

CITY OF MONTROSE
WRIGHT COUNTY, MINNESOTA

ORDINANCE NO. 2023-04

AN ORDINANCE AMENDING MULTIPLE SECTIONS OF THE MONTROSE CITY CODE
RELATING TO TRAFFIC CODE ENFORCEMENT

THE CITY COUNCIL OF THE CITY OF MONTROSE ORDAINS:

Section 1. Chapter 40 of the Montrose City Code is hereby amended by adding a new Section 40.03 as follows:

40.03. ADOPTION OF STATE TRAFFIC LAWS.

The State of Minnesota highway traffic regulations as set forth in Minnesota Statutes, Chapter 169, as it may be amended from time to time, are hereby adopted and incorporated herein by reference and made a part of this chapter as if fully set forth herein. Additional prohibitions and limitations may be added in other sections or chapters of this Title IV.

Section 2. Chapter 40 of the Montrose City Code is hereby amended by adding a new Section 40.04 as follows:

40.04. Penalty

A) Any person violating any provision of this Title IV: Traffic Code for which no specific penalty is prescribed shall be subject to Section 10.20.

B) Any violation of the statutes adopted by reference in Section 40.03 is a violation of the ordinance when it occurs within the City. Any person thus violating any provision of Section 40.03 shall be guilty of a misdemeanor and upon conviction shall be punished not more than the maximum penalty for a misdemeanor as prescribed by state law. If a minimum fine or imprisonment is prescribed by the state's Highway Traffic Act, being Minnesota Statutes, Chapter 169, as it may be amended from time to time, for the offense or if the offense be classified as a petty misdemeanor, the penalty and/or classification shall apply to a person convicted of the same offense under Section 40.03.

C) Any person violating any provision of Sections 41.03 or 41.04 is guilty of a misdemeanor and upon conviction shall be punished not more than the maximum penalty for a misdemeanor as prescribed by state law.

D) Any person violating any provision of Section 41.06 is guilty of a petty misdemeanor and upon conviction shall be punished not more than the maximum penalty as prescribed by state

E) The owner and operator of any motor vehicle operated in violation of Section 41.07, and any person violating Section 41.08 hereof, shall be guilty of a misdemeanor and upon conviction shall be punished not more than the maximum penalty for a misdemeanor as prescribed by state law. If a minimum fine or imprisonment is prescribed by state law for an offense or if the offense be classified as petty misdemeanor, the penalty and/or classification shall apply to the person convicted of the offense under Sections 41.07 or 41.08.

Section 3. Section 41.06 of the Montrose City Code is hereby amended by adding the double-underlined language and deleting the ~~struck-through~~ language below:

42.05. IMPOUNDMENT.

~~A) Any police officer may remove a vehicle from a street to a garage or other place of safety when the vehicle is left unattended and constitutes an obstruction to traffic or hinders snow removal or street improvement or maintenance operations. Whenever any police officer finds a vehicle or trailer has been parked or stopped in violation of any provision of Title IV, the officer is hereby authorized to move the vehicle or trailer, provide for the removal of the vehicle or trailer and the impounding of the same, or require the driver or other person in charge of the vehicle or trailer to move the same.~~

B) The vehicle or trailer shall not be released until the fees for towing and storage are paid in addition to any fine imposed for violation of this chapter.

Section 4. Section 41.06 of the Montrose City Code is hereby amended by adding the double-underlined language and deleting the ~~struck-through~~ language below:

41.06. UNREASONABLE ACCELERATION, ERRATIC DRIVING, AND EXHIBITION DRIVING

~~EXHIBITION DRIVING. A) No person shall turn, accelerate, decelerate or otherwise operate a motor vehicle within the City in a manner which causes unnecessary engine noise or backfire, squealing tires, skidding, sliding, swaying, throwing of sand or gravel or in a manner simulating a race. Squealing or screeching sounds emitted by tires or the throwing of sand or gravel by the tires is prima facie evidence of a violation of this section.~~

A) Unreasonable acceleration. Unreasonable acceleration by any motor vehicle upon any public highway, street, parking lot, alley, or other public property within the limits of the City, except when an emergency creates the necessity for such operation, is prohibited. Unreasonable acceleration of a motor vehicle includes acceleration which unnecessarily breaks traction between a tire or tires and the driving surface, thereby causing a squealing or screeching sound by the tire or tires or the unnecessary throwing of sand or gravel by the tire or tires or both.

B) Erratic driving. No person shall drive a vehicle on a public highway, street, parking lot, alley, or other public property at erratic or irregular and changing speeds so as to create a

hazard to himself or herself or other persons or property or so interfere with other traffic in the area.

C) Exhibition driving. No person shall drive or operate a motor vehicle upon any public highway, street, parking lot, alley, or other public property within the limits of the City which causes unnecessary engine noise or backfire, nor shall anyone between the hours of 7:00 p.m. and 7:00 a.m. parade a motor vehicle upon any public highway, street, parking lot, alley, or other public property within the limits of the City.

1) Parade a motor vehicle is hereby defined as driving or operating a motor vehicle up, down, or up and down, the same highway, street, parking lot, alley, or other public property more than three times within a 30-minute period.

Section 5. Chapter 41 of the Montrose City Code is hereby amended by adding new Sections 41.07 and 41.08 as follows:

41.07 MOTOR VEHICLES; APPLICATION.

A) Every motor vehicle used or operated on any highway within the city shall be registered in compliance with the provisions of Minnesota Statutes, Chapter 168, as it may be amended from time to time.

41.08 DRIVER'S LICENSES; APPLICATION.

A) Every person who is required by Minnesota Statutes, Chapter 171, as it may be amended from time to time, to be licensed in order to operate a vehicle or a motor vehicle upon a highway within the state shall at all times while operating a vehicle or motor vehicle on any highway within the City have in his or her immediate possession, a license issued in compliance with the provisions of Minnesota Statutes, Chapter 171, as it may be amended from time to time.

Section 6. Chapter 42 of the Montrose City Code is hereby amended by adding a new Section 42.09 as follows:

42.09 PARKING AND STOPPING

A) Except for the City or Wright County on its own rights-of-way, no person shall utilize any portion of any local public right-of-way, including the traveled street, boulevard, or public parking lot for the storage or parking of any object or material which is not a licensed, operable motor vehicle, passenger vehicle, or motorcycle as defined by Minnesota Statutes, section 169.011, subdivisions 42, 44, and 52, as they may be amended from time to time, except as may be explicitly permitted on a temporary period of time by the City Council or its designated representative, or as allowed in this City Code.

B) Properly licensed, operable motor vehicles, passenger vehicles, and motorcycles may be parked in the public street where permitted but not on the boulevard portion of the public right-of-way subject to the further requirements of local parking regulations and applicable state statutes. A trailer of any type, properly licensed or not, is not considered a motor vehicle or part thereof when disconnected from its tow vehicle. The following are places where parking or standing of a motor vehicle, passenger vehicle, or motorcycle is prohibited:

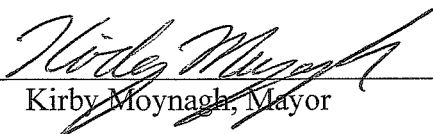
- 1) As provided in Minnesota Statutes, section 169.34, as it may be amended from time to time;
- 2) At any place where official signs prohibit stopping, standing, or parking;
- 3) In any manner on any street or highway so as to interfere with or interrupt the passage of other vehicles;
- 4) As prohibited in Section 42.04 – Winter Parking Regulations;
- 5) On any city street for more than 72 consecutive hours; and/or
- 6) On any city street for more than the posted time limit as established by the City Council.

C)

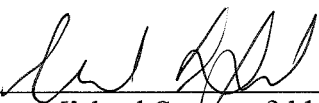
Section 7. This Ordinance shall be effective immediately upon its passage and publication.

ADOPTED this 10th day of July, 2023 by the City Council of the City of Montrose.

CITY OF MONTROSE

By: 
Kirby Moynagh, Mayor

ATTEST:

By: 
Michael Sommerfeld, City Clerk/Treasurer