

TITLE V

SIDEWALKS AND DRIVEWAYS

CHAPTERS:

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CHAPTER 5-01

SIDEWALKS AND STREETS

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SEC. 5-0101. DEFINITIONS. Except as otherwise defined in the City Code, or where the context clearly indicates a contrary intent, the words and terms defined in Minnesota Statutes, Chapter 169, shall be applicable to City Code, Title V:

PARKING: The voluntary standing of a vehicle upon any highway, street or avenue whether accompanied or unaccompanied by an operator; but, where the driver of a vehicle seeks to load or unload passengers, goods or merchandise in or from the vehicle, then parking shall mean the standing of the vehicle upon the highway, street or avenue only for the period of time which is reasonably necessary to load or unload passengers or goods close at hand ready to be loaded or unloaded as the case may be.

STREET OR HIGHWAY: Shall be considered the entire width between boundary lines of any boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic, as defined by Chapter 169 of the Minnesota Statutes, as such chapter may be from time to time amended, supplemented or replaced. Streets in the City may be designated "Streets," "Drives," "Courts," "Avenues," "Lanes," "Circles," "Boulevards" or "Ways".

VEHICLE: Every vehicle, motor vehicle, motorcycle, motorized bicycle, bicycle, snowmobile, trailer or semitrailer as the same are defined in Chapter 169 of the Minnesota statutes, as such chapter may be from time to time amended, supplemented or replaced.

SEC. 5-0102. APPLICATION. The provisions of City Code, Title V, are applicable to the drivers of all vehicles and animals upon streets, including, but not limited to, those owned or

operated by the United States, the State of Minnesota, or any county, town, city, district, or other political subdivision.

SEC. 5-0103. SCOPE AND ORDERS OF OFFICERS.

Subd. 1. Scope. The provisions of Title V relate exclusively to the streets and alleys in the City, and the operation and parking of vehicles refer exclusively to the operation and parking of vehicles upon such streets and alleys.

Subd. 2. Orders of an Officer. It is a misdemeanor for any person to willfully fail or refuse to comply with any lawful order or direction of any police or peace officer invested by law with authority to direct, control or regulate traffic.

SEC. 5-0104. TRAFFIC AND PARKING CONTROL.

Subd. 1. Council Action. No device, sign or signal shall be erected or maintained for traffic or parking control unless the Council shall first have approved and directed the same, except as otherwise provided in this Section; provided, that when traffic and parking control is marked or sign-posted, such marking or sign-posting shall attest to Council action thereon.

Subd. 2. Temporary Restrictions. The City, acting through the Chief of Police, may temporarily restrict traffic or parking for any private, public or experimental purpose. It is the duty of the Chief of Police to so restrict traffic or parking when a hazardous condition arises or is observed.

Subd. 3. Traffic Restrictions and Prohibitions. It is a misdemeanor for any person to drive a vehicle contrary to lane restrictions or prohibitions painted on any street, or contrary to sign-posted, fenced, or barricaded restrictions or prohibitions.

Subd. 4. Parking Restrictions and Prohibitions. It is unlawful for any person to park a vehicle, except an emergency vehicle, contrary to lane restrictions or prohibitions painted on any curb, or contrary to sign-posted, fenced, or barricaded restrictions or prohibitions.

Subd. 5. Damaging or Moving Markings. It is a misdemeanor for any person to deface, mar, damage, move, remove, or in any way tamper with any structure, work, material, equipment, tools, sign, signal, barricade, fence, painting or appurtenance in any street unless such person has written permission from the City or is an agent, employee or contractor for the City, or other authority having jurisdiction over a particular street, and acting within the authority or scope of a contract with the City or such other authority.

SEC. 5-0105. ICE, SNOW, TREES, GRASS AND WEEDS ON PUBLIC STREETS AND SIDEWALKS

Subd. 1. Definitions. As used in this section, the following words and terms shall have the following meanings:

1. "City" shall mean the City of Barnesville.
2. "Large Tree" shall mean any plant material that will grow to a height of over 50 feet.

3. "Medium Tree" shall mean any plant material that will grow to a height of no more than 50 feet.
4. "Person" shall mean natural persons, firms or partnerships, corporations, joint companies and associations of every kind.
5. "Public Place" shall mean any public street, the area within the lines of any street or utility right of way, lane, alley, highway, parkway, playground, and any other public grounds or place of any description.
6. "Public Tree" shall mean any tree, shrub, bush or other woody vegetation growing in any Public Place.
7. "Private Tree" shall mean any a tree, shrub, bush or other woody vegetation growing on private property within the City.
8. "Public Utility" shall mean any public, private, or cooperatively owned line, facility or system for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil products, water, waste or storm water, which directly or indirectly serves the public or any part thereof within the corporate limits of the City.
9. "Sidewalk" shall mean a walkway for pedestrians located within any public street right of way property line.
10. "Small Tree" shall mean any plant material that will grow to a height of no more than 30 feet
11. "Tree Inspector" Shall mean the individual(s) appointed by the City Administrator to serve as tree inspector(s).
12. "Wires" shall mean electric light, electric power, telephone, telegraph and guy wires, and all other wires of every description in or suspended over public places as herein defined.

Subd. 2. Public Sidewalk Requirements. Public sidewalks are required in all areas of the City zoned C-1, as well as other areas deemed necessary by the Council which may include but not be limited to school property, church property, residential and business properties not in C-1. Sidewalks are optional in other areas of the City. Sidewalk construction, repair, replacement, or removal where not required are the responsibility of the abutting property owner, and before commencing any such work, a permit must be obtained from the City Administrator.

Subd. 3. Sidewalk Repair. The owner of any property in the city which has a public sidewalk abutting said property shall keep the sidewalk in good repair and in safe condition for pedestrians. Repairs shall be made in strict accordance with specifications and standards on file in the office of the Streets and Parks Superintendent, which are based on DOT *Standards and Specifications for Construction*, 1995 Edition. Before commencing such repair, the property owner shall obtain a permit from the City Administrator.

Subd. 4. Enforcement. If by inspection by City personnel or by discovery through citizen complaints, the sidewalk is found to be in need of repairs to make it safe for pedestrians, the City shall serve notice to the property owner and order the owner to have the sidewalk repaired and made safe within 30 days of the notification, and stating that if the property owner fails to do so, the repairs will be made by the City, either by contractor or by City crews, and that the expenses thereof must be paid by the owner at 100% of the cost, and that if unpaid it will be made a special assessment against the property concerned.

Subd. 5. Snow and Ice on Public Sidewalks. All snow and ice remaining upon public sidewalks in all zones are hereby declared to constitute a public nuisance and shall be abated by the owner or tenant of the abutting private property within twenty-four (24) hours after such snow or ice has ceased to be deposited.

Subd. 6. City to Remove Snow and Ice. The City may cause to be removed from all public sidewalks, beginning twenty-four (24) hours after snow or ice has ceased to fall, all snow or ice which may be discovered thereon, and it shall keep a record of the cost of such removal and the private property adjacent to which such accumulations were found and removed.

Subd. 7. Cost of Removal to be Assessed. The City shall bill the property owner 100% of the cost of the snow and ice removal, if after 30 days, the property owner fails to pay said billing, the City Administrator shall upon direction of the Council, and on the receipt of the information provided for in the previous subdivision, extend the cost of such removal of snow or ice as a special assessment against the lots or parcel of ground abutting on walks which were cleared, and such special assessments shall at the time of certifying taxes to the County Auditor be certified for collection as other special assessments are certified and collected.

Subd. 8. Tree Trimming in Public Places. No person shall trim, cut, break, injure, remove or destroy any tree now or hereafter growing, standing or located on or within the public places of the City unless such work is done by the City or with prior written permission of the City.

Subd. 9. Tree Planting Requirements.

A. Planting in Street Right of Way. Any person may plant any shade tree or ornamental tree in any part of the street right of way between the lot line and pavement, by complying with the following standards:

- A.** No tree shall be planted in such a location that its roots will be likely to damage any public sidewalk, any part of the street pavement, or any driveway or parking area.
- B.** No tree shall be planted in such a location that it will at any time block the view of the drivers of vehicles approaching an intersection.
- C.** The written approval of the Tree Inspector must be obtained prior to the tree being planted.

B. Planting in New Residential, Commercial or Industrial Developments. Any person may plant any shade tree or ornamental tree in any part of the street right of way between the lot line and pavement within a new residential, commercial or industrial development by complying with the following standards

- A.** In conjunction with issuing a building permit, the Tree Inspector will review landscaping plans and may require trees to be planted in any of the streets, parking lots, parks and other public places abutting the lands developed and/or subdivided, in accordance with guidelines established by the City.

- B.** The City shall develop and maintain a list of desirable trees for planting along streets in three size classes: small, medium and large. A list of trees not suitable for planting will also be created and enforced by the City.
- C.** The spacing of street trees will be in accordance with the three species and size classes listed in this Section, and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by the Tree Inspector.
- D.** No trees may be planted under or within 10 lateral feet of any overhead utility wire or within ten (10) lateral feet of any underground utility.
- E.** The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in this Section, and no trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet.
- F.** No street tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than 15 feet to any fire hydrant, nor 5 feet from any driveway.

Subd 10. Trees in Public Places; Planting, Care and Removal.

A. The City shall have the right to plant, prune, maintain, and remove trees, plants and shrubs within the lines of all street and public right of ways, streets, alleys, avenues, lanes, squares, and public places as may be necessary to insure the public safety or to preserve or enhance the symmetry and beauty of public places.

B. The Tree Inspector may remove or cause to be removed any public or private tree or part thereof which is in an unsafe condition or which by reason of its location or nature is injurious to or infringes upon any public utility or public improvement, or is affected with any injurious fungus, insect, or other pest. Every tree overhanging any street or right-of-way within the City shall be pruned so that the branches will not obstruct the light from any street lamp or obstruct the view of any street intersection, and so that there is a clear space of at least 8 feet above the sidewalk and 13 feet above the road surface.

C. Any tree located on City property in the immediate vicinity of any excavation, demolition or construction site of any building, structure, street or utilities work which has potential for injury, shall be protected from such injury by the property owner or contractor.

D. Owners of property adjacent to street trees shall maintain trees by periodic watering and fertilization of street trees as necessary to maintain good health and vigor and protect the trees against damage caused by lawnmowers, weed trimmers, snow blowers and similar equipment.

E. In cases where an owner of private real property abutting City property requests City action on street trees or public trees, the requesting owner shall be financially responsible for the following:

i. Removal of trees, limbs, or roots preventing house moving or other construction activities

ii. Removal of trees, limbs, or roots for the alteration of tree or abutting property appearance where no hazard or nuisance exists;

iii. Spraying, fertilizing, or treatment other than may be regularly conducted on a City-wide basis by the City.

Subd. 11. Duty of Property Owners to Cut Grass and Weeds. Every owner of property abutting on any street shall cause the grass and weeds to be cut from the line of such property nearest to such street to the center of such street. If the grass or weeds in such a place attain a height in excess of six (6) inches it shall be prima facie evidence of a failure to comply with this Subdivision. Every owner of property abutting on any street shall, subject to the provisions herein requiring a permit therefor, trim, cut and otherwise maintain all trees and shrubs in unharmed and healthy condition, from the line of such property nearest to such street to the center thereof. Hence, the property owner bears all of the responsibility, financially and otherwise, for the grass, weeds, and trees on their property including that property nearest to a street to the center thereof.

Subd. 12. City May Order Work Done. The City may, in cases of failure to comply with this Section, perform such work with employees of the City, keeping an accurate account of the cost thereof for each lot, piece or parcel of land abutting upon such street.

Subd. 13. Assessment. If the City performs maintenance work described in the foregoing Subdivision, the City Administrator shall forthwith upon completion thereof ascertain the cost attributable to each lot, piece or parcel of abutting land. The City Administrator shall, at the next regular meeting thereof, present such certificate to the Council and obtain its approval thereof. When such certificate has been approved it shall be extended as to the cost therein stated as a special assessment against such abutting land and such special assessment shall, at the time of certifying taxes to the County Auditor, be certified for collection as other special assessments. The City may also levy administrative fines for violations of this section.

Subd. 14. City Service. The City may, at the discretion of the Public Works Superintendent, and taking into consideration available resources, choose to trim and or remove trees which are on the right of way. Also, the TEC Coordinator may elect to trim around overhead service lines which may not be on the right of way, and which may be causing problems to said lines, also taking into consideration available resources. These services will be done by the City at no cost to the property owner. However, this does not release any of the responsibility of the property owner as stated in Subdivision 11.

SEC. 5-0106. PUBLIC SIDEWALKS.

Subd. 1. Public Sidewalk Requirements. Public sidewalks are required in all areas of the City zoned C-1, as well as other areas deemed necessary by the Council which may include but not limited to school property, church property, residential and business properties not in C-1. Sidewalks in place as of October 1, 2013, within the City of Barnesville are required to remain in place. Sidewalks are optional in other areas of the City. Sidewalk construction, repair or replacement are the responsibility of the abutting property owner, and before commencing any such work, a permit must be obtained from the City Administrator. Adjacent property owners in areas of the City zoned C-1 may display merchandise on public sidewalks by obtaining a permit from the City in accordance with Section 7-0206 of these ordinances.

Subd. 2. Sidewalk Repair. The owner of any property in the city which has a public sidewalk abutting said property shall keep the sidewalk in good repair and in safe condition for pedestrians. Repairs shall be made in strict accordance with specifications and standards on file in the office of the Streets and Parks Superintendent, which are based on DOT Standards and Specifications for Construction, 1995 Edition. Before commencing such repair, the property owner shall obtain a permit from the City Administrator.

Subd. 3. Enforcement. If by inspection by City personnel or by discovery through citizen complaints, the sidewalk is found to be in need of repairs to make it safe for pedestrians, the City shall serve notice to the property owner and order the owner to have the sidewalk repaired and made safe within 30 days of the notification, and stating that if the property owner fails to do so, the repairs will be made by the City, either by contractor or by City crews, and that the expense thereof must be paid by the owner at 100% of the cost, and that if unpaid it will be made a special assessment against the property concerned.

Subd. 4. Ice and Snow on Public Sidewalks. All snow and ice remaining upon public sidewalks in all zones is hereby declared to constitute a public nuisance and shall be abated by the owner or tenant of the abutting private property within twenty-four (24) hours after such snow or ice has ceased to be deposited.

Subd. 5. City to Remove Snow and Ice. The City may cause to be removed from all public sidewalks in Zones C-1 and C-2 and other areas deemed necessary by the City Council, beginning twenty-four (24) hours after snow or ice has ceased to fall, all snow or ice which may be discovered thereon, and it shall keep a record of the cost of such removal and the private property adjacent to which such accumulations were found and removed.

Subd. 6. Cost of Removal to be Assessed. The City Administrator shall bill the property owner 100% of the cost of the snow and ice removal. If after 30 days the property owner fails to pay said billing, the City Administrator shall, upon direction of the Council, and on receipt of the information provided for in the preceding subdivision, extend the cost of such removal of snow or ice as a special assessment against the lots or parcel of ground abutting on walks which were cleared, and such special assessments shall at the time of certifying taxes to the County Auditor be certified for collection as other special assessments are certified and collected.

Subd. 7. Civil Suit for Cost of Removal. The City Administrator shall, in the alternative, upon direction of the Council, bring suit in a court of competent jurisdiction to recover from the persons owning land adjacent to which sidewalks were cleared, as provided in subdivision 5 hereof, the cost of such clearing and the cost and disbursement of a civil action therefor.

SEC. 5-0107. CONSTRUCTION AND RECONSTRUCTION OF ROADWAY SURFACING, SIDEWALK, DRIVEWAY APPROACH OR CURB AND GUTTER.

Subd. 1. Methods of Procedure.

A. Abutting or affected property owners may contract for, construct or reconstruct roadway surfacing, sidewalk, driveway approach or curb and gutter in accordance with this Section if advance payment is made therefor or arrangements for payment considered adequate by the City are completed in advance.

B. With or without petition by the methods set forth in the Local Improvement Code of Minnesota Statutes, presently beginning with Section 429.011, as the same may from time to time be amended.

Subd. 2. Permit Required. It is a misdemeanor to construct or reconstruct a sidewalk, curb and gutter, driveway approach, or roadway surfacing in any street or other public property in the City without payment of a fee and obtaining a permit in writing from

the City Administrator. Application for such permit shall be made on forms approved and provided by the City and shall sufficiently describe the contemplated improvements, the contemplated date of beginning of work, and the length of time required to complete the same, provided, that no permit shall be required for any such improvement ordered installed by the Council. All applications shall be referred by the City Administrator to the Streets and Parks Superintendent and no permit shall be issued until approval has been received from the Streets and Parks Superintendent. All such applications shall contain an agreement by the applicant to be bound by this Chapter and plans and specifications consistent with the provisions of this Chapter and good engineering practices shall also accompany the application. A permit from the City shall not relieve the holder from damages to the person or property of another caused by such work.

(SEE SEC. 1-0904, FEES, RATES AND CHARGES SCHEDULE)

Subd. 3. Specifications and Standards. All construction and reconstruction of roadway surfacing, sidewalk and curb and gutter improvements, including curb cuts, shall be strictly in accordance with specifications and standards on file in the office of the Streets and Parks Superintendent and open to inspection and copying there. Such specifications and standards may be amended from time to time by the City, but shall be uniformly enforced.

Subd. 4. Inspection. The Streets and Parks Superintendent shall inspect such improvements as deemed necessary or advisable. Any work not done according to the applicable specifications and standards shall be removed and corrected at the expense of the permit holder. Any work done hereunder may be stopped by the Streets and Parks Superintendent if found to be unsatisfactory or not in accordance with the specifications and standards, but this shall not place a continuing burden upon the City to inspect or supervise such work.

SEC. 5-0108. OBSTRUCTIONS IN STREETS.

Subd. 1. Obstructions. It is a misdemeanor for any person to place, deposit, display or offer for sale, any fence, goods or other obstructions upon, over, across or under any street or sidewalk without payment of a fee and obtaining a written permit from the Council, and then only in compliance in all respects with the terms and conditions of such permit, and taking precautionary measures for the protection of the public. An electrical cord or device of any kind is hereby included, but not by way of limitation, within the definition of an obstruction. Adjacent property owners in areas of the City zoned C-1 may display merchandise, place seating or sandwich board signs on public sidewalks by obtaining a permit from the City in accordance with Section 7-0206 of these ordinances.

Source: Ord. 2013-03, Sec. 1.

(SEE SEC. 1-0904, FEES, RATES AND CHARGES SCHEDULE)

Subd. 2. Fires. It is a misdemeanor for any person to build or maintain a fire upon a street.

Subd. 3. Dumping in Streets. It is a misdemeanor for any person to throw or deposit in any street any nails, dirt, glass or glassware, cans, discarded cloth or clothing, metal scraps, garbage, leaves, grass or tree limbs, paper or paper products, shreds or rubbish, oil, grease or other petroleum products, or to empty any water containing salt or other injurious chemical thereon. It is a violation of this Section to haul any such material, inadequately

enclosed or covered, thereby permitting the same to fall upon streets. It is also a violation of this Section to place or store any building materials or waste resulting from building construction or demolition on any street.

Subd. 4. Signs and Other Structures. It is a misdemeanor for any person to place or maintain a sign, advertisement, or other structure in any street without payment of a fee and obtaining a written permit from the Council. In a district zoned for commercial or industrial enterprises special permission allowing an applicant to erect and maintain signs overhanging the street may be granted upon such terms and conditions as may be set forth in the zoning or construction provisions of the City Code.

(SEE SEC. 1-0904, FEES, RATES AND CHARGES SCHEDULE)

Subd. 5. Placing Snow or Ice in a Roadway or on a Sidewalk.

A. It is a misdemeanor for any person, not acting under a specific contract with the City or without special permission from the Streets and Parks Superintendent, to remove snow or ice from private property and place the same in any roadway.

B. Where permission is granted by the City Streets and Parks Superintendent the person to whom such permission is granted shall be initially responsible for payment of all direct or indirect costs of removing the snow or ice from the street or sidewalk. If not paid, collection shall be by civil action or assessment against the benefitted property as any other special assessment.

Subd. 6. Continuing Violation. Each day that any person continues in violation of this Section shall be a separate offense and punishable as such.

Subd. 7. Condition. Before granting any permit under any of the provisions of this Section, the Council may impose such insurance or bonding conditions thereon as it, considering the projected danger to public or private property or to persons, deems proper for safeguarding such persons and property. Such insurance or bond shall also protect the City from any suit, action or cause of action arising by reason of such obstruction.

SEC. 5-0109. STREET OPENINGS OR EXCAVATIONS. It is a misdemeanor for any person, except a City employee acting within the course and scope of his/her employment or a contractor acting within the course and scope of a contract with the City, to make any excavation, opening or tunnel in, over, across or upon a street or other public property without payment of a fee and obtaining a written permit from the City Administrator as herein provided.

(SEE SEC. 1-0904, FEES, RATES AND CHARGES SCHEDULE)

Subd. 1. Application. Application for a permit to make a street excavation shall describe with reasonable particularity the name and address of the applicant, the place, purpose and size of the excavation, and such other information as may be necessary or desirable to facilitate the investigation hereinafter provided for, and shall be filed with the City Administrator.

Subd. 2. Investigation and Payment of Estimated Costs. Upon receipt of such application, the City Administrator shall cause such investigation to be made as he/she may deem necessary to determine estimated cost of repair, such as back-filling, compacting, resurfacing and replacement, and the conditions as to the time of commencement of work,

manner of procedure and time limitation upon such excavation. The foregoing estimated costs shall include permanent and temporary repairs due to weather or other conditions, and the cost of such investigation shall be included in such estimate. Payment of such estimated costs shall be made before the permit is issued.

(SEE SEC. 1-0904, FEES, RATES AND CHARGES SCHEDULE)

Subd. 3. Protection of the City and the Public.

A. Non-Completion or Abandonment. Work shall progress expeditiously to completion in accordance with any time limitation placed thereon so as to avoid unnecessary inconvenience to the public. In the event that work is not performed in accordance therewith, or shall cease or be abandoned without due cause, the City may, after six hours notice in writing to the holder of the permit of its intention to do so, correct the work, fill the excavation and repair the public property, and the cost thereof shall be paid by the person holding the permit.

B. Insurance. Prior to commencement of the work described in the application, the applicant shall furnish the City satisfactory evidence in writing that the applicant will keep in effect public liability insurance of not less than \$100,000.00 for any person, \$300,000.00 for any occurrence and property damage insurance of not less than \$25,000.00, issued by an insurance company authorized to do business in the State of Minnesota on which the City is named as a co-insured.

C. Indemnification. Before issuance of a permit, the applicant shall, in writing, agree to indemnify and hold the City harmless from any liability for injury or damage arising out of the action of the applicant in performance of the work, or any expense whatsoever incurred by the City incident to a claim or action brought or commenced by any person arising therefrom.

Subd. 4. Issuance of Permit. The City Administrator shall issue such permit after (1) completion of such investigation, (2) payment by the applicant in advance of all estimated costs as aforesaid; (3) agreement by the applicant to the conditions of time and manner as aforesaid; (4) agreement in writing by the applicant to pay all actual cost of repairs over and above such estimate, including cost of such investigation, and, (5) agreement in writing by the applicant to be bound by all of the provisions of this Section.

Subd. 5. Repairs. All temporary and permanent repairs, including back-filling, compacting and resurfacing shall be made, or contracted for, by the City in a manner prescribed by the City Administrator and an accurate account of costs thereof shall be kept.

(SEE SEC. 1-0904, FEES, RATES AND CHARGES SCHEDULE)

Subd. 6. Cost Adjustment. Within sixty days following completion of such permanent repairs the City Administrator shall determine actual costs of repairs, including cost of investigation, and prepare and furnish to such permit holder an itemized statement thereof and claim additional payment from, or make refund (without interest) to, the permit holder, as the case may be.

Subd. 7. Alternate Method of Charging. In lieu of the above provisions relating to cost and cost adjustment for street openings, the City may charge on the basis of

surface square feet removed, excavated cubic feet, or a combination of surface square feet and excavated cubic feet, on an established unit price uniformly charged.

SEC. 5-0110. VACATION OF STREETS.

Subd. 1. No public grounds or streets shall be vacated except upon the Council's own motion or upon the petition directed to the Council of a majority of the owners of property on the line of such public grounds or streets residing within the City, and completion of the procedure hereinafter specified. Such petition shall set forth the reasons for such desired vacation, accompanied by a plat of such public grounds or streets proposed to be vacated, and such petition shall be verified by the oath of a majority of the petitioners residing within the City.

Subd. 2. If, in the discretion of the Council, it is expedient that the matter be proceeded with, it may order the petition filed for record with the City Administrator, order a hearing on such petition and fix the time and place of such hearing.

Subd. 3. The City Administrator shall give notice of such hearing by publication once at least fifteen (15) days in advance of such hearing, and by mail to the last known address of all of the owners of property on the line of such public grounds or streets proposed to be vacated at least ten (10) days in advance of such hearing, such last known addresses to be obtained from the office of the County Auditor. Such notice shall in brief state the object of such hearing, the time, place and purpose thereof, and the fact that the Council, or a Board or Commission designated by them shall hear the testimony and examine the evidence of the parties interested.

Subd. 4. The Council, after hearing the same, or upon the report of such Board or Commission designated to hold such hearings, may by resolution passed by unanimous vote of all members, declare such public grounds or streets vacated, or deny such petition. The resolution, if granting the petition, shall be certified by the City Administrator and shall be filed for record and duly recorded in the office of the County Recorder in and for Clay County, Minnesota.

SEC. 5-0111. CURB SET-BACK.

Subd. 1. Permit Required. It is unlawful for any person to hereafter remove, or cause to be removed, any curb from its position abutting upon the roadway to another position without first making application to the Council, payment of a fee and obtaining a permit therefor.

(SEE SEC. 1-0904, FEES, RATES AND CHARGES SCHEDULE)

Subd. 2. Agreement Required. No such permit shall be issued until the applicant, and abutting landowner if other than applicant, shall enter into a written agreement with the City agreeing to pay all costs of constructing and maintaining such set-back area in at least as good condition as the abutting roadway, and further agreeing to demolish and remove such set-back and reconstruct the area as was at the expense of the landowner, his/her heirs or assigns if the area ever, in the Council's opinion becomes a public hazard. Such agreement shall be recorded in the office of the County Recorder, and shall run with the adjoining land.

Subd. 3. Sign-Posting. ANGLE PARKING ONLY signs shall be purchased from the City and erected and maintained at the expense of the adjoining landowner in all such set-back areas now in use or hereafter constructed. It is unlawful for any person to park

other than at an angle in such set-back areas, as such angle parking is herein described and allowed.

Subd. 4. Public Rights Preserved. Such set-back parking areas shall be kept open for public parking and the abutting landowner shall at no time acquire any special interest or control of or in such areas.

SEC. 5-0112. CURB AND GUTTER, STREET AND SIDEWALK PAINTING OR COLORING. It is unlawful for any person to paint, letter or color any street, sidewalk or curb and gutter for advertising purposes, or to paint or color any street, sidewalk or curb and gutter for any purpose, except as the same may be done by City employees acting within the course or scope of their employment. Provided, however, that this provision shall not apply to uniformly coloring concrete or other surfacing, or uniformly painted house numbers, as such coloring may be approved by the City Administrator.

SEC. 5-0113. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he/she performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as follows:

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

Subd. 2. As to any violation not constituting a misdemeanor under the provisions of Subdivision 1 hereof, he/she shall be punished as for a petty misdemeanor.

CHAPTER 5-02

TRAFFIC REGULATIONS

SECTIONS:

- 5-0201. Highway Traffic Regulation Act Adopted by Reference.
- 5-0202. Truck Route.
- 5-0203. Bicycles.
- 5-0204. U-Turns.
- 5-0205. Left Turns Prohibited.
- 5-0206. Exhibition Driving.
- 5-0207. One-Way Streets
- 5-0208. Driving Through Private Property to Avoid Traffic Signal.
- 5-0209. Overtaking a Bicycle or Individual Proceeding in the Same Direction.
- 5-0210. Emergency Vehicles.
- 5-0211. Snowmobile Traffic Control and Regulations.
- 5-0212. Motorized Golf Carts and All-Terrain Vehicle Traffic Control and Regulations.
- 5-0213. Skateboards and Roller Skates.

SEC. 5-0201. HIGHWAY TRAFFIC REGULATION ACT ADOPTED BY REFERENCE. Except as otherwise provided in this Title, Minnesota Statutes, Chapter 169, (commonly referred to as the Highway Traffic Regulation Act), as amended through Laws 2004, is hereby incorporated herein and adopted by reference, including the penalty provisions thereof.

SEC. 5-0202. TRUCK ROUTE. It is unlawful for any person to drive a tractor, agricultural implement, truck over 20,000 pounds gross vehicle weight, truck-trailer, tractor-trailer or truck tractor in through traffic, upon any street except those which have been designated and sign-posted as truck routes. For the purpose of this Chapter, "through traffic" means originating without the City and with a destination without the City, as distinguished from "local traffic" which means traffic either originating or having a destination within the City.

SEC. 5-0203. BICYCLES.

Subd. 1. Traffic Laws Apply. Every person riding a bicycle upon a roadway or upon any path set aside for the exclusive use of bicycles shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Chapter, except as to special regulations in this Chapter and except as to those provisions of this Chapter which by their nature can have no application.

Subd. 2. Overtaking a Bicycle or an Individual Proceeding in the Same Direction. A person operating a bicycle or other vehicle on a bikeway shall leave a safe distance when overtaking a bicycle or individual proceeding in the same direction on the bikeway, and shall maintain clearance until safely past the overtaken bicycle or individual.

SEC. 5-0204. U-TURNS. It is unlawful for any person to operate a motor vehicle by turning so as to proceed in the opposite direction upon any street except at a street intersection, and then only if the street intersection is not sign-posted prohibiting a U-turn or otherwise

controlled by a traffic signal; provided, that any person making a permitted U-turn shall yield the right-of-way to all other vehicles.

SEC. 5-0205. LEFT TURNS PROHIBITED. The Chief of Police may, in his/her discretion, and with the consent of the Council, prohibit left turns entirely, or during specified hours, at certain intersections. It is unlawful for any person to make a left turn at any intersection sign-posted prohibiting the same, or make a left turn during the hours of such sign-posted prohibition.

SEC. 5-0206. EXHIBITION DRIVING.

Subd. 1. Prima Facie Evidence. It is prima facie evidence of exhibition driving when a motor vehicle stops, starts, accelerates, decelerates, or turns at an unnecessary rate of speed so as to cause tires to squeal, gears to grind, soil to be thrown, engine backfire, fishtailing or skidding, or, as to two-wheeled or three-wheeled motor vehicles, the front wheel to lose contact with the ground or roadway surface.

Subd. 2. Unlawful Act. It is a misdemeanor for any person to do any exhibition driving on any street, parking lot, or other public or private property, except when an emergency creates necessity for such operation to prevent injury to persons or damage to property; provided, that this Section shall not apply to driving on a racetrack. For purposes of this Section, a "racetrack" means any track or premises whereon motorized vehicles, horses, dogs, or other animals or fowl legally compete in a race or timed contest for an audience, the members of which have directly or indirectly paid a consideration for admission.

SEC. 5-0207. ONE-WAY STREETS.

Subd. 1. The Council may, by resolution, designate streets as one-way streets.

Subd. 2. It is a misdemeanor for any person to travel upon any one-way street in a direction opposite that designated when the same has been duly sign-posted.

SEC. 5-0208. DRIVING THROUGH PRIVATE PROPERTY TO AVOID TRAFFIC SIGNAL. It is unlawful for any person to avoid obedience to any traffic control device by driving upon or through any private property.

SEC. 5-0209. OVERTAKING A BICYCLE OR INDIVIDUAL PROCEEDING IN THE SAME DIRECTION. The operator of a motor vehicle overtaking a bicycle or individual proceeding in the same direction on a roadway shall leave a safe distance, but in no case less than 3 feet clearance, when passing the bicycle or individual and shall maintain clearance until safely past the overtaken bicycle or individual.

SEC. 5-0210. EMERGENCY VEHICLES. The provisions of this Chapter shall not apply to vehicles when operated with due regard for safety, under the direction of police officers in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation, nor to Fire Department or fire patrol vehicles when traveling in response to a fire alarm, nor to public ambulances when traveling in emergencies. This exemption shall not, however, protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

SEC. 5-0211. SNOWMOBILE TRAFFIC CONTROL AND REGULATIONS.

Subd. 1. Definition. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

Subd. 2. Unlawful Use. It is unlawful for any person to drive or operate any snowmobile within the City or on private lands within the City without the express permission of the owner or occupant of said private lands, except that snowmobiles may be operated on public lands under the jurisdiction of the City but only pursuant to the terms and conditions of this Section.

Subd. 3. Operation of Snowmobiles.

A. It is unlawful for any person to drive or operate any snowmobile at a speed in excess of 15 miles per hour at any place within the City limits, except City parks, where it is unlawful for any person to drive or operate any snowmobile.

B. It is unlawful for any person to drive or operate any snowmobile between the hours of 10:00 p.m. and 7:00 a.m. at any place within the City limits.

C. It is unlawful for any person to drive or operate any snowmobile on any street or highway within the City or on any designated bikeway or pedestrian walkway within the City limits except when crossing said areas by the most direct means practicable; provided, however, that no person under the age of 14 years shall operate a snowmobile at any time within the City limits.

D. Notwithstanding any of the foregoing prohibitions, a snowmobile may be operated within the City contrary to the regulations prescribed herein only in a police-designated emergency or by any City employees involved in performing essential services for the City, and they may operate snowmobiles when traveling to or from the place where services are to be performed when travel by automobile is impracticable due to snow or road conditions.

E. Minnesota Statutes pertaining to the operation of snowmobiles and all Minnesota Statutes regarding traffic control must be strictly followed and adhered to by all operators of snowmobiles and any such violations of State law shall be considered to be violations of this Section.

SEC. 5-0212. MOTORIZED GOLF CARTS AND ALL-TERRAIN VEHICLE TRAFFIC CONTROL AND REGULATIONS.

Subd. 1. General Permit Required. It is unlawful for any unlicensed driver to operate a motorized golf cart or all-terrain vehicle on City streets without payment of a fee and obtaining a permit issued by the Chief of Police.

Subd. 2. Application. Anyone desiring a permit to operate such vehicles shall submit a signed application to the City Administrator with the following information:

A. Date.

B. Applicant.

C. Streets upon which you wish to drive.

D. Time periods within which you need to drive.

E. Insurance company and policy number.

F. Disability requiring operation of motorized golf cart or all-terrain vehicle.

Subd. 3. Duties of Chief of Police. The Chief of Police shall be the issuing officer for permits under this Section. Such officer shall have the power to designate on the permit the streets of operation and the hours of operation, as the officer determines is in the interest of the safety of the public. In no event shall motorized golf carts or all-terrain vehicles be operated on designed roadways for any hours greater than sunrise to sunset.

Subd. 4. Other Requirements.

A. Motorized golf carts and all-terrain vehicles shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient light to clearly see persons in vehicles on the roadway at a distance of 500 feet;

B. Motorized golf carts and all-terrain vehicles shall display the slow-moving vehicle emblem provided for in Minnesota Statutes, Section 169.522;

C. Permits under this Section are restricted to physically handicapped persons defined in Minnesota Statutes, Section 169.345, Subd. 2;

D. The issuing officer shall, as a condition of obtaining a permit, require that the applicant submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart or all-terrain vehicle on the designated roadways;

E. Permits shall be issued for a period not to exceed one year and may be annually renewed;

F. A permit may be revoked at any time if there is evidence that the permittee cannot safely operate a motorized golf cart or all-terrain vehicle on the designated roadways.

G. The operation and regulation of all motorized golf carts and all-terrain vehicles is governed by this Section as well as all of the requirements of Minnesota Statutes, Section 169.045.

H. All-terrain vehicles as defined herein shall mean both three and four wheel all-terrain vehicles.

SEC. 5-0213. SKATEBOARDS AND ROLLER SKATES.

Subd. 1. Definitions.

A. "Skateboards" - A wheeled, device propelled by the person riding thereon, and designed to transport a rider in a standing position, which device is not otherwise secured to a rider's foot or shoes.

B. "Roller Skates" - A shoe with wheels attached or a device with wheels which is designed to be attached to a shoe.

Subd. 2. Skateboards and Roller Skates Regulations.

A. It is unlawful for any person to operate, propel, or ride a skateboard or roller skates anywhere within the Business District of the City.

B. Whenever a person is riding a skateboard or roller skates upon a sidewalk where not prohibited, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

CHAPTER 5-03

PARKING REGULATIONS

SECTIONS:

5-0301.	Presumption.
5-0302.	General Parking Prohibitions.
5-0303.	Recreational Camping Vehicle Parking.
5-0304.	Unauthorized Removal.
5-0305.	Direction to Proceed.
5-0306.	Parallel Parking.
5-0307.	Angle Parking.
5-0308.	Streets Without Curb.
5-0309.	Parking Hours.
5-0310.	Emergency.
5-0311.	Snow Removal; Parking Restrictions.
5-0312.	Truck Parking
5-0313.	Parking Rules in City Parking Lots and Ramps.
5-0314.	Impounding and Disposition of Vehicles.
5-0315.	Loading Zones.
5-0316.	Vehicle Repair on Street.
5-0317.	Parking for the Purpose of Advertising or Selling Merchandise.
5-0318.	Physically Handicapped Parking.
5-0319.	Parking on Private Property Without Consent.

SEC. 5-0301. PRESUMPTION. As to any vehicle parking in violation of Title V when the driver thereof is not present, it shall be presumed that the owner or lessee of such vehicle parked the same, or that the driver was acting as the agent of the owner or lessee.

SEC. 5-0302. GENERAL PARKING PROHIBITIONS. It is unlawful for any person to stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the specific directions of a police officer or traffic control device in any of the following places: (1) on a sidewalk; (2) in front of a public or private driveway; (3) within an intersection; (4) within ten feet of a fire hydrant; (5) on a crosswalk; (6) within twenty feet of a crosswalk at any intersection; (7) in a sign-posted fire lane; (8) within thirty feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway; (9) within fifty feet of the nearest rail of a railroad crossing; (10) within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance when properly sign-posted; (11) alongside or opposite any street 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 or curb of a street; (13) upon any bridge or other elevated structure upon a street; (14) at any place where official signs prohibit or restrict stopping, parking or both; (15) in any alley, except for loading or unloading and then only so long as reasonably necessary for such loading and unloading to or from adjacent premises; (16) on any boulevard which has been curbed; or, (17) on the east side of Front Street between the intersection of Minnesota Highway No. 34 to a point located on the east right-of-way of Front Street, which point is 200 feet north of the north line of 2nd Avenue NE.

SEC. 5-0303. RECREATIONAL CAMPING VEHICLE PARKING.

Subd. 1. Definition. The term "recreational camping vehicle" means any of the following:

A. "Travel Trailer" - A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses, permanently identified "Travel Trailer" by the manufacturer of the trailer.

B. "Pick-up Coach" - A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

C. "Motor Home" - A portable, temporary building to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

D. "Camping Trailer" - A folding structure, mounted on wheels and designed for travel, recreation and vacation uses.

Subd. 2. Unlawful Act. It is unlawful for any person to leave or park a recreational camping vehicle on or within the limits of any street or right-of-way except where permission has been granted by the Police Department.

SEC. 5-0304. UNAUTHORIZED REMOVAL. It is unlawful for any person to move a vehicle not owned, leased or under the control of such person into any prohibited area or away from a curb such distance as is unlawful.

SEC. 5-0305. DIRECTION TO PROCEED. It is unlawful for any person to stop or park a vehicle on a street when directed or ordered to proceed by any police officer invested by law with authority to direct, control or regulate traffic.

SEC. 5-0306. PARALLEL PARKING. Except where angle parking is specifically allowed and indicated by curb or street marking or sign-posting, or all or any of them, each vehicle stopped or parked upon a two-way road where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with, and within twelve inches of, the right-hand curb, and, where painted markings appear on the curb or the street, such vehicle shall be within such markings, front and rear; provided that upon a one-way roadway all vehicles shall be so parked, except that the left-hand wheels of the vehicle may be parallel with and within twelve inches from the left-hand curb, but the front of the vehicle in any event and with respect to the remainder of the vehicle, shall be in the direction of the flow of traffic upon such one-way street; and it is unlawful to park in violation of this Section.

SEC. 5-0307. ANGLE PARKING. Where angle parking has been established by Council resolution, and is allowed, as shown by curb or street marking or sign-posting, or all or any of them, each vehicle stopped or parked shall be at an angle of approximately 45 to 60 degrees with the front wheel touching the curb and within any parking lines painted on the curb or street, provided that the front wheel not touching the curb shall be the portion of the vehicle furthest in the direction of one-way traffic; and it is unlawful to park in violation of this Section.

SEC. 5-0308. STREETS WITHOUT CURB. Upon streets not having a curb each vehicle shall be stopped or parked parallel and to the right of the paving, improved or main traveled part of the street; and it is unlawful to park in violation of this Section.

SEC. 5-0309. PARKING HOURS. Parking on streets shall be limited as follows:

Subd. 1. It is unlawful for any person to stop, park or leave standing any vehicle upon any street for a continuous period in excess of 24 hours.

Subd. 2. The Chief of Police may, when authorized by resolution of the Council, designate certain streets, blocks or portions of streets or blocks as prohibited parking zones, or five-minute, ten-minute, fifteen-minute, thirty-minute, one-hour, two-hour, four-hour, six-hour, eight-hour, morning or afternoon rush hour limited parking zones and shall mark by appropriate signs any zones so established. Such zones shall be established whenever necessary for the convenience of the public or to minimize traffic hazards and preserve a free flow of traffic. It is unlawful for any person to stop, park or leave standing any vehicle in a prohibited parking zone, for a period of time in excess of the sign-posted limitation, or during sign-posted hours of prohibited parking.

Subd. 3. It is unlawful for any person to park a vehicle within eight (8) feet of any residential mailbox between the hours of 8:00 A.M. and 2:00 P.M. on any day except Sunday.

Subd. 4. It is unlawful for any person to remove, erase or otherwise obliterate any mark or sign placed upon a tire or other part of a vehicle by a police officer for the purpose of measuring the length of time such vehicle has been parked.

Subd. 5. For the purpose of enforcement of this Section, any vehicle moved to a location less than one block from the previous location in any limited time parking zone shall be deemed to have remained stationary.

SEC. 5-0310. EMERGENCY.

Subd. 1. Definition. For purposes of this Section, the term "emergency" means a condition created on City streets because of the presence of snow, freezing rain, sleet or ice thereon, or other natural phenomenon which create or are likely to create hazardous road conditions or impede or are likely to impede the free movement of fire, health, police, emergency or other vehicular traffic, when the same has been duly declared.

Subd. 2. Declaration of Emergency. Whenever in the opinion of the Chief of Police, or in his/her absence his designee, an emergency exists, he/she may declare the same and cause an announcement thereof to be made to local news media.

Subd. 3. Beginning and Duration of Emergency.

A. The emergency shall begin one hour after announcement to news media.

B. Once declared, the emergency shall remain in effect for the ensuing 24 hours, provided, that the emergency may, in the same manner, be redeclared for subsequent like periods of time.

Subd. 4. Unlawful Acts.

A. During an emergency, it is unlawful to park or leave standing any vehicle upon a snow emergency route designated and duly sign-posted as such.

B. During an emergency, it is unlawful to park or leave standing any vehicle upon a street on which parking has been restricted by the declaration of an emergency.

Subd. 5. Exceptions. This Section shall not apply to (1) persons in charge of wreckers or authorized emergency vehicles while actually servicing mechanical, fire, police or medical emergencies, or (2) any street when it has been fully and completely (curb-to-curb) cleared, sanded, salted, or cleaned.

SEC. 5-0311. SNOW REMOVAL; PARKING RESTRICTIONS.

Subd. 1. Removal of Vehicles. After a snowfall of approximately two inches, or more, vehicles parked on any City street or avenue, that is not otherwise posted, must be removed prior to 8:00 a.m. on the day following the day that street or avenue is first plowed. Vehicles may not be returned until after such street or avenue has been plowed and widened to its full width. At that time, the restrictions imposed by this Section shall cease until the next snowfall.

Subd. 2. Notices and Posting. The Chief of Police or the Street Superintendent may direct that notices be placed on vehicles parked on any particular street or avenue or that the entire street or avenue be posted with notice requiring that all parked vehicles be removed from all portions of such street or avenue as needed, from time to time, for street cleaning, street maintenance, snow removal, or any other purpose on a temporary basis.

Subd. 3. Placement of Snow. It is unlawful for any resident to push, blow or otherwise place snow from any portion of their property onto City streets or avenues.

Subd. 4. Penalties and Impoundment. Violation of this Section shall be considered a petty misdemeanor. Additionally, vehicles violating this Section may be impounded and will be released to the owner only upon the payment of towing charges, daily impound fees, the petty misdemeanor fine, and any other costs relating to the towing and impound of the vehicle.

(SEE SEC. 1-0904, FEES, RATES AND CHARGES SCHEDULE)

SEC. 5-0312. TRUCK PARKING.

Subd. 1. Definition.

A. "Truck" - A Vehicle designed to haul commodities with a gross vehicle weight of more than 20,000 lbs gross vehicle weight.

B. "Weight Restrictions of City Streets" - 10,000 lbs maximum axle weight.

Subd. 2. It is unlawful to park a detached semi-trailer upon any street, City-owned parking lot, or other public property except such as are specifically designated by the Council by resolution and sign-posted.

Subd. 3. It is unlawful to park a truck, truck-trailer, tractor-trailer or truck-tractor within an area zoned as a residential district except for the purpose of loading or unloading the same, and then only during such time as is reasonably necessary for such activity. Provided,

however, that a truck under the legal Weight Restrictions of City Streets may be parked at the residence of the owner for plug-in availability only, from November 1 until road restrictions are placed on roads by the Minnesota Department of Transportation each Spring.

Subd. 4. It is unlawful to park a truck upon any street in the business district except streets as specifically designated by the Council by resolution and sign-posted, but parking of such truck for a period of not more than twenty (20) minutes shall be permitted in such space for the purpose of necessary access to abutting property while actively loading or unloading when such access cannot reasonably be secured from an alley or from an adjacent street where truck parking is not so restricted.

Subd. 5. It is unlawful to diagonally park a truck or other vehicle using or equipped with a trailer, or extended body or other extension or projection beyond the original length of such vehicle, or any passenger bus, along any street except for a time sufficient to load or unload, and in such case, only parallel parking shall be permitted. Provided, however, that a truck may stand backed up to the curb if the weight or bulk of the load makes parallel parking impracticable, but then only for a period of time sufficient to load or unload.

Subd. 6. It is unlawful to park within the City, any vehicle or trailer equipped with a tank used to transport or store anhydrous ammonia or related toxic products.

Subd. 7. Parking of commercial vehicles is permitted in duly designated and sign-posted loading zones, and in alleys, for a period of up to twenty (20) minutes, provided that such alley parking does not prevent the flow of traffic therein, all of which shall be for the purpose of access to abutting or adjacent property while actively loading or unloading.

Subd. 8. Idling of semi-tractors is not allowed in residential zones between the hours of 9:00 p.m. and 6:00 a.m. unless they are attached to a trailer and actively loading or unloading. Idling of semi-tractors is allowed for a period of 20 minutes between the hours of 6:00 a.m. and 9:00 p.m. unless they are attached to a trailer and actively loading or unloading during which they are allowed to idle.

Subd. 9. Violations of this ordinance shall be punished as a petty misdemeanor.

SEC. 5-0313. PARKING RULES IN CITY PARKING LOTS AND RAMPS. In City-owned parking lots and ramps, the Council may limit the sizes and types of motor vehicles to be parked thereon, hours of parking, and prescribed method of parking, provided that such limitations and restrictions are marked or sign-posted thereon. It is unlawful to park or leave standing any vehicle backed into a parking place, to drive in a direction opposite the flow of traffic marked by "one-way" signs or arrows, or to park any vehicle in any City-owned parking lot or ramp contrary to the restrictions or limitations marked or sign-posted therein. No overnight parking is permitted in the City-owned parking lots without permission from the Police Department.

SEC. 5-0314. IMPOUNDING AND DISPOSITION OF VEHICLE.

Subd. 1. Impounding Procedures:

A. Establishment: The Council may establish and provide one or more impounding lots for the purpose of keeping and storing impounded motor vehicles.

B. Removal of Vehicle: Whenever any police officer finds any vehicle obstructing the traffic or improperly parked so as to be hazardous to public safety on any street or obstructing the entrance of any private driveway, or interfering with the maintenance, cleaning, repairing or snow removal on any streets, or if the vehicle needs to be safeguarded after its driver has been arrested, the officer may remove the vehicle and hold it in the impounding lot or lots or until the City is reimbursed for all costs and charges of the removal and storage or until the same has been disposed of as hereinafter provided. This subsection shall be applicable to any motor vehicle found standing in or upon any street where the same has not been moved or used for a period of twenty four (24) hours, regardless of the requirements set out in this Section.

C. Charges: The City Council shall set by resolution the fee for towing a motor vehicle so impounded from the place where found to the place where it is impounded, and shall be resolution set an administrative fee and a storage fee for the motor vehicle so impounded.

D. Lien: The City shall have a lien upon the motor vehicle for the tow charge and for ground use. If any sum secured by such lien be not paid within thirty (30) days after the motor vehicle has been impounded, the City may sell the property and out of the proceeds of the sale there shall be paid first, all charges and disbursements of the sale; second, all charges paid by the City to any other person in connection with the towing and storage of the motor vehicle; and third, the total indebtedness then secured by the lien.

E. Foreclosure by Sale: The sale shall be made at public auction where the property is situated. A notice stating the time and place of sale, the amount which will be due on the date of sale exclusive of the expenses of advertising and sale, and the grounds of the lien, giving a general description of the property to be sold, shall be served personally on the owner of the property if the owner can be found within the City or within the county in which the property is stored, and if the owner cannot be found, then it shall be mailed to the owner at least three (3) weeks before the time fixed for the sale if the place of residence or post office address of the owner is known to the city officials or with due diligence can be learned by the City authorities, and shall be published once each week for three (3) successive weeks in the official newspaper. The last publication of such notice shall be at least one week prior to the date of sale. In case neither the place of residence nor the post office address of such owner is known to the City authorities and cannot with reasonable diligence be learned, the publication of notice shall be sufficient to authorize such sale.

F. Sale: The property sold shall be in view at the time of the sale. Under the power of sale, any motor vehicle impounded may be sold to satisfy the amount due at the time of sale, including expenses, and the property may be offered for sale and sold in the form and condition that the same was received by the City. The City, its representatives or officials, may fairly and in good faith purchase any property sold under this Section, provided the sale is conducted by the sheriff of the county, the sheriff's deputy, or a licensed auctioneer.

G. Papers to be Filed: All papers had and made in connection with the sale provided for shall be filed with the City Clerk.

H. Foreclosure by Action: Nothing in this Section shall prohibit the City from foreclosing the lien by action in the District Court and pursuant to the order of the Court made in such action.

I. Release of Impounded Vehicles: No person shall take from the impounding lot or other place designated by the Council, any impounded vehicle without first paying all charges and liens against the same.

J. Records: The Police Department shall keep a full and complete record of all motor vehicles impounded, together with a record of all charges and fees against the same in a book provided therefor by the City.

Subd. 2. Disposition of Unclaimed Motor Vehicles: Any motor vehicle which is in the custody of the City by reason of having impounded the same, or otherwise lawfully coming into the possession of the City and remaining unclaimed by the owner, may be disposed of by the City at a public auction sale conducted by a representative of the Police Department in the following manner:

A. The vehicle must have been in possession of the City for a period of not less than thirty (30) days after the mailing of notice to the registered owner, if any.

B. Prior to disposal of any such motor vehicle, the City shall mail to the registered owner, if any, as shown by the records of the state registrar of motor vehicles, notice of its possession and intent to dispose of said motor vehicle.

C. The definition of motor vehicle shall be the same as that set forth in Section 169, Minnesota Statutes.

D. The motor vehicle shall be sold to the highest bidder at a public auction sale. Notice of auction must be published in the official publication of the City once each week for two (2) successive weeks.

E. The net proceeds of any such sale shall be placed in the general revenue fund of the City, the net funds being described as the sale price less any costs of handling, storing or sale of such vehicle. Any such net proceeds shall be paid over to the former owner of the motor vehicle upon application and satisfactory proof of ownership within six (6) months of the sale.

(SEE SEC. 1-0904, FEES, RATES AND CHARGES SCHEDULE)

SEC. 5-0315. LOADING ZONES. The Council may, by resolution, establish loading zones to be used for the specific purpose of loading or unloading merchandise from a commercial vehicle or vehicle temporarily being utilized in the transport of merchandise. Such loading zones shall be installed by order of the City Administrator where in the judgment of the Council a commercial loading zone is justified, and duly sign-posted.

SEC. 5-0316. VEHICLE REPAIR ON STREET. It is unlawful for any person to service, repair, assemble or dismantle any vehicle parked upon a street, or attempt to do so, except to service such vehicle with gasoline or oil or to provide emergency repairs thereon, but in no event for more than 24 hours.

SEC. 5-0317. PARKING FOR THE PURPOSE OF ADVERTISING OR SELLING MERCHANDISE. It is unlawful for any person to park a vehicle on any street for the purpose of advertising such vehicle for sale, for the purpose of advertising for sale or selling merchandise thereon or therein, or advertising any merchandise for sale or a forthcoming event.

SEC. 5-0318. PHYSICALLY HANDICAPPED PARKING.

Subd. 1. Statutory parking privileges for physically handicapped shall be strictly observed and enforced. Police officers [and trained citizen volunteers] are authorized to tag vehicles on either private or public property in violation of such statutory privileges.

Subd. 2. It is unlawful for any person, whether or not physically handicapped, to stop, park, or leave standing, a motor vehicle (1) in a sign-posted fire lane at any time, or (2) in lanes where, and during such hours as, parking is prohibited to accommodate heavy traffic during morning and afternoon rush hours.

SEC. 5-0319. PARKING ON PRIVATE PROPERTY WITHOUT CONSENT. It is a misdemeanor to park or abandon a motor vehicle on the property of another, or upon an area developed as an off-street parking facility, without the consent of the owner, lessee or person in charge of any such property or facility.