

CITY OF WOODLAND CODE OF ORDINANCES

CHAPTER 5
VEHICLES, TRAFFIC, AND STREETS

CHAPTER 5. VEHICLES, TRAFFIC AND STREETS

SECTION 500 VEHICULAR TRAFFIC AND PARKING

500.01 Highway Traffic Regulation Act. Chapter 169 of the Minnesota Statutes, as amended, known as the Highway Traffic Regulation Act, is adopted as a traffic ordinance regulating the use of streets and is incorporated and made a part of this Code as completely as if set out in full in this Code.

500.02 Unnecessary Exhibition of Speed. No person may operate a motor vehicle with unnecessary exhibition of speed on any street or other public or private driveway, parking lot or way within the City limits. Prima facie evidence of unnecessary exhibition of speed is any of the following: (a) unreasonable squealing or screeching sounds emitted by tires; (b) the throwing of sand or gravel by tires; (c) unreasonable skid, sway or slide upon acceleration or stopping.

500.03. Load Restrictions. No truck in excess of 18,000 pounds gross weight per axle shall travel on any street within the City, unless a permit has been obtained from the Zoning Administrator or their authorized agent. The permit fee is established in Chapter 3 of this code. Said permit shall be issued subject to such restrictions and conditions as the Zoning Administrator deems appropriate, including the posting of a cash deposit or performance bond to guarantee the repair of any damages resulting use of the City roadways.

Exempted vehicles. The provisions of this Section shall not apply to the following vehicles: emergency vehicles; trucks owned or operated by the City; school buses, when engaged in transporting pupils to or from school; trucks owned or operated by utility companies, when engaged in the construction or repair of utility company facilities; and refuse collection vehicles, when engaged in the collection of refuse from homes within the City, Septic pumping and repair service vehicles and well drilling and repair vehicles.

500.04. Seasonal weight restrictions. During the spring of each year, the Zoning Administrator will set a period of time, typically from March 1 to May 1, restricting the travel of vehicles in excess of 8,000 pounds gross weight per axle on any street within the City, unless a permit has been obtained from the Zoning Administrator or their authorized agent. The permit fee is established in Chapter 3 of this code. Said permit shall be issued subject to such restrictions and conditions as the Zoning Administrator deems appropriate, including the posting of a cash deposit or performance bond to guarantee the repair of any damages resulting the use of the City roadways. The dates and duration of the City's seasonal weight restrictions shall be as set by the Zoning Administrator. The only vehicles exempted from the provisions of this Section shall be those enumerated in Section 500.03.a.

The application must be in writing and the applicant must show good cause for the permit. In addition, the application must specifically describe the vehicle or vehicles,

loads to be moved, particular streets for which the permit is requested and the period of time for which the permit is requested. If a permit is issued, limitations and conditions of operation of the vehicle or vehicles may be prescribed to prevent undue damage to streets. The permit must be carried in the vehicle to which it refers and the vehicle will be open to inspection by any police officer or authorized agent of the Chief of Police.

500.05 Parking Regulations.

Subd. 1. On-Street Parking. Except as expressly provided in Subd. 4 below, no person may park or leave unattended any vehicle on any public street in the City.

Subd. 2. No U Turns. No person may turn a vehicle so as to reverse its direction on a curve or hill where the vehicle cannot be seen by the driver of a vehicle within 1,000 feet approaching from either direction, or in any places designated by Council resolution as no U-turn zones.

Subd. 3. Vehicles Prohibited in Parks. No person may stop, park or operate a motorized vehicle, or ride a horse, except in compliance with the directions of a police officer, on park property or other public grounds within the City. Bicycles may be operated on park property or public lands except where signs prohibit their operation.

Subd. 4. Temporary On-Street Parking Permit. Upon request of a resident holding an event for which the resident has insufficient private parking to accommodate the expected number of guests, the Chief of Police may, but is not required to, issue a special parking permit allowing roadside parking, in designated permit parking zones subject to the following conditions:

- (a) The permit will specify the designated permit parking zone and the date and hours parking will be permitted.
- (b) Cars may be parked only in the specific area or areas designated in the permit.
- (c) Cars must at all times be parked sufficiently off the road so as to provide a lane wide enough for the unimpeded passage of emergency vehicles. If heavy snowfall or other conditions prevent off-pavement parking or otherwise make roadside parking unsafe, the Chief of Police will cancel the permit. The City has no obligation to plow snow from parking zones.
- (d) A resident granted a permit will post (and remove upon expiration of the parking permit) temporary signs clearly designating the permitted parking areas or provide an attendant or attendants to show guests where parking is and is not permitted, and will take all other steps required by the Chief of Police as a condition of the parking permit or that are otherwise necessary to insure that guest parking complies with the requirements of this Section 500.05.
- (e) Contractors with major construction or remodeling projects in the City may secure a monthly parking permit for a specified zone, providing that such monthly

permit shall not apply to the hours for which any other permit under this subdivision is issued.

Subd. 5. 24-hour Parking. No person may leave any vehicle on any public street for a consecutive period of more than 24 hours.

Subd. 6. Prohibited Parking After Snowfall. No person may park or leave unattended any vehicle on any public street, within the designated parking zones, in the City after two inches or more of snow has fallen until the street has been completely plowed. In addition to any other penalties imposed for violation of this Section, the Chief of Police is authorized to cause any vehicle parked or left unattended in violation of this Section to be towed from the street at the expense of the owner of the vehicle.

Subd. 7. Permitted Parking Without Permits. Parking is permitted along the north and south sides of Maple Hill Road without a permit, provided cars are parked sufficiently off the road so as to provide a lane wide enough for the unimpeded passage of emergency vehicles. Snow regulations designated in Subd. 6 will apply to Maple Hill Road.

Subd. 8. Temporary No Parking Areas. The Chief of Police or his designee may designate temporary no parking areas within the City and may provisionally post these areas with a “NO PARKING” sign.

500.06. Penalty. Any violation of a provision of Section 500 or of the statutes adopted by reference in Section 500.01 is a misdemeanor except violations of the parking regulations in Section 500.05, which are a petty misdemeanor, and except as provided in Minnesota Statutes, Sections 169.89 and 169.891 regarding petty misdemeanors.

SECTION 500 VEHICULAR TRAFFIC AND PARKING

In order to provide for the health, safety and well-being of its citizens, as well as to insure the structural integrity of its streets and the use of the public rights-of-way, the city strives to keep its public rights-of-way in a state of good repair and free from unnecessary encumbrances. Although the general population bears the financial burden for the upkeep of the public rights-of-way, a primary cause for the early and excessive deterioration of its public rights-of-way is their frequent excavation by persons whose equipment or facilities are located therein as well as patching and restoration activities by persons undertaking adjacent construction activities.

Public right-of-way obstruction is a source of frustration for residents which must avoid these obstructions or change travel plans because of them. Persons whose equipment or facilities are located within the public right-of-way are the primary cause of these frequent obstructions.

In response to the foregoing facts and in accordance with the authority granted to the city under state and federal statutory, administrative and common law, the city hereby elects pursuant to this chapter to manage rights-of-way within its jurisdiction.

502.01 Permit Requirement. Except as otherwise provided in this code, no person may obstruct or excavate any right-of-way, or install or place facilities in the right-of-way, without first having obtained the appropriate permit from the city.

Subd. 1. Encroachment Permit. An encroachment use permit is required to use publicly owned rights-of-ways within the city for any private use or purpose other than the primary purpose of public travel, weather such use constitutes substantial or incidental use. Persons planting or maintaining boulevard plantings or gardens shall not be deemed to use the right-of-way, and shall not be required to obtain any permits or satisfy any other requirements for planting or maintaining such boulevard plantings or gardens under this chapter as long as plantings are located at least five feet from the street edge and do not include trees, boulders, fences or other structures.

Subd. 2. Excavation Permit. An excavation permit is required to excavate that part of the right-of-way described in such permit and to hinder free and open passage over the specified portion of the right-of-way by placing facilities described therein, to the extent and for the duration specified therein.

Subd. 3. Obstruction Permit. An obstruction permit is required to hinder free and open passage over or public use of the specified portion of right-of-way by placing equipment or materials described therein within the right-of-way, to the extent and for the duration specified therein.

Subd. 4. Right of Way Use Permit. Certain businesses connect various segments of their business, or other business, with conduits, cable wires or other methods of communication. The City, therefore, may permit private business and industry, under certain conditions, to use the public right-of-way for such uses pursuant to M.S. Chapter 237, subject to the permitting requirements of this chapter.

502.02 Encroachment Permits

Subd. 1 Purpose. It is recognized that limited private use or encroachment onto the right-of-ways is not necessarily inconsistent with public use. It is the purpose of this ordinance to provide for lawful incidental private use of publicly owned right-of-ways not inconsistent with public use.

Subd. 2. Permit. Any person may apply to the City Council for a permit to keep or maintain private property within a publicly owned right-of-way. The application shall be in writing and must describe with specificity the private property and right-of-way involved, and the nature and extent of the requested encroachment. The City Council may grant the permit if it is determined that the use applied for is incidental and not inconsistent with safe and efficient public use. However, no permit will be issued until

the applicant has agreed in writing to waive any right to recover from the city for damage occurring to the property located within the right-of-way which may result from the performance of the city or its agents of its public duties required by law.

Subd. 3. Setback. Besides mailboxes outlined in City policy, no structure shall be placed closer than five (5) feet from the street edge, unless the City Council finds that the request is incidental and not inconsistent with safe and efficient public use of the right-of-way.

Subd. 4. Revocation. The city reserves the right to revoke any permit granted under this section as may be required by the public interest.

502.03 Excavation, Obstruction and Right-of-Way Use Permits. A permit application shall contain the following:

Subd. 1. Application. A completed application form, including all required plans or drawings showing the location and area of the proposed project and the location of all known existing and proposed facilities, and the following:

- (a) The applicant's name, Gopher State One Call registration certificate number, address, and email address if applicable, and telephone and fax numbers.
- (b) A certificate of insurance in an amount set forth in Chapter 3 naming the city as an additional insured, verifying that the applicant is insured against claims for personal injury, death, or property damages associated with work in the right-of-way, and requiring 30-day notice to the city of cancellation or material modification of the policy.
- (c) If the applicant is a corporation, a copy of the certificate required to be filed under Minnesota Statutes, section 300.06 as recorded and certified to by the Secretary of State.
- (d) A copy of the applicant's certificate of authority from the Minnesota Public Utilities Commission, or other authorization or approval from the applicable state or federal agency to lawfully operate, to the extent such authority is required by law to have such authorization or approval from said commission or other state or federal agency.
- (e) *Indemnification*. By registering with the city or by accepting a permit under this chapter, a permittee agrees to defend and indemnify the city in accordance with the provisions of Minnesota Rule 7819.1250.
- (f) *Terms To Which Applicants Must Agree Prior To Issuance Of Permit*. Every applicant for a permit required by this section must sign an agreement in substantially the following terms.

1. To leave at least one-half (½) of the street clear for the passage of vehicles.
2. To guard any open excavation with substantial railings constructed and placed so as to bar all entrance to the excavation, and at night to show the limits of the railings and excavations by red lights or flares, and also to mark the limits of piles of material by such red lights or flares.
3. To refill the excavation as soon as is reasonably possible in accordance with appropriate City regulations and replace paving, sidewalks and all appurtenances in at least as good condition as before the excavation. If, within one (1) year after such refilling, the City Engineer shall find any defects caused by improper excavation or improper refilling, to remedy such defects on reasonable notice. If the person doing such excavation work shall fail to remedy any defect found therein within a year after its completion, upon notice from the City Engineer, the City may cause the work to be done at his expense.
4. To remove at once all rubbish and surplus earth.
5. To indemnify and hold the City harmless from all damages or claims arising out of the excavation work or accidents caused or claimed by the injured party to have been caused by the excavation or by failure to do the work or guard it properly.

Subd. 2. Application Fee. A permit fee covering the city's administrative and management costs and a deposit to ensure that right-of-way restoration is completed. The permit fee shall be determined by the City Council and set forth in chapter 3.

502.04 Joint Applications

Subd. 1. Joint Application. Applicants may jointly apply for permits to use, excavate or obstruct the right-of-way at the same place and time.

Subd. 2. With City Projects. Applicants who join in a scheduled obstruction or excavation performed by the city, whether or not it is a joint application by two or more permittees or a single application, are not required to pay the excavation or obstruction and degradation portions of the permit fee, but a permit would still be required.

502.05 Approval or Denial of Permit

Subd. 1. Permit Issuance. If the applicant has satisfied the requirements of this chapter, the city clerk shall issue a permit.

Subd. 2. Conditions. The city may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health,

safety and welfare or when necessary to protect the right-of-way and its current use. In addition, a permittee shall comply with all requirements of local, state and federal laws, including but not limited to Minnesota Statutes, Section 216D.01-.09 (Gopher One Call Excavation Notice System) and Minnesota Rules Chapter 7560.

Subd. 3. Reasons for Denial. The city may deny a permit for failure to meet the requirements and conditions of this chapter or if the city determines that the denial is necessary to protect the health, safety, and welfare or when necessary to protect the right-of-way and its current use.

Subd. 4. Procedural Requirements. The denial or revocation of a permit must be made in writing and must document the basis for the denial. The city must notify the applicant or right-of-way user in writing within three business days of the decision to deny or revoke a permit. If an application is denied, the right-of-way user may address the reasons for denial identified by the city and resubmit its application. If the application is resubmitted within 30 days of receipt of the notice of denial, no additional application fee shall be imposed. The city must approve or deny the resubmitted application within 30 days after submission.

502.06 Damage to Other Facilities. When the city does work in the right-of-way and finds it necessary to maintain, support, or move facilities to protect it, the city shall notify the local representative as early as is reasonably possible. The costs associated therewith will be billed to that facility owner and must be paid within 30 days from the date of billing. Each permittee shall be responsible for the cost of repairing any facilities in the right-of-way which it or its facilities damages. Each permittee shall be responsible for the cost of repairing any damage to the facilities of another permittee caused during the city's response to an emergency occasioned by that permittee's facilities.

502.07 Removal.

Subd. 1. At any time the City requires the removal of said facilities as a result of the vacation of the right-of-way, installation, repair or removal of facilities of the City or other public utility, or otherwise at the direction of the City, permittee agrees to remove its facilities to accommodate the City's or public utilities' work and to replace its facilities as directed by the City, all such cost of removal and replacement shall be at the cost of permittee.

Subd. 2 Upon permittee's nonuse or abandonment of such facility for a period of 180 days, the City may, at its discretion, require permittee to either abandon said facility in place, at which time same shall become property of the City, or, remove same at the expense of permittee.

502.08 Appeal. A right-of-way user that: (1) has been denied a permit; (2) has had permit revoked; or (3) believes that the fees imposed are not in conformity with Minn. Stat.237.163, Subd. 6, may have the denial, revocation, fee imposition, or

decision reviewed, upon written request, by the city council. The city council shall act on a timely written request at its next regularly scheduled meeting, provided the right-of-way user has submitted its appeal with sufficient time to include the appeal as a regular agenda item. A decision by the city council affirming the denial, revocation, or fee imposition will be writing and supported by written findings establishing the reasonableness of the decision.

502.09 Supervision of Excavation Work. All work done pursuant to any excavation permit issued under the provisions of this section shall be performed under the direction and the satisfaction of the City Engineer or his duly authorized agent.

Subd. 1. At the time of inspection, the City Engineer may order the immediate cessation of any work, which poses a serious threat to the life, health, safety, or well being of the public.

Subd. 2. The City Engineer may issue an order to the permittee for any work that does not conform to the terms of the permit or other applicable standards, conditions, or codes. The order shall state that failure to correct the violation will be cause for revocation of the permit. Within 10 days after issuance of the order, the permittee shall present proof to the City Engineer that the violation has been corrected. If such proof has not been presented within the required time, the director may revoke the permit.

502.10 Small Wireless Facilities. In addition to the regulations found in 502.03 through 502.08, Small Wireless Facilities are regulated as follows.

Subd. 1 Agreement. A small wireless facility shall only be collocated on a small wireless support structure owned or controlled by the city, or any other city asset in the right-of-way, after the applicant has executed a standard small wireless facility collocation agreement with the city. The standard collocation agreement may require payment of the following:

- a) Up to \$150 per year for rent to collocate on the city structure.
- b) \$25 per year for maintenance associated with the collocation.
- c) A monthly fee for electrical service as follows:
 1. \$73 per radio node less than or equal to 100 maximum watts;
 2. \$182 per radio node over 100 maximum watts; or
 3. The actual costs of electricity, if the actual cost exceed the foregoing.

The standard collocation agreement shall be in addition to, and not in lieu of, the required small wireless facility permit, provided, however, that the applicant shall not be additionally required to obtain a license or franchise in order to collocate. Issuance of a small wireless facility permit does not supersede, alter or affect any then-existing agreement between the city and the applicant.

Subd. 2 Installation. No new wireless support structure installed within the right-of-way shall exceed 30 feet in height without the city's written authorization, provided that the city may impose a lower height limit in the applicable permit to protect the public health, safety and welfare or to protect the right-of-way and its current use, and further provided that a permittee may replace an existing wireless support structure exceeding 30 feet in height with a structure of the same height subject to such conditions or requirements as may be imposed in the applicable permit.

Subd. 3 Deadline for Action. The city shall approve or deny a small wireless facility permit application within 90 days after filing of such and application. The small wireless facility permit, and any associated building permit application, shall be deemed approved if the city fails to approve or deny the application within the review periods established in this section.

502.11 Severability. If any portion of this chapter is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof. Nothing in this chapter precludes the city from requiring a franchise agreement with the applicant, as allowed by law, in addition to the requirements set forth herein.

502.12 Enforcement. Failure to comply with the provisions of this chapter may result in permit cancellation, administrative fines, restrictions, or penalties as provided in Section 100.09 of this Code.

SECTION 505 SNOWMOBILE REGULATIONS

505.01 General. No person may own or operate a snowmobile in the City in violation of, or contrary to, any provision of this Code.

505.02 Adoption by Reference.

Subd.1. Minnesota Statutes Applicable. The application of Minnesota Statutes, Sections 84.81 through 84.89, regarding snowmobile operation is hereby confirmed.

Subd.2. State Department of Natural Resources Rules and Regulations Applicable. The application of the Rules and Regulations of the State Department of Natural Resources relating to snowmobiles, Chapter 5, NR 51 through 59 (1973 Edition), is hereby confirmed.

Subd.3. Lake Minnetonka Conservation District Code of Ordinances Applicable. The application of Lake Minnetonka Conservation District Code of Ordinances relating to motorized vehicles, Ordinance No. 7, Sections 4.34 through 4.40, is hereby confirmed.

505.03 Prohibitions. Except as otherwise specifically permitted and authorized by Section 505.02, it is unlawful to operate a snowmobile:

- (a) On a public sidewalk or walkway.
- (b) On private property of another without the operator of the snowmobile having in possession the written consent of the owner or occupant of the property.
- (c) On any publicly owned lands.
- (d) Between the hours of 11:00 p.m. and 7:00 a.m. of each day.
- (e) On City streets, except crossing the street by the shortest distance.
- (f) In any manner prohibited under the laws, ordinances and regulations referred to in Section 505.02 as if such prohibitions were assumed to apply to all public and private property in the City.