

**CHAPTER 71 PARKING REGULATIONS**

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**GENERAL REGULATIONS**

**§ 71.01 GENERAL LIMITS ON PARKING**

(A) In order to maintain the proper flow of traffic, reduce traffic hazards, reduce overall traffic noise, and the fluidity of parking spaces, no vehicle shall be parked upon any public street or designated city owned and maintained parking lots and public right of ways within the city limits, for a longer continuous period than six hours, or such shorter period as is posted on signs, except that a person whose residence abuts a public street may park his or her vehicle on such abutting street for not more than 24 continuous hours.

(B) In order to further maintain the proper flow of traffic, reduce traffic hazards, noise and litter, preserve the character of residential neighborhoods and property values, and ensure free access to parking to residents of the area, the City Council may, by Resolution, authorize posting of more restrictive parking regulations on any public street.

(C) Anyone disobeying posted, timed, or general parking regulations as described in this chapter, is subject to an administrative citation and penalties under 71.99.

(D) Any vehicle found on any public street, right of way, or city owned parking lot, which hinders street improvement or maintenance operations, is subject to an administrative citation and vehicle impound if such area is posted or prior notice is given to city residents.

### **§ 71.02 RESTRICTED PARKING DURING SNOW SEASON**

In order to facilitate snow removal from the public streets, from November 1 through March 31 of each year, no vehicle shall be parked on any public street within the city limits, between the hours of 2:00 a.m. and 7:00 a.m. Vehicles found in violation of this provision may result in an administrative citation being issued to the owner or operator and the vehicle may also be towed and impounded.

### **§ 71.03 NO PARKING ZONES**

A “No Parking” zone shall be designated by the curbing painted a yellow color or by a sign stating “No Parking.” No vehicle shall park in the street immediately adjacent thereto at any time.

### **§ 71.04 RESTRICTING COMMERCIAL VEHICLES IN RESIDENTIAL AREAS**

No truck or commercial vehicle weighing in excess of 9,000 pounds licensed weight shall be parked on a public street at any time in a residential zone, except during service, repair or construction work at the location where it is temporarily parked for such purpose and then only during the normal hours of such work.

### **§ 71.05 RESTRICTION ON ALLEY PARKING**

No person shall park a vehicle or permit it to stand, whether attended or unattended, upon an alley or part thereof except while actually in the process of loading or unloading. For the purposes of loading and unloading no person shall park a vehicle or permit it to stand, whether attended or unattended, upon an alley or part thereof for a period exceeding 15 minutes.

### **§ 71.06 SALES FROM STREET PROHIBITED**

No vehicle may be parked in any public street, public right of way, or city owned and maintained parking lots, for the purpose of selling the same or displaying it for sale or containing “For Sale” or similar signs.

### **§ 71.07 REMOVAL OF ILLEGALLY PARKED VEHICLES**

If any vehicle is parked, abandoned or left standing in violation of any of the sections or provisions of this chapter, the same may be summarily removed without notice to the owner, at the direction of the Mayor or any police officer, to a place of safekeeping where it shall be stored. Any vehicle so removed shall not be released to its owner or operator until all costs of removal, towing and storage have been paid. The costs of removal shall be as duly set by the Council from time to time. The fees

and charges herein provided for shall be paid to the City Administrator, his or her agent or any other person authorized by the Council to receive the same.

**§ 71.08 PROHIBITED PARKING - FIRE LANES & EMERGENCY VEHICLE ACCESS ROADS**

(A) *Designation.* In order to maintain public safety and ensure fire suppression and emergency vehicle access to all public and private structures, the Fire Marshal/Building Official, Deputy Fire Chief or Police Chief, working in conjunction with the City Administrator, may order the official designation of No Parking within or upon Fire Lanes, Fire Apparatus Access Roads or Emergency and Service Vehicle Roads within various sections of public or private streets, alleyways, access points or parking lots within the City limits. Upon any such designation, these areas shall be posted with approved “No Parking Fire Lane” or related signage as defined below. Under Minnesota State Statute 169.34 and this ordinance, it is also unlawful to park within 10 feet of any fire hydrant and such areas need not be posted.

(B) *Violation*

(1) It is a violation of this ordinance for any person to stop, stand or park a motorized or non-motorized vehicle accessory, for any period of time, whether occupied or not, within or adjacent to any properly marked Fire Lane, Fire Apparatus Access Road, Emergency & Service Vehicle Road, or within 10 feet of any fire hydrant or fire suppression access point.

(2) If no driver is present, the registered or current owner of the vehicle shall be responsible for the offense in accordance with Ordinance 71.69; Registered Owner Prima-Facie Evidence.

(3) Any driver or owner found to have “parked” a motor vehicle in violation of this ordinance will be subject to an administrative ordinance citation with penalties assessed in accordance with Ordinance 71.99; and such vehicle may be immediately declared a traffic and fire safety hazard and be towed and impounded as authorized by Ordinance 71.65 and Minnesota State Statute 169.34.

(4) In cases where occupied vehicles are blocking, stopped or standing within designated no parking fire lanes or access roads, Police Officers or authorized personnel may order the movement of any such vehicle. Failure of the driver or owner to immediately do so is a violation of this section and an administrative ordinance citation can be issued with penalties assessed in accordance with Ordinance 71.99. It is also a violation of State Statute to disobey the order of Police Officer given the authority to direct and control traffic.

(5) Authorized fire apparatus, emergency or police vehicles are exempt from these rules while in the performance of their official duties, allowing for quick access to their vehicles and response to emergencies.

(C) *Signs and Markings*

(1) The Fire Marshal shall be responsible for approving appropriate signs and markings in any designated fire lane or at the entrance to Fire Apparatus Access Roads. Such signs shall comply with International Fire Code and the Uniform Manual of Traffic Control Devices. Signs shall minimally read “No Parking – Fire Lane” and shall be posted a minimum of every 75 feet within designated Fire Lanes or along Fire Apparatus Access Roads, except if entry into such areas is controlled by a gate or chain, only the controlled access point needs to be posted. Signs may be placed on a building when approved by the Fire Marshal and Building Official.

(2) As deemed necessary, the Fire Marshal, Deputy Fire Chief or Police Chief may also designate that the certain fire lanes or access roads also have the curbing painted yellow and/or order additional sign language as an extra reminder to drivers, although this language is not required for enforcement to occur.

(3) Remote Emergency or Service Vehicle Roads, sometimes used as Fire Apparatus Roads, may not need to be posted every 75 feet if entry into such areas is routinely gated or chained off, and access brings emergency vehicles off the roadway onto paths, sidewalks, fields or unimproved surfaces. This is common at schools and in parks. In such cases, a minimum of (1) sign shall be posted at the entrance to such areas. Signs shall be approved by the Fire Marshal and comply with the National Fire Code or Uniform Manual of Traffic Control Devices.

(4) If Fire Lane, Fire Apparatus Access Road or Emergency or Service Vehicle Access Road designations are on or enter a private street, alleyway, parking lot, or school grounds, any and all expenses in connection with the erection, routine maintenance, and replacement of such signs and markings shall be the responsibility of the property owner to which fire suppression and emergency vehicle access is deemed necessary. Failure to comply will result in the City erecting and maintaining the signage and assessing all charges to the property owner, business, or association, and the property owner may be issued an administrative ordinance citation.

## **PARKING PRIVILEGES FOR THE PHYSICALLY HANDICAPPED**

### **§ 71.45 PARKING SPACES**

(A) The owner or manager of property where automobile parking spaces are provided shall ensure that at least one space per 50 spaces or fraction thereof shall be designed as handicapped parking spaces. The spaces shall not be less than 12 feet in width and located as near as practicable to the building entrance for use by the handicapped. The owner or manager of the property on which the designated space is located shall maintain the space and ensure that the space is kept free of obstruction. If the owner or manager does not maintain the space or allows the space to be blocked by snow, merchandise or similar obstructions for 24 hours after receiving a warning from the Chief of Police or his or her duly authorized agent, the owner or manager is guilty of a misdemeanor and subject to a fine of up to \$1,000.

(B) *Signs and Markings.* Parking spaces reserved for physically disabled persons must be designated and identified by the posting of signs incorporating the international symbol of access in white on blue and indicating that violators are subject to a fine of up to \$200. These parking spaces

are reserved for disabled persons with motor vehicles displaying the required certificate, plates, permit valid for 30 days or insignia.

For the purposes of this subdivision, a parking space that is clearly identified as reserved for physically disabled persons by a permanently posted sign that does not meet all design standards, is considered designated and reserved for physically disabled persons. A sign posted for the purpose of this section must be visible from inside a motor vehicle parked in the space, be kept clear of snow or other obstructions which block its visibility, and be non-movable.

(C) The City Council may, by Resolution, authorize handicapped parking where parking is not otherwise permitted or restrict authorized parking spaces for use only by persons who are handicapped.

(D) *Enforcement.* A city police officer or designated enforcement agent is authorized to enforce any violation of handicapped or disabled person parking regulations as defined by Minnesota State Statute 169.345 on public or private property by state citation or via an administrative citation under this ordinance. Any vehicle found in violation is also subject to a tow and impound. Persons wishing to contest an administrative citation, may do so by requesting a hearing.

(E) *Violations.* No person shall:

(1) park a motor vehicle in or obstruct access to a designated handicapped parking space or associated access aisle designated and reserved for the physically disabled, on either private or public property;

(2) park a motor vehicle in or obstruct access to an area designated by the city as a transfer zone for disabled persons;

(3) alter a certificate;

(4) exercise the parking privilege provided in Section MSS 169.345, unless:

(a) that person is a physically disabled person as defined in Section 169.345, subdivision 2, or the person is transporting or parking a motor vehicle for a physically disabled person; and

(b) the motor vehicle visibly displays one of the following: a disability plate issued under Section 168.021 or 169.345, or an equivalent certificate, insignia, or plate issued by another state, a foreign country, or one of its political subdivisions

(5) A physically handicapped person, or a person parking a vehicle for a handicapped person, who is charged with violation §71.45 *et. seq.* because the person parked in a handicapped parking space without the required certificate or license plates shall not be convicted if the person produces in court, before a hearing officer, or to the police department the required certificate or evidence that the person has been issued license plates under M.S. §168.021.

## ADMINISTRATION AND ENFORCEMENT

### § 71.65 IMPOUNDMENT GENERALLY

(A) Any police officer may remove a vehicle from the street, public right of way, or city owned and maintained parking lots, to a garage or other place of safety when a vehicle is left unattended and constitutes an obstruction to traffic, is parked in violation of § 71.02, or hinders street improvement or maintenance operations or when the vehicle is found having against it five or more unpaid notices or summons or other process, issued within a 12 month period, charging that the vehicle was parked, stopped or standing in violation of any law or ordinance or local authority of the city. Vehicles illegally parked in tow away zones designated by official signs of the city may be summarily towed without an accumulation of five notices or summons. Vehicles impounded pursuant to this chapter will be released to their lawful owner (or persons entitled to possession) upon showing of adequate evidence of a right of its possession and paying the amount of all accrued parking use fees, fines and costs for each outstanding citation, notice, summons or warrant and, in addition thereto, the charges for towing and storage.

(B) Whenever the Police Department or its authorized agent has impounded a vehicle described in this chapter, notice of the removal and the storage place of the vehicle shall be mailed to the last registered owner of the vehicle, within ten days, if name and address of the owner can be ascertained with reasonable diligence. The notice shall:

(1) Set forth the date and place of the taking, year, make, model and serial number of the subject motor vehicle if such information can be reasonably obtained and the place where the vehicle is held;

(2) Inform the owner and any lien holders of their right to reclaim the vehicle as provided herein; and

(3) State the failure of the owner or lien holders to exercise their right to reclaim the vehicle and contents shall be deemed a waive by them of all the right, title and interest in the vehicle and content and consent to the sale of the vehicle and contents at a public auction authorized by this chapter.

(C) The notice shall be sent by mail to the registered owner, if any, of the subject motor vehicle and to all readily identifiable lien holders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lien holders, the notice shall be published once in the newspaper of general circulation in the area where the motor vehicle was seized. Published notices may be grouped together for convenience and economy.

(D) The owner or any lien holder of a motor vehicle seized pursuant to this chapter shall have the right to reclaim the vehicle from the city upon payment set forth herein within 15 days after the date of the notice of the taking of the motor vehicle.

(E) If a motor vehicle seized pursuant to this chapter is not claimed it shall be sold at public auction as provided by M.S. Chapter 168B and Chapter 33 of this code.

#### **§ 71.66 REGISTERED OWNER, IMPOUNDMENT**

The registered owner of a vehicle having five or more outstanding notices or summons or other process shall be presumed to be the owner at the time the summons, notice or other process were in fact issued and shall be severally responsible for the offenses and the impoundment, except where the use of the vehicle was secured by the operator without the owner's consent.

#### **§ 71.67 DUTY OF POLICE, IMPOUNDMENT**

It shall be the duty of the Police Department to safely keep any impounded vehicle until the vehicle shall have been repossessed by the owner or person legally entitled to possession thereof or otherwise disposed of as provided in this chapter. The Police Department shall cause to be kept an accurate record of the description of the vehicle, including the name of the officer from whom the vehicle was received, the officer employed to tow or have delivered the same to the pound or authorized garage, the date and time when received, the place where found, seized or taken possession of, the make and color of car, style or body, kind of power, motor number, serial number, number of cylinders, year built, state license number, if any, equipment and general description of condition, the name and address of the person redeeming the vehicle, the date redeeming the vehicle, the date of redemption and the manner and date of disposal of the vehicle in case the same shall not be redeemed, together with the cost of outstanding summons and the towing and storage charges. This record shall be in the form prescribed by the Chief of Police.

#### **§ 71.68 CITY COUNCIL AUTHORIZED**

The City Council is authorized to adopt by resolution such rules and regulations as are necessary to carry out the provisions of this chapter. The Chief of Police is authorized and directed to design and prepare all forms necessary to carry out the purposes and intent of this chapter.

#### **§ 71.69 REGISTERED OWNER; PRIMA FACIE EVIDENCE**

The presence of any motor vehicle on any street, public right of way, or city owned and maintained parking lots, when standing or parked in violation of this chapter is prima facie evidence that the registered owner of the vehicle committed or authorized the commission of the violation.

#### **§ 71.70 DUTY OF POLICE OFFICERS**

(A) It shall be the duty of the police officer or authorized agent of the Police Department in charge, under the direction of the Council, to keep account of all violations of this chapter.

(B) The police officer or authorized agent of the Police Department in charge shall attach to any vehicle parked in violation of this chapter or any ordinance relating to parking in the city a notice or summons as provided by this subchapter. The City Council may furnish fine collection boxes, commonly known as "courtesy boxes" and place them at designated positions on the streets controlled by parking meters for the convenience of the public, wherein the fines specified above may be deposited as provided by this chapter in lieu of appearing at a Police Department. The City

Council may have prepared a suitable combination notice and envelope to be attached to vehicles in violation of this chapter, the envelope portion thereof to be used by the violator in depositing his or her fine in the “courtesy boxes” above described.

#### **§ 71.99 PENALTY**

(A) (1) Whenever any vehicle is parked contrary to the provisions of this chapter or any ordinance relating to parking in the city, the Police Department shall attach to the vehicle a notice or summons stating that it has been parked in violation of an ordinance and instructing the owner or operator to report to the Police Department in regard to such a violation. The owner or operator may pay the Chief of Police or his or her duly authorized agent or may deposit in receptacles provided for such purpose in full satisfaction of such violations as follows:

(a) The sum as may be set from time to time by Council resolution if paid within five days after the time when the notice or summons was attached to the vehicle, unless otherwise provided on the notice or summons.

(b) The sum as may be set from time to time by Council resolution if paid after five days when the notice or summons was attached to the vehicle and not later than 20 days after the time when the notice or summons was attached to the vehicle, unless otherwise provided on the notice or summons.

(2) Any person violating any provision of this chapter or other ordinances of the city relating to parking and who has not paid such sums of money as provided in subsection (A)(1) of this section shall be guilty of a misdemeanor.

(B) A person who violates §§ 71.45 *et seq.* is guilty of a petty misdemeanor and shall be fined in an amount determined by § 10.99. Sections 71.45 *et seq.* shall be enforced in the same manner as city parking ordinances or regulations. Law enforcement officers have the authority to tag vehicles parked on either private or public property in violation of §§ 71.45 *et seq.* A physically handicapped person, or a person parking a vehicle for a handicapped person, who is charged with violating §§ 71.45 *et seq.* because the person parked in a handicapped parking space without the required certificate or license plates shall not be convicted if the person produces in court, before a hearing officer, or to the police department before the court appearance the required certificate or evidence that the person has been issued license plates under M.S. § 168.021, as it may be amended from time to time, and demonstrates entitlement to the certificate or plates at the time of arrest or tagging.