

CHAPTER 8. TRAFFIC REGULATIONS

(SEE CHAPTER 7 FOR DEFINITIONS, SCOPE AND APPLICATION
RELATING TO THIS CHAPTER)

Section 800 – TRAFFIC REGULATIONS

800.01 Highway Traffic Regulation Act Adopted by Reference. Except as otherwise provided in this Chapter, or in Chapters 7 and 9 of this Code, Minn. Stat. Chap. 169, (commonly referred to as the Highway Traffic Regulation Act), is hereby incorporated herein and adopted by reference, including the penalty provisions.

800.02 Speed. It is unlawful to drive a motor vehicle, as defined by Minn. Stat. Sec. 169, in excess of the speed limit. The speed limit in the City of Montgomery shall be 30 miles per hour, except where otherwise posted.

800.03 Stop Signs, Illegal Passing, and Seatbelts. It shall be unlawful in the City of Montgomery to drive through stop signs without first coming to a full stop. It is unlawful to pass on the left. It is unlawful to pass on the right unless the vehicle in front is making a lefthand turn and the pass can be made safely. It is unlawful to not wear a seatbelt while operating or riding in a motor vehicle within the City. It is unlawful to not have a baby car seat where required under Minnesota law.

800.04 Noise Violations. It is unlawful to have a loud exhaust. It is unlawful to play loud music in a motor vehicle.

Section 805 – TRUCK REGULATIONS

805.01 Truck Route. It is unlawful for any person to drive a tractor, agricultural implement, truck over 9,000 pounds gross vehicle weight, truck-trailer, tractor-trailer or truck tractor upon any street except those which have been designated and sign-posted as truck routes.

805.02 Pickup and Delivery Exception. Trucks over 9,000 pounds gross vehicle weight, truck-trailers, tractor-trailers or truck tractors may drive on streets not designated as truck routes for the purpose of effecting pickups and deliveries so long as these vehicles use the most direct route to the pickup or delivery point and the most direct route from the pickup or delivery point to the nearest feasible designated truck route.

805.03 Filling Station Customer Exception. Trucks over 9,000 pounds gross vehicle weight, truck-trailers, tractor-trailers or truck tractors may drive on non-truck streets abutting the gas filling stations located on Highway 13 within the Montgomery city limits for the purpose of reaching and leaving these gas filling stations.

Section 810 – BICYCLES, SKATEBOARDS, IN-LINE SKATES

810.01 Traffic Laws Apply. Every person riding a bicycle upon a roadway or upon any path set aside for the exclusive use of bicycles shall be granted all of the rights and subject to all of the duties applicable to the driver of a vehicle by this Chapter, except as to special regulations in this Chapter and except as to those provisions of this Chapter which by their nature can have no application.

810.02 Manner and Number Riding.

Subd. 1 Bicycle Seat. It is unlawful for any person propelling a bicycle to ride other than upon or astride a permanent and regular seat attached to the bicycle.

Subd. 2 Number of Persons Carried. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped, except on a baby seat attached to the bicycle, provided that such seat is equipped with a harness to hold the child securely in the seat and that protection is provided against the child's feet hitting the spokes of the wheel or in a seat attached to the bicycle operator.

810.03 Hitching Rides. It is unlawful for any person riding upon or using any bicycle, coaster, roller skates, in-line skates, toboggan, sled, skateboard or toy vehicle to attach the same or him/herself to any vehicle upon a roadway.

810.04 Where to Ride.

Subd. 1 Riding on Right Side Required. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

Subd. 2 Limit of Two Abreast. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

Subd. 3 Use Paths Where Provided. Whenever a usable path for bicycles, skating, or skateboarding has been provided adjacent to a roadway, bicycle riders or skaters shall use such path and shall not use the roadway. Paths designated for pedestrians only shall not be used for bicycles, skating, etc.

Subd. 4 Downtown Business District. No person shall roller-skate, skate-board, or in-line skate in the downtown business district of the City.

810.05 Right of Way – Sidewalks. Whenever a person is riding a bicycle upon a sidewalk, a person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing a pedestrian. Provided, that it is unlawful for any

person to ride a bicycle on a sidewalk in a Business District or to park a bicycle upon a sidewalk, except where parking stalls have been provided.

810.06 Carrying Articles. It is unlawful for any person operating a bicycle to carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

810.07 Lighting and Brake Equipment.

Subd. 1 Equipment of Bicycle at Nighttime. Every bicycle when in use at nighttime shall be equipped with, or its operator shall carry, a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the Department of Public Safety which is visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector. No person may at any time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of 500 feet ahead, operate a bicycle unless the bicycle or its operator is equipped with reflective surfaces that shall be visible during the hours of darkness from 600 feet when viewed in front of lawful lower beams of headlamps on a motor vehicle. The reflective surfaces shall include reflective materials on each side of each pedal to indicate their presence from the front or the rear and with a minimum of 20 square inches on each side of the bicycle or its operator, of which reflective material. All reflective materials used in compliance with this Subdivision shall meet the requirements as prescribed by the Commissioner of Public Safety.

Subd. 2 Brake Requirement. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

810.08 Sale With Reflectors. It is unlawful for any person to sell or offer for sale any new bicycle unless it is equipped with such reflectors as are prescribed in 810.07.

Section 815 – EXHIBITION AND OTHER DRIVING REGULATIONS

815.01 Exhibition Driving. It is unlawful for any person to start or accelerate any motor vehicle with an unnecessary exhibition of speed on any public or private way within the city limits. Prima facie evidence of such unnecessary exhibition of speed shall be unreasonable squealing or screeching sounds made by the tires or the throwing of sand or gravel by the tires of the vehicle or unreasonable skidding, sliding, or swaying of the motor vehicle.

815.02 U-Turns. It is unlawful for any person to operate a motor vehicle by turning so as to proceed in the opposite direction upon any street except at a street intersection, and then only if the street intersection is not sign-posted prohibiting a U-turn or otherwise controlled by a traffic signal; provided, that any person making a permitted U-turn shall yield the right-of-way to all other vehicles.

815.03 Certain Left Turns Prohibited.

Subd. 1 Turning Into Angle Parking Space. It is unlawful for any person to turn across an oncoming lane of traffic to park in an angle parking space without making a lawful U-turn.

Subd. 2 Backing From Angle Parking Space. It is unlawful for any person to back a vehicle from an angle parking space so as to head in a direction generally opposite from that of the angle parking space in which the traffic was parked.

815.04 Driving Through Private Property to Avoid Traffic Signal. It is unlawful for any person to avoid obedience to any traffic control device by driving upon or through any private property.

Section 820 – SNOWMOBILE TRAFFIC CONTROL AND REGULATIONS

The City Council of the City of Montgomery amends Section 820, Snowmobile Traffic Control and Regulations, as follows:

820.01 Definitions. The following terms, as used in this Section, shall have the stated meanings:

Subd. 1 Snowmobile. A self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

Subd. 2 Owner. A person, other than a lien holder having the property in or title to a snowmobile entitled to the use or possession thereof.

Subd. 3 Operate. To ride in or on and control the operation of a snowmobile.

Subd. 4 Operator. Every person who operates or is in actual physical control of a snowmobile.

Subd. 5 “Deadman Throttle” or “Safety Throttle”. A device which, when pressure is removed from the engine accelerator throttle, causes the motor to be disengaged from the driving mechanism.

820.02 Unlawful Operation. It is unlawful for any person to operate a snowmobile as follows:

Subd. 1 Prohibited Streets. Within the city limits of the City of Montgomery, Le Sueur County, Minnesota, except as follows: (1) on snowmobile routes designated by the City; (2) on streets off designated snowmobile routes for the limited purpose of going to or returning from a designated snowmobile route. Snowmobile operators are to use the most direct route to their off route destination or from their off route location to the nearest designated snowmobile route. A snowmobile operator's failure to use the most direct legal route as set out in the previous two sentences shall render the operator's driving conduct unlawful under the provisions of this ordinance and subject the operator to the penalties set out herein. A copy of the City's designated snowmobile routes shall be attached to and incorporated into this ordinance and be kept in the ordinance book for public review at the City Administrator's office. A copy shall also be kept and available to the public at the City Police Department.

Subd. 2 Reasonable and Proper Speed. At a rate of speed which is reasonable and proper under all surrounding circumstances and in no event greater than fifteen (15) miles per hour.

Subd. 3 Driving in Improper Manner. At any place in a careless, reckless or negligent manner or heedlessly 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.

Subd. 4 During Hours Between 11:00 p.m. and 7:00 a.m. During the hours from 11:00 o'clock p.m. to 7:00 o'clock a.m. of any day, closer than 100 feet to any dwelling which is usually occupied by one or more persons; provided, however, that snowmobile operation shall be permitted during such hours when traveling directly to or from the residence of the operator and the nearest city limits line.

Subd. 5 Improper Towing. So as to tow any person or thing except through use of a rigid towbar attached to the rear of the snowmobile.

Subd. 6 Violation a Misdemeanor. It is a misdemeanor to violate Section 820A.02, Subds. 1 through 5.

820.03 Direct Crossings. A snowmobile may make a direct crossing of a street or highway, except an interstate highway or freeway, provided:

Subd. 1 Place and Angle of Crossing. The crossing is made at an angle of approximately 90 degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing.

Subd. 2 Complete Stop Before Crossing. The snowmobile is brought to a complete stop before crossing the shoulder or main-traveled way.

Subd. 3 Yielding Right-of-Way. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

Subd. 4 Crossing Divided Street or Highway. 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.

Subd. 5 Front and Rear Lights During Specified Hours. If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

820.04 Yielding the Right-of-way. It is unlawful for any person operating a snowmobile to enter any intersection without yielding the right-of-way to any vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard.

820.05 Persons Under Eighteen.

Subd. 1 It is unlawful for any person under the age of fourteen (14) years to operate a snowmobile within the city limits of the City of Montgomery, Le Sueur County, Minnesota. A person fourteen (14) years of age or older, but less than eighteen (18) years of age, may operate a snowmobile as permitted under this

Section, only if the driver has in possession a safety certificate issued by the Commissioner, as provided by Minnesota Statutes Section 84.872.

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

820.06 Equipment. It is unlawful for any person to operate a snowmobile any place within the City unless it is equipped with the following:

Subd. 1 Mufflers. 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.

Subd. 2 Brakes. Brakes adequate to control the movement of and to stop and hold the snowmobile under any condition of operation.

Subd. 3 “Deadman” Throttle. A safety or so-called “deadman” throttle in operating condition.

Subd. 4 Lighted Headlights and Tail Lamp. Lighted headlights at all times and when operated between the hours of one-half hour after sunset to one-half hour before sunrise or at a time 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 and under normal atmospheric conditions. Such headlamp 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 the hours of darkness under normal atmospheric conditions.

820.07 Locking Vehicles. It is unlawful for any person to leave a snowmobile on a public place unless the person locks the ignition, and removes the key.

820.08 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.

820.09 Animals. It is unlawful to intentionally drive, chase, run over or kill any animal with a snowmobile.

820.10 Signal From Officer to Stop. It is unlawful for a snowmobile operator, after having received a visual or audible signal from any law enforcement officer to come to a stop, to (1) operate a snowmobile in willful or wanton disregard of such signal, or (2)

interfere with or endanger the law enforcement officer or any other person or vehicle, or (3) increase speed or attempt to flee or elude the officer.

820.11 Certain Statutes Adopted. Minnesota Statutes Sections 84.81 and 84.88, together with rules and regulations promulgated thereunder, are hereby adopted by reference, incorporated herein, and made a part hereof, except as otherwise provided herein.

820.12 Violation a Misdemeanor or Petty Misdemeanor. Every person who violates a section, subdivision, paragraph or provision of this Chapter when the person performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as follows:

Subd. 1 Misdemeanor. Where the specific section, subdivision, paragraph or provision specifically makes violation a misdemeanor, the person shall be punished as for a misdemeanor; where a violation is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property, the person shall be punished as for a misdemeanor; where the person stands convicted of violation of any provision of this Chapter, exclusive of violations relating to the standing or parking of an unattended vehicle, within the immediate preceding 12-month period for the third or subsequent time, the person shall be punished as for a misdemeanor.

Subd. 2 Petty Misdemeanor. As to any violations not constituting a misdemeanor under the provision of Subd. 1 hereof, the person shall be punished as for a petty misdemeanor.

Section 825 – ALL-TERRAIN VEHICLES CONTROL AND REGULATIONS

825.01 Adopting Minnesota Statutes. Minnesota Statutes 84.92 through 84.928, and all sections amending and supplementing those sections, are hereby adopted by reference.

825.02 Registration. All-terrain vehicles operated within the City of Montgomery shall be registered as required by Minnesota Statute.

825.03 Operation.

Subd. 1 Sidewalks or Boulevards. All-terrain vehicles shall not be operated on any sidewalk or boulevard, except under either of the following circumstances:

- (a) All-terrain vehicles with snowplows may be used on sidewalks and boulevards to clear snow but cannot drive to non-adjointing properties to plow snow. An ATV with a snowplow must be transported to non-adjointing property, for the purpose of snow plowing, on a truck bed or trailer.
- (b) All-terrain vehicles may be operated on sidewalks or boulevards by emergency services' personnel in the performance of their duties.

Subd. 2 Cemetery, City Park or Recreation Areas. All-terrain vehicles shall not be operated on any cemetery land, city park or recreation area, or school property without the prior consent of the governing body of said property.

Subd. 3 Private Property. All-terrain vehicles shall not be operated on any private property without the previous consent of the property owner.

Subd. 4 Yield Right-of-Way. All-terrain vehicles shall at all times yield the right of way to pedestrians and oncoming traffic, and at intersections with restricted vision all-terrain vehicles shall come to a complete stop before crossing.

825.04 Penalty. Any person violating the provisions of this ordinance or State law shall be guilty of a misdemeanor.

Section 830 – 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

830.01 Definitions. For the purposes of this ordinance, the following phrases are defined as follows:

Subd. 1 “Engine retarding brake” shall mean a Dynamic Brake, Jake Brake, 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.

Subd. 2 “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 that 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 establish motor vehicle noise standards.

830.02 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.

830.03 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.

830.04 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.

830.05 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. The provisions of this ordinance are in full force and effect even if no signs are installed.

830.06 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.

830.07 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 of not more than \$300.00.

Section 835 – MOTORIZED GOLF CART REGULATION

835.01. Definitions.

Subd. 1 The term “motorized golf cart” shall mean any passenger conveyance commonly recognized as a golf cart, with 3 or 4 wheels, 3 or 4 low pressure tires, and that is powered by electricity or a gas engine with an engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds.

835.02 Permit Required. No person shall operate a motorized golf cart on streets, alleys, sidewalks or other public property in the City of Montgomery without obtaining a permit for the golf cart as provided herein. Every application for a motorized golf cart permit shall be made on a form supplied by the City and shall contain the following information:

- a) the name and address of the applicant and owner of the motorized golf cart;
- b) the nature of the applicant’s physical handicap, if any;
- c) model name, make, and year and number of the motorized golf cart;
and
- d) other information as the City may require.

The annual permit fee shall be in an amount set by the City Council. Motorized golf cart permits shall be issued for a period not to exceed one (1) year. All motorized golf cart permits shall expire on December 31 of the year issued, and may be renewed annually, beginning January 1 of each year.

835.03 Permitting Restrictions. No permit shall be granted or renewed unless the following conditions are met:

- a) the applicant must have valid driving privileges within the State of Minnesota;
- b) the applicant may be required to provide a physician’s certificate stating applicant is able to safely operate a motorized golf cart on public roadways; and
- c) the applicant must provide evidence of current valid liability insurance in conformance with the provisions of Minnesota law.

835.04 Motorized Golf Cart Operation. Motorized golf carts within the City of Montgomery shall operate in conformance with all state and federal driving rules. In addition, any person operating a motorized golf cart on streets and alleys within the Montgomery city limits shall abide by the following additional driving rules:

- a) motorized golf carts may not be operated on state or federal highways, except to cross at regular intersections;
- b) motorized golf carts shall not be operated on city streets and alleys in inclement weather conditions or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet;
- c) motorized golf carts on city streets and alleys shall display the slow-moving vehicle emblem provided for in Minnesota Statutes Section 169.522, as it may be amended from time to time;
- d) motorized golf carts driving on city streets and alleys shall be equipped with a ring-style rearview mirror to provide the driver with adequate rear vision; and
- e) the number of occupants in the motorized golf cart may not exceed the designed occupant load.

835.05 Violations. A violation of Section 835 of the Montgomery City Code may result in the suspension or revocation of an individual's motorized golf cart permit. The determination as to whether the motorized golf cart permit will be suspended or revoked shall be made by the Montgomery City Council after hearing. In the alternative, if the violation forming the basis for the suspension or revocation is a permit holder's conviction for a driver's license violation, then the conviction under that offense shall eliminate the need for a hearing on the permit before the City Council and the permit holder's permit shall automatically be revoked until such time as the permit holder again qualifies for a permit under this Section. In addition to the administrative remedies available to the City hereunder, the City may also prosecute the permit holder's violation as a petty misdemeanor, as defined under Minnesota Statutes.

Section 899 – PENALTIES

899.01 Misdemeanor Violations. Unless otherwise provided, violation of this Chapter shall constitute a misdemeanor punishable by a fine of up to \$1,000.00 or imprisonment for up to 90 days. A defendant convicted of a misdemeanor violation of this Chapter of the City Code, in addition to the other penalties proscribed by law, shall be made responsible for reimbursing the City its costs of prosecution. This Section is adopted in conformance with Minnesota Statutes Section 412.231, as may be amended from time to time, which the City hereby adopts and incorporates herein.

899.02 Petty Misdemeanor Violations. Violations of Sections 805.01-805.03, 810.01-810.08, 815.01-815.04, and 820.01-820.11, are petty misdemeanors punishable by a fine of up to \$200.00.

899.03 Administrative Remedies. The City may, at its sole discretion, invoke any administrative remedy available to it under the Code in the event a person violates any provision of this Chapter. For the purposes of this Section a person is defined as an individual, a partnership, a corporation, or any other entity.