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## **ARTICLE 6 - PARKING AND TRAFFIC**

### **6-100 Parking**

#### **6-110 Definitions**

The terms used in this Code are used as they have been defined in Minnesota Statute 169.01 as it now exists or as it is amended. Further, wherever in this code there is a prohibition or regulation on parking a motor vehicle, such prohibition or regulation shall apply to all right-of-way within the regulated area.

#### **6-120 Prohibited Parking**

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, the City Fire Chief or one acting under his direction, in any of the following places:

- (1) On a sidewalk;
- (2) In front of or directly across from a public or private driveway and, except for cul-de-sacs and eyebrows, within three feet of either side of a public or private driveway, measured at the curb or side limits of a driveway as projected to the intersecting public street;
- (3) Within an intersection;
- (4) Within 20 feet of a fire hydrant, or within a properly marked fire lane;
- (5) Within 20 feet of a cross-walk at an intersection;
- (6) Within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a roadway;
- (7) On a cross-walk;
- (8) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the City Council has directed a different length by signs or markings;
- (9) Within 50 feet of the nearest rail or railroad crossing;
- (10) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance;
- (11) Alongside or opposite any 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 of or curb of a street;
- (13) Upon any bridge or other elevated structure upon a highway or within a highway or within a highway tunnel, except as otherwise provided by the City Council;
- (14) At any place where official signs prohibit stopping, which signs shall be placed as directed by the City Council acting through the City Police Officers or City Fire Chief;
- (15) When directed or ordered to proceed by any Police Officer or

Firefighter of the City of Ham Lake or other person otherwise invested by law with authority to direct, control, or regulate traffic for any given purpose;

- (16) No motor vehicle shall be parked within the right-of-way of any municipal street between the hours of 12 midnight and 6:00 a.m. between October 1 and April 30 of any year; during the period between May 1 and September 30 of any year, the City may impose selective non-street parking restrictions by City Council resolution and signage.

#### **6-121 Snowfall Parking**

The following regulations shall apply to parking following snowfall.

- (1) No person shall permit a vehicle under his operation or control to be parked unattended upon any street, alley, or highway in the City of Ham Lake during a snowfall or thereafter, in such a manner as to obstruct traffic or the removal of snow from such street, alley or highway until such street, alley or highway has been cleared of snow.
- (2) When a Police Officer finds a vehicle unattended upon any street, alley, or highway in the City of Ham Lake during a snowfall, or thereafter, where such vehicle constitutes an obstruction to traffic or the removal of snow from such street, alley, or highway, the Officer shall issue a tag, providing twenty-four (24) hours notice to the owner to remove the vehicle. If following said twenty-four (24) hour period, such vehicle shall not have been moved, the Officer may provide for the removal of such vehicle and remove the same to the nearest convenient garage or other place of safety. The owner or operator of the vehicle may obtain the same from such place of removal upon paying the costs of the removal and reasonable storage charges.
- (3) For the purposes of this ordinance, the term "Owner" of any motor vehicle shall be the registered owner according to the records of the Minnesota Department of Public Safety. The owner shall be presumed to have given consent to the parking of any vehicle, and shall be the individual responsible for the removal. Notice to the owner shall be by placing the tag upon the vehicle's windshield in the usual manner of issuing tags for parking violations.
- (4) Any person violating the provisions of the Ordinance shall be deemed guilty of a petty misdemeanor, punishable by a fine of not more than twenty-five dollars (\$25.00). For offense of paragraph 1 above, if a single individual receives a second conviction in the same snow season, the fine shall not be more than one hundred dollars (\$100.00).
- (5) Notwithstanding the forgoing, if during or after a heavy snowfall, an illegally parked vehicle constitutes an obstruction to snow removal equipment, the vehicle shall be immediately towed without the notice required under Article 6-121 (2) above; and the provisions of Article 6-121 (2) relating to costs of removal shall apply.

**6-130 Placement of Traffic Signs**

The City Council shall, after recommendation from the City Police Officers, City Fire Chief, or City Engineer, direct the placement of proper signs to regulate stopping, standing, or parking, which signs shall conform to the standards as established by the Minnesota State Department of Transportation.

**6-140 Maintenance of Traffic Signs**

The signs referred to in Article 6-130 of the Code shall be paid for and adequately maintained as follows:

- (1) If on a public right-of-way, of which the City has ownership or an easement, by the City of Ham Lake.
- (2) If on private property, open to the public, including that of other governmental entities other than the City of Ham Lake, by the owner of such private property. The owners of such property shall have 30 days to install such signs as required by order of the Council hereunder after written notice thereof from the City Clerk. Such signs shall thereafter be kept in place and unobstructed.

**6-150 Unnecessary Speed**

No persons shall start or accelerate any motor vehicle with unnecessary speed on any public or private way. Prima facie evidence of unnecessary speed shall be squealing or screeching sounds emitted by the tires as a result of friction with any paved surface, or the throwing of sand, gravel or other loose surface material from the tires of said vehicle.

**6-160 Prohibited Parking in Business Areas**

The provisions of this Article 6-160 shall apply to areas that are zoned Commercial Development 1 (CD-1), Commercial Development 2 (CD-2), Commercial Development 3 (CD-3), Commercial Development 4 (CD-4), Industrial Park (I-P), and Light Industrial (I-1), hereafter referred to as "Commercial Lands".

**A. Definitions**

- 1) Approved Parking Area - areas which were designated as areas upon which to park vehicles in a site plan approved by the City at the time of review of any building permit or certificate of occupancy for any business location, or which were approved by the City as the result of a specific request for such approval under the provisions of Article 6-160 (E) below.
- 2) Allowed Parking Area - areas within Commercial Lands which are paved with bituminous or concrete surfaces which meet the standards for parking lots found elsewhere in this code, and which existed as legal parking lots as of the effective date of this portion of the City Code, to wit, January 6, 2002.
- 3) Vehicles - any wheeled vehicle, any vehicle intended to have wheels, whether or not currently attached, and any vehicle intended for transporting people or property. "Vehicles" shall include, without limitation, passenger cars, trucks, truck-tractors, motorcycles, motorbikes, boats,

tractors, trailers, semi-trailers, busses, lawnmowers, snowmobiles, go-karts, jet skis, four-wheelers, three-wheelers, dirt bikes, or aircraft. Vehicles” shall not include bicycles, non-motorized scooters or sleds.

**4) Responsible Party** - The registered owner of any vehicle found to be unlawfully parked upon Commercial Lands, and the fee owner, contract purchaser, tenant or subtenant of any real estate upon which any vehicle is found to be unlawfully parked on Commercial Lands. If a Responsible Party is a corporation or limited liability company, then any person in responsible charge of the day to day business activities of the business at any Ham Lake location shall also be considered a Responsible Party.

### **B. Prohibited Parking**

No vehicle shall be parked on any Commercial Lands except inside of a legal structure, or upon an Approved Parking Area or an Allowed Parking Area.

### **C. Enforcement**

Upon the observation of any vehicle found to be unlawfully parked on Commercial Lands, a law enforcement officer shall issue a misdemeanor citation as follows:

- 1)** If the vehicle is one which has a registered owner, such as a car or truck, the law enforcement officer shall issue the citation to such registered owner, in person if the registered owner can be found at the time of and in the immediate vicinity of the offense, or by regular U.S. Mail if the registered owner cannot be so found.
- 2)** If the vehicle is not one which has a registered owner, or if the registered owner cannot be readily located, then the officer shall issue the citation to any Responsible Party (including more than one Responsible Party) in person if the Responsible Party can be found at the time of and in the immediate vicinity of the offense, or by regular U.S. Mail if the Responsible Party cannot be so found.
- 3)** At the time of the offense, the officer shall affix a notice to the vehicle, in some manner calculated to be observed by a person in control thereof, which notice shall read as follows:

#### NOTICE OF PARKING VIOLATION

You have been issued a citation for unlawful parking of this vehicle. Ham Lake City Code prohibits parking of this vehicle in this location. Continued parking of this or any other vehicle in this location may subject you to additional sanctions.

### **D. Towing**

If any part of a vehicle which is unlawfully parked on Commercial Lands is found to be overhanging or encroaching upon any public road right of way or drainage or utility easement, the vehicle may be towed and stored, with the costs of the towing and storage being the responsibility of the owner thereof.

### **E. Establishment of Approved Parking Areas**

The owner or occupant of any business located on Commercial Lands that does not already have an area or areas designated as Approved Parking Areas in a site plan which was approved by the City may apply to the City for such a designation. Such requests shall be acted upon by the City Council after review by the Planning Commission.

### **6-200 Additional Vehicle and Traffic Regulations**

The regulatory provisions of the following state statutes are adopted as they now exist, or as amended to regulate the use of highways, streets, and alleys in the City of Ham Lake.

- (1) Highway Traffic Regulation Act, M.S.A. 169 and amendments thereto:
- (2) Safety Responsibility Act, M.S.A. 169 and amendments thereto:
- (3) Drivers' License Law, M.S.A. 171 and amendments thereto.

### **6-300 Snowmobiles**

#### **6-310 Registration**

The registration of snowmobiles is governed by M.S.A. 84.88 and amendments thereto.

#### **6-320 Operation**

The provisions of M.S.A. 84.81 through 84.88 as they relate to the operation of snowmobiles are adopted to govern the operators of snowmobiles within the City of Ham Lake.

#### **6-330 Other Prohibited Conduct**

No person shall:

- (1) Operate a snowmobile within 100 feet of any skating rink, sliding area or fish house, except that a snowmobile may be operated to a fish house which is being used by the operator if same is operated with due care and consideration to all others.
- (2) Operate any snowmobile upon private property without the prior permission of the owner or occupant.
- (3) Tow on City roadways, any sled or other object without a rigid tow bar attached between the snowmobile and the sled or object being towed.
- (4) Intentionally drive, chase, run over, injure or kill any animal while operating a snowmobile.
- (5) Operate a snowmobile on any public property, including but not limited to, school grounds, parks, playgrounds and recreation areas, except when authorized by a resolution of the City Council.
- (6) Operate a snowmobile between the hours of 10 p.m. and 6 a.m. within 500 feet of a dwelling unit.
- (7) No snowmobile shall be operated on any municipal street, except in the following manner.
  - a) Operation shall be restricted to the far right edge of the traveled portion of the roadway, in the same direction as the normal direction

of traffic.

b) No snowmobile shall be driven at a speed in excess of 15 miles per hour.

c) Travel in ditches, side slopes, back slopes and boulevard areas is prohibited.

- (8) No snowmobile shall be operated by any person under the influence of intoxicating liquor or other chemical;
- (9) No snowmobile shall be operated in a careless or reckless manner likely to endanger persons or property, or in a manner so as to create loud, unnecessary or unusual noise which disturbs the quiet enjoyment of others;
- (10) No snowmobile shall be equipped with metallic traction cleats or other metallic traction devices affixed to the track of the snowmobile.

**6-340 OwnerResponsibility**

The registered owner of every snowmobile operated in the City of Ham Lake shall be responsible to insure that the snowmobile is operated in accordance with the provisions of this ordinance. The owner shall be presumed and deemed to have given consent to, and shall be responsible for any violations found to have been committed by the operator of a snowmobile provided that the following conditions are met:

**(1) FirstViolation**

If a snowmobile is observed being operated in violation of this Code, and a written complaint is received from a responsible person stating the violation and listing the Minnesota Registration Number of the snowmobile in question, a warning letter shall be sent to the registered owner of the snowmobile, substantially as follows:

A snowmobile registered in your name was observed in violation of the Ham Lake City Code, specifically:

Date: \_\_\_\_\_

Nature of Violation: \_\_\_\_\_

Under Article 6-340 of the Ham Lake City Code, the registered owner of any snowmobile seen operated unlawfully is responsible for the violation. If a second violation is observed in the next twelve months, the violation is a misdemeanor, punishable by up to 90 days in jail, a \$700 fine, or both. Subsequent violations may also result in a forfeiture of snowmobile operation privileges in the City. This letter will be your only warning. Sincerely, (City Administrator or City Attorney)

**(2) SecondViolation**

If a second violation within any given twelve- month period occurs, the violation shall constitute a misdemeanor as that term is defined by Minnesota Statutes. The registered owner of the snowmobile shall be deemed to have consented to the commission of the misdemeanor, and shall be prosecuted accordingly.

**(3) City Permit Required**

Notwithstanding the outcome of any criminal prosecution, if a snowmobile is observed being operated in violation of this Code on two occasions within any given twelve-month period, the owner of the snowmobile shall be required to obtain a City permit and display a City identification sticker on the snowmobile. Any operation of a snowmobile required to have a permit and identification sticker, without such permit and sticker, shall be prohibited. Upon the observation of a snowmobile required to have a City permit and sticker being operated without such permit and sticker, or evidence thereof, a peace officer shall immediately seize and impound the snowmobile as evidence pending a criminal prosecution of the operator and/or owner.

**(4) Chronic Violators**

Notwithstanding the outcome or existence of criminal prosecutions for violations of this code, if a snowmobile is observed being operated in violation of this Code on three separate occasions during any time period, the owner of the snowmobile shall be required to obtain a City permit and display a City identification sticker on the snowmobile. The provisions of Article 6-340.3 shall apply to the operation of snowmobiles required to obtain City permits and stickers.

**(5) Notice to Owners**

The owner of any snowmobile required to obtain a City permit and sticker shall be notified by regular U.S. mail of the requirement to obtain the permit and sticker. No fee shall be required for the permit and sticker. The City Administrator shall prepare forms for application, permit, and prescribe specifications for the appearance and display of the sticker.

**(6) Revocation of Permit**

If a snowmobile displaying a City identification sticker is observed being operated in violation of the City Code, the City Administrator shall notify (by U.S. Mail) the registered owner that the permit for the snowmobile has been revoked, and shall further notify the owner that the owner has ten calendar days from the postmark date on the notice in which to request, in writing, a hearing before the Ham Lake City Council. If no hearing is requested, the revocation shall be effective eleven calendar days from the postmark date of the notice. If a hearing is requested, the revocation shall be suspended until the City Council can conduct a hearing. At the hearing, the owner may be represented by counsel and shall be given the opportunity to show cause why the Administrator's revocation should not be affirmed. If the City Council finds, after hearing, that the violation did in fact occur, then the Council shall, by motion, affirm the revocation, effective with the passage of the motion. Once a City permit has been revoked, any operation of that snowmobile, regardless of ownership, within the corporate limits of the City, shall be unlawful, and upon observation of such unlawful operation, or evidence thereof, a peace officer shall immediately seize and impound the snowmobile as evidence pending a criminal prosecution of the operator and/or owner.

**6-400 All-Terrain Vehicles**

**6-410 Definition**

An all-terrain vehicle (ATV) shall be as defined by Minnesota Statutes Chapter 84.92, Subdivision 8, and any subsequent amendments thereto.

**6-420 ProhibitionandOperationonPublicRoadways**

No ATV shall be operated within the right-of-way of any public roadway within the City of Ham Lake.

**6-430 ProhibitedArea**

The phrase "right-of-way of any public roadway" shall include, but is not necessarily limited to, the entire right-of-way between property lines, including the paved portions as well as all banks, ditches, shoulders, and back slopes and for roadways which exist by adverse possession, said definition shall include the traveled portion whether or not paved, plus all ditches, medians and back slopes used in connection with said roadways.

**6-440 Crossing at Right Angles Permitted**

Notwithstanding the foregoing, the operator of an ATV may enter upon the right-or-way of a public roadway for the sole and exclusive purpose of crossing the roadway. Such entry and crossing shall be as close as possible to right angles with the direction of the roadway crossed.

**6-450 Exceptions,Permits**

This ordinance shall not apply to the use of any ATV in furtherance of any bona fide industrial, commercial or public purpose, provided that to be eligible for this exemption, the operator shall first have obtained a permit from the City Zoning Officer. Application for a permit shall be made on forms to be prescribed by the Zoning Officer, in whose sole discretion shall rest the authority to issue the permit. No permit shall be issued unless the Zoning Officer shall find that the purpose of the permit is the furtherance of a bona fide industrial, commercial or public purpose, and any permit so issued shall limit the operator to such purposes. An adverse decision by the Zoning officer may be appealed to the City Council. The exception herein granted shall not include ATV sales, demonstrations, contests, races, exhibitions or advertisement.

Usage of ATV's within the plat of **Hiawatha Beach** shall be as outlined in Article 6-900 of the Ham Lake City Code.

**6-500 Motor Vehicles in City Parks**

No person shall operate or be in actual physical control of any motor vehicle in any public park, except on the surface of the traveled roads, driveways and temporary or permanent parking lots. This section shall not apply to the parking of vehicles, trailers or equipment in connection with any municipally approved carnival, festival or gathering. For the purposes of this Code, the term "motor vehicle" shall be as defined in Minnesota Statutes Chapter 169.01 (Subdivision 3). The City Council shall, in its discretion, post appropriate signs advising of the prohibition, but the lack of any such sign shall not excuse violation of this section of the City Code.

**6-510 Temporary Seizure of Motor Vehicles**

Any motor vehicle found within any City Park in violation of this section may be seized by law enforcement officers for the following purposes:

- a) To photograph the vehicle and to record relevant registration numbers or markings for future reference;
- b) To identify the registered owner of the vehicle and notify the owner of the illegal usage if the operator and the owner were not one and the same person;
- c) To serve as physical evidence if needed in any criminal prosecution.

**6-520 Costs of Temporary Storage**

Prior to releasing any seized vehicle under this section, the owner thereof shall be required to pay for the reasonable towing and storage costs of the seizure.

**6-530 Posting of Warning Signs**

City staff shall post warning signs in the public parks of the City advising the public of the prohibition on vehicular traffic in the parks, and further advising that violation of the ordinance may result in the seizure of the vehicle and owner responsibility to pay for towing and storage costs.

**6-600 Parking of Truck-Tractors, Garbage Trucks and Semi-Trailers in Residential Neighborhoods**

**6-610 Legislative Intent**

The City Council of the City of Ham Lake finds it in the best interests of the health, safety and welfare of the citizens of the City of Ham Lake to regulate the parking of certain trucks and trailers in areas zoned R-1, single family residential, and RS-1, single family residential (shoreland). The purpose of this regulation is for the protection of property values, for the preservation of the residential character of areas so zoned, for the enhancement of sanitation in residential areas; for the protection of the structural stability of municipal streets and roads in such areas, by keeping to a minimum the number of truck-tractors, garbage trucks and semi- trailers traveling thereon.

**6-620 Definitions**

For the purpose of this Ordinance, the terms used shall have the following meanings:

- (1) "Truck-Tractor" shall mean that term as defined in Minnesota Statutes Chapter 168.011, Subdivision 12, herein adopted by reference.
- (2) "Semi-Trailer" shall mean that term as defined by Minnesota Statutes Chapter 168.011, Subdivision 14.

- (3) "Garbage Trucks" shall mean any truck meeting the definition of "truck" in Minnesota Statutes Chapter 168.011, Subdivision 10, intended or used for the collection on a fee basis, of the garbage, trash and rubbish of persons other than the owner.
- (4) "Park". This definition shall include the word park, and any derivative of said word, including but not limited to the words "parking" and "parked". Truck-tractor, garbage truck or semi-trailer shall be deemed to have been parked if it remains at rest or if it remains physically present within an area which comprises R-1 or RS-1 zoning, for more than two consecutive hours.

**6-630 Prohibited Conduct**

It shall be unlawful for any person, business or other entity to park a truck-tractor, garbage truck or semi-trailer within the confines of any areas zoned R-1 or RS-1, unless the large truck-tractor, garbage truck, or semi-trailer is situated in a location which is totally screened from view by adjacent property owners' residences, and totally screened from view from members of the public traveling on nearby public roadways.

**6-640 Exceptions**

There shall be excepted from the requirements of this Article truck-tractors and semi-trailers which are in use pursuant to a bona fide construction project on the site, which are moving occupants into or out of the home, engaged in the performing of services at the residence which would require the presence of a truck-tractor or semi-trailer for more than two consecutive hours. Garbage trucks, while actually engaged in the activity of traveling through R-1 areas pursuant to the completion of a garbage pick-up route or while performing such services shall be excepted from this ordinance during said times.

**6-650 Owner Deemed to Have Consented**

Regardless of the ownership of the truck-tractor, garbage truck, or semi-trailer, the owner of the land upon which a truck-tractor, garbage truck, or semi-trailer is illegally parked shall be deemed to have given consent to the illegal parking, and therefore to have violated the provisions of this ordinance.

**6-660 Limitation**

The lawful parking of a truck-tractor, garbage truck, or semi-trailer within the scope of this article shall be limited to a single vehicle. In no case shall more than one such vehicle be permitted to be parked in any area zoned R-1, RS-1, or RS-2, regardless of screening or confinement in a building.

**6-700 Trail System**

**6-710 System Established**

There is hereby established in the City of Ham Lake a Trail System to be used for the recreational purposes hereafter described. The Trail System shall consist of interconnected pathways and "user-friendly" public streets, as designated from time to time by the City Council, upon recommendation of the Park Commission. The regulations established herein pertaining to usage, hours of operation, and the like shall not pertain to those portions

of the Trail System which exist within the traveled portion of dedicated public roads and streets.

**6-720 UsageRestrictions**

The Trail System shall be for the exclusive use of pedestrians and bicyclists. No motorized vehicle shall be permitted to be operated upon the Trail System, excepting personal devices adapted for use by handicapped persons using the Trail System, such as motorized wheelchairs. The term “pedestrian” shall be deemed to include persons using roller skates, in-line skates, and skate boards (all of which activity shall be collectively referred to as “skating”); and persons using cross-country skis. No horses, donkeys, mules or other beasts of burden shall be ridden or otherwise permitted on the Trail System.

**6-721 OrganizedActivities**

Organized activities, such as running races, “walk-a-thons” and the like shall be permitted for walkers and runners only, and shall require a permit to be issued by the City Staff after review by the Parks Commission, which body shall set reasonable limits on the activity, as well as requirements for control. No bicycle racing, ski racing or skate racing shall be permitted.

**6-722 ExcessiveSpeed Prohibited**

No person shall run, skate, ski or ride a bicycle at a speed which creates a danger to other persons using or who may be using the Trail System.

**6-730 Trail Designation and Marking**

The various components of the Trail System shall be adopted by Resolution of the City Council from time to time, after review by the Parks Commission. A map displaying the precise location of the Trail System shall be maintained at City Hall, and maps depicting the Trail System, together with the basic operational regulations, shall be available for public distribution. Once designated as a part of the Trail System, the areas so designated shall be a part of the City Park System, and shall be marked and signed as follows:

**A. Major Entrance Points**

All major entrance points to the Trail System shall display a sign containing the following information:

HAM LAKE TRAIL SYSTEM

No Motorized Vehicles or Horseback Riding

Trail Hours: Sunrise to Sunset Daily

Yield to persons walking

Obey all signs

In winter months, a supplemental sign shall be affixed to the above sign displaying the following information:

Cross-Country Skiing Permitted at Your Own Risk

Trails are not groomed

**B. Intersections with Public Streets**

A stop sign shall be placed at all points where the Trail System intersects with public streets, and a "Trail Crossing" sign placed on all public streets to advise motorists of intersecting Trail System traffic.

**6-740 Physical Standards**

The physical standards of each component of the Trail System shall be determined by the Parks Commission on a case-by-case basis, taking into account the need for drainage, buffer from adjoining area, anticipated traffic levels, interfering vegetation, and any other physical feature which might affect Trail System efficiency and safety. All portions of the Trail System shall be paved with a hard surface. Where public streets are a part of the Trail System, clearly visible painting shall identify the Trail System portion of the street if possible. Where possible, the Trail System shall interconnect with trail systems being maintained by Anoka County or neighboring municipalities.

**6-750 Development**

**6-751 New Subdivisions**

The developer of any subdivision under Article 10 of the Ham Lake City Code may be required to dedicate and construct portions of the Trail System which lie within the proposed subdivision. Developer costs shall be limited to the amount of park dedication fee which would otherwise be owing for the subdivision, and if a developer is required to dedicate an easement for the Trail System and pay for the cost thereof, no other park dedication or park dedication fee shall be required unless the amount of acreage dedicated for Trail System is less than ten percent of the total acreage in the subdivision, or unless the amount of money paid for development costs of the Trail System is less than the amount of park dedication fee which would otherwise be owing for the subdivision.

**6-752 Existing Subdivisions**

Portions of the Trail System may be established in existing subdivisions in the same manner as the construction and acquisition of public roads, either within existing public road right-of-way or within right-of-way established for Trail System purposes. Prior to designating any portion of the Trail System in such areas, however, the City Council shall first direct the Parks Commission to conduct a public hearing, with notice to those landowners reasonably anticipated to be affected by the Trail System establishment. Persons applying for municipal permits, variances or lot splits may be required to dedicate Trail System components as a part of the approval requirements.

**6-753 Other Components**

The City may acquire other components of the Trail System, including easements in unplatted or undeveloped lands, by any lawful means, utilizing such funding as may be available from any municipal source, grant or dedicated MnDot fund. Further, the City may establish

neighborhood committees for the purpose of offering input to the City regarding issues created by aspects of the Trail System which affect particular neighborhoods.

**6-760 Administration**

The City Council, after review by the Parks Commission, may, by Resolution, establish such rules, policy and regulations concerning the Trail System as the Council deems appropriate. Such administrative details may include the establishment of a permanent sub-committee of the Parks Commission for ongoing review of the Trail System, a volunteer maintenance system patterned after the MnDot "Adopt-a-Highway" system, and ongoing changes in usage, specially permitted usage, hours, or dedication requirements.

**6-800 Parking of Personal Vehicles in Residential Areas**

**6-810 Definitions**

**6-811 PersonalVehicle**

A Personal Vehicle is a vehicle or vehicle device intended for the personal usage of an occupant of a residential dwelling in any Residential Area, including, without limitation, passenger vehicles, pickup trucks, collector cars, vans, recreational vehicles, motorcycles, motorbikes, motor scooters, go-karts, boats, snowmobiles, all-terrain vehicles, other trailers (empty or occupied), campers, camper trailers, camper tops, truck tops, riding lawn mowers, tractors (including garden tractors) farm implements, construction equipment and sport utility vehicles.

**6-812 ResidentialArea**

Areas zoned R-1, PUD residential, RS-1, RS-2 and R-A parcels less than three acres in size.

**6-813 ParkingSurface**

A Parking Surface is an area located outside of a garage, barn, accessory building or other building, intended to accommodate driveways or parking areas in Residential Areas, that is paved with bituminous or concrete surfacing not less than two inches in depth, or that is covered with a class V aggregate surface that is maintained adequately to prevent the growth of vegetation, erosion of the surface, and with edges defined by some type of edging material, curbing or that clearly shows a line of demarcation between the aggregate surface and abutting vegetation.

**6-814 StreetSetbackArea**

The Street Setback Area of any lot in any Residential Area is that portion of the lot that lies between the street right of way and an imaginary line drawn parallel to the street abutting the lot and the nearest point of any dwelling or garage on the lot. For corner lots, the Street Setback Area shall include both street frontages, and if the corner lot contains a dwelling with a detached garage or accessory building, the building edges closest to the abutting streets shall be used to demark the line.

**6-815 Non-Operating Vehicle**

A Non-Operating Vehicle is a Personal Vehicle that either does not have displayed current motor vehicle registration tags issued by the Minnesota Department of Transportation or a division thereof, or which cannot be immediately legally driven on public roads by reason of required missing parts, such as bumpers or turn signals or by reason of damage or disrepair. A Personal Vehicle having a flat tire or tires, missing wheel or wheels, lack of an engine or critical component parts thereof preventing immediate ignition of the engine, broken or cracked windshield, broken or non-functioning headlights or other characteristic of a vehicle not capable of being immediately legally driven on a public road shall be presumed to be a Non-Operating Vehicle.

**6-816 Screening**

Screening means either opaque fencing meeting all city codes, or an opaque vegetation screen composed of conifers, a house, garage or other structures that block views from abutting streets or parcels, or any combination thereof. Where gates are used, fencing incorporating gates shall not be considered to be Screening unless the gates are closed during all times when not in actual use to provide current entry or egress from areas outside the Street Setback Area.

**6-820 Prohibited Parking**

**A) Locations**

No Personal Vehicle shall be parked within the Street Setback Area of any Residential Lot unless parked on a Parking Surface. One unlicensed but operable personal vehicle may be permitted to be stored on a single parcel of record.

**B) Maximum Number of Vehicles**

No more than four Personal Vehicles may be parked at any time within the Street Setback Area of any given lot. Where Screening is present that prevents Personal Vehicles from being observed from abutting streets or parcels, there shall be no limit on the number of Personal Vehicles that can be parked outside of Street Setback Areas, nor shall there be any requirement that Personal Vehicles be parked on a Parking Surface, provided, that no more than one of such vehicles may be a Non-Operating vehicle.

**6-830 Exception Permits**

The owner of any dwelling in a Residential Dwelling that desires to park more than four Personal Vehicles in the Street Setback Area may apply to the City for a permit to do so. Upon on showing of particular need for exceeding the maximum number, the City Council, after review by the Planning Commission, may grant Exception Permits of limited duration and scope. A showing of "particular need" would include the occupancy in the dwelling of more than four licensed drivers; the non-existence of garage space, or a lack of area outside the Street Setback Area to

accommodate storage.

### **6-900 Usages in the Plat of Hiawatha Beach**

The following conditions apply exclusively to dedicated roads and paths in the plat of Hiawatha Beach.

#### **6-910 Definitions**

A. All-Terrain Vehicles (“ATVs”) shall be as defined in Ham Lake City Code Article 6-410.

B. “Paths” mean those facilities illustrated in the original plat of Hiawatha Beach as providing access between public roads and the shorelines of Coon Lake or Little Coon Lake, whether or not so labeled, which exist between:

Lot 1, Block 2 and Lot 6, Block 1, Hiawatha Beach

Lot 19, Block 2 and Lot 1, Block 3, Hiawatha Beach

Lot 13, Block 9 and Lot 1, Block 13, Hiawatha Beach

Lot 11, Block 13, and Lot 1, Block 14, Hiawatha Beach

Lot 1, Block 4 and Lot 12 Block 3, Hiawatha Beach

Lot 1, Block 7 and Lot 16, Block 8, Hiawatha Beach

And which exist easterly and southerly of Lots 1 and 2, Block 8 and westerly of Lots 11 and 12, Block 9, Hiawatha Beach;

And which exist southerly of Lot 13, Block 14, and westerly of Lots 8, 9, 10, 11, 12 and 13, Block 14, Hiawatha Beach.

#### **6-910 Parking of Trailers**

No trailers may be parked or stored on any dedicated path in the plat of Hiawatha Beach, nor may any such item be parked or stored within the right-of-way of any public street in the plat of Hiawatha Beach.

#### **6-920 Vehicle Parking in Connection with Path Usage**

No motor vehicle (including ATV’s) may be parked or stored within the right-of-way of any dedicated path or dedicated public road in the plat of Hiawatha Beach in connection with the concurrent usage of any path in the plat of Hiawatha Beach. This prohibition includes, without limitation, vehicles that have been used to pull or

push trailers bearing watercraft, snowmobiles, fish houses or other devices to the shore of Coon Lake or Little Coon Lake.

### **6-930 Travel on Paths**

Paths in the plat of Hiawatha Beach may be used by pedestrians, bicycles, snowmobiles or all terrain vehicles. Paths may also be used to convey watercraft or fish houses to the shore of Coon Lake or Little Coon Lake if pulled or pushed by an ATV. No travel on any path is permitted at a speed in excess of 15 miles per hour.

### **6-940 ATV Travel on Public Roads**

ATV's may travel on public roads outside of paths in the plat of Hiawatha Beach under the following conditions:

- A. The travel must be for the sole purpose of accessing one of the paths in the Plat of Hiawatha Beach.
- B. The ATV shall not exceed a speed of 15 miles per hour.
- C. The origin of the trip must be from a point within the plat of Hiawatha Beach, and return trips from paths must be to a point within the plat of Hiawatha Beach.
- D. The course of travel must be the shortest route on dedicated public roads between the point of origin and the path that is used or intended to be used, and the course of travel may not extend beyond the boundaries of the plat of Hiawatha Beach.
- E. Travel in conformance with Article 6-400 is permitted.

### **6-950 Towing or Removal of Illegally Stored or Parked Objects**

The City may cause the towing or other removal of any vehicle, trailer, ATV, snowmobile or other object found to be stored or parked in violation of this ordinance, and may post signage on or near all paths in the plat of Hiawatha Beach advising of the prohibition on parking and storage, and further advising of the possibility of removal of any illegally stored or parked object without notice to the owner thereof.