disregard of the rights or safety of others, or in a manner so as to endanger or be likely to endanger or cause injury or damage to any person or property.
- 10) At any place while under the influence of alcohol or drugs as defined in M.S.A. 169.121, which is hereby incorporated herein by reference.

706.04. City traffic ordinances shall apply to the operation of snowmobiles upon streets and highways, except for those relating to required equipment, except for those which by their nature have no application.

706.05. No snowmobile shall enter any uncontrolled intersection without making a complete stop. The operator shall then yield the right of way to any vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard.

706.06. Persons under 18.

Subd. 1. No person under 14 years of age shall operate on streets or make a direct crossing of a city street as the operator of a snowmobile. A person 14 years of age or older, but less than 18 years of age, may operate a snowmobile on streets as permitted under this ordinance and make a direct crossing of such streets only if he has in his immediate possession a valid snowmobile safety certificate issued by the commissioner of natural resources as provided by M.S. 84.86.

Subd. 2. It is unlawful for the owner of a snowmobile to permit the snowmobile to be operated contrary to the provisions of this section.

706.07. It is unlawful for any person to operate a snowmobile within the limits of the City of Carlton:

- 1) So as to tow any person in a public street or highway except through use of a rigid tow bar attached to the rear of the snowmobile.
- 2) Within 100 feet of any fisherman, pedestrian, skating rink or sliding area where the operation would conflict with use or endanger other persons or operation.

706.08. It is unlawful for any person to operate a snowmobile any place within the limits of the City of Carlton unless it is equipped with the following:

- 1) Brakes adequate to control the movement of and to stop and hold the snowmobile under any condition of operation.
- 2) Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by pass, straight pipe or similar device on a snowmobile or ATV motor.
- 3) A safety or so-called “deadman” throttle in operating condition.
- 4) When operated between the hours of one-half hour after sunset to one-half hour before sunrise or at times of reduced visibility, at least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. Such head lamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming snowmobile operator. It shall also 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 500 feet to the rear during hours of darkness and under normal atmospheric conditions, both of which must be operating when the machine is in operation.
- 5) Reflective material at least 16 square inches on each side, forward of the handlebars so as to reflect lights at a ninety degree angle.

706.09. Every person leaving a snowmobile on a public place shall lock the ignition, remove the key and take the same with him.

706.10. **Emergencies.** Notwithstanding the prohibition of operating a snowmobile upon a roadway to the contrary, a snowmobile may be operated on a public thoroughfare in an emergency during the period of time when, at locations where, snow upon the roadway renders travel by automobile impractical.

706.11. **Signal from Officer to Stop.** It is unlawful for a snowmobile operator, after having received a visible or audible signal from any law enforcement officer to come to a stop, to (1) operate a snowmobile in intentional disregard of such signal or (2) interfere with or endanger the law enforcement officer or any other person or vehicle, or (3) increase his speed or attempt to flee or elude the officer.

706.12. **Penalties.** Any person violating any provision of this ordinance shall upon conviction be guilty of a misdemeanor and shall be punishable as provided by law.

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

Part 7. Prohibiting Excessive Vehicle Noise

AN ORDINANCE PROHIBITING EXCESSIVE VEHICLE NOISE, INCLUDING NOISE FROM TRUCKS USING ENGINE RETARDING BRAKES, AND ADOPTING BY REFERENCE MINNESOTA STATUTES SECTIONS 169.69 AND 169.693 AND MINNESOTA RULES PARTS 7030.1000 TO 7030.1050.

The City Council of the City of Carlton ordains:

- 707.01.** **Definition.** For the purposes of this ordinance, the following phrases are defined as follows:
- A. “Engine retarding brake” shall mean a Dynamic Break, Jake Break, and Jacobs Brake, C-Brake, Paccar Brake, transmission brake or other similar engine retarding brake system which alters the normal compression of the engine and subsequently releases that compression.
 - B. “Abnormal or excessive noise” shall mean (a) 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; (b) noise in excess of that permitted by Minnesota Statutes Section 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 (c) noise in excess of what permitted by Minnesota Statutes Section 169.693 and Minnesota Rules parts 7030.1000 through 7030.1050, as this statute and these rules may be amended from time to time, which established motor vehicle noise standards.
- 707.02.** It shall be 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.
- 707.03.** It shall be unlawful for the operator of any truck to intentionally use an 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.
- 707.04.** Minnesota Statutes Sections 169.69 and 169.693 (motor vehicle noise limits) and Minnesota Rules parts 7030.1000 through 7030.1050, as these statutes and rules may be amended from time to time, are hereby adopted by reference.
- 707.05.** 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 ordinance, except that no sign stating “VEHICLE NOISE LAWS ENFORCED” shall be installed on a state highway without a permit from the Minnesota Department of Transportation. The provisions of this ordinance are in full force and effect even if no signs are installed.
- 707.06.** It is the intention of the City Council that all future amendments to any statutes and rules referenced or adopted by reference in this ordinance are also referenced or adopted by reference as if they had been in existence at the time this ordinance was adopted.

707.07. Any person, firm or corporation who violates any provision of this ordinance shall, upon conviction, be guilty of a petty misdemeanor and punished by a fine as set forth in the fine schedule, not to exceed the maximum as set by Minnesota Statutes.

Part 8 Abandoned Motor Vehicles

Part 8 Amended by Ordinance 204 -Effective upon publication on July 26, 2018

Subd. 1. Impoundment and sale.

The county sheriff's department shall take into custody and impound any abandoned motor vehicle as defined as follows,

ABANDONED VEHICLE means any self-propelled motor vehicle designed for use upon public streets and highways, and any vehicle designed for carrying property or passengers on its own structure and for being drawn by a motor vehicle upon public streets and highways, which:

- A. is five years old or older and is apparently inoperable; or
- B. does not have attached to it valid current registration plates or tabs and which registration has been expired for more than 90 days, and which vehicle does not qualify for an exemption from vehicle registration under Minnesota Statutes Chapter 168; or
- C. has been sitting for more than 14 days following posting thereon, on property appearing to be abandoned by the owner or the one with the right of occupancy and control thereof;

and which is found on any public or private property within the City of Carlton and is not stored in a garage, shed or other suitable structure designed to screen the vehicle from public view

Subd.2. It shall give notice of the taking as provided by law and if the owner or any lien holder does not reclaim the vehicle within the period provided by law, it shall provide for the sale of the vehicle to the highest bidder at public auction or sale following two weeks' published notice.

Subd. 2. **Sale.** It shall give notice of the taking as provided by law and if the owner or any lien holder does not reclaim the vehicle within the period provided by law, it shall provide for the sale of the vehicle to the highest bidder at public auction or sale following two weeks' published notice. All fees for removal, storage and sale of such vehicle shall accrue against the proceeds of sale.

Subd. 2. Summary action in certain cases.

When an abandoned motor vehicle is more than ten model years of age, is apparently inoperable, and does not display a registration plate or tabs currently valid in Minnesota or any other state or foreign country, it shall immediately be eligible for sale under Subdivision 2 and shall not be subject to the notification, reclamation, or title provisions of Minn. Stat. 168B.01 to 168B.101.

Subd. 3. Disposition of proceeds.

The proceeds of the sale of an abandoned motor vehicle shall be placed in the general fund of the city. If the former owner or entitled lien holder makes application and furnishes satisfactory proof of ownership or lien interest within 90 days of the sale, the former owner shall be paid the proceeds of the sale of the vehicle less the cost of towing, preserving, and storing the vehicle and all administrative, notice, and publication costs incurred in its handling.

Part 9. Abandoned Property

709.01. Other abandoned property

Subd 1. Procedure.

All other property lawfully coming into the possession of the city shall be disposed of as provided in this section.

Subd. 2. Storage.

The department of the city acquiring possession of the property shall arrange for its storage. If city facilities for storage are unavailable or inadequate, the department may arrange for storage at privately owned facilities.

Subd. 3. Claim by owner.

The owner may claim the property by exhibiting satisfactory proof of ownership and paying the city any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.

Subd. 4. Sale.

If the property remains unclaimed in the possession of the city for 60 days, the property shall be sold to the highest bidder at a public auction conducted by the sheriff's department after two weeks' published notice setting for the time and place of the sale and property to be sold.

Subd.5. Disposition of proceeds

The proceeds of the sale shall be placed in the general fund of the city. If the former owner makes application and furnishes satisfactory proof of ownership within six months of the sale, the former owner shall be paid the proceeds of the sale of the property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale.