

CHAPTER 71: PARKING REGULATIONS

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Cross-reference:

Abandoned vehicles, see Chapter 90

§ 71.01 NO PARKING WHERE POSTED.

No person shall stop, stand or park a vehicle upon the public streets of the city at any place where official signs or where appropriate devices, marks, or painting, either upon the surface of the street or the curb immediately adjacent thereto, prohibit these acts.

Penalty, see § 10.99

§ 71.02 LIMITED PARKING.

No person shall stop, stand or park a vehicle upon the public streets of the city where official signs are erected limiting the parking time thereon, for a period of time in excess of the time as designated by the official signs.

Penalty, see § 10.99

§ 71.03 OTHER PARKING RESTRICTIONS.

The City Council may by resolution order the placing of signs, devices or marks, or the painting of streets or curbs prohibiting or restricting the stopping, standing or parking of vehicles on any street where, in its opinion, as evidenced by a finding in its official minutes, the stopping, standing or parking is dangerous to those using the highway, or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic. The signs, devices, marks or painting shall be official signs, devices, marks or painting, and no person shall stop, stand or park any vehicle in violation of the restrictions thereon or as indicated thereby.

Penalty, see § 10.99

§ 71.04 DECLARATION OF SNOW EMERGENCY; PARKING PROHIBITED.

(A) The Mayor, Police Chief or other designated official may declare a snow emergency in the city. The emergency shall continue in effect for a period of 24 hours or until the snow has been removed from the city's streets or until the snow emergency has been rescinded by action of the Mayor, Police Chief or other designated officer.

(B) Notice of the declaration of a snow emergency shall be given by notifying the local news media; however, the notification shall be a service aid only and not a duty on the part of the officials.

(C) During a declared snow emergency, no motor vehicle shall be left parked on any street or public way in the city.

(D) During a declared snow emergency, any police officer who finds a motor vehicle in violation of this section shall attempt to contact the owner of the motor vehicle and require the owner to immediately move the motor vehicle so as not to be in violation of this section. If the owner does not immediately remove the motor vehicle or the owner cannot be located, the police officer is authorized to have the motor vehicle removed at the owner's expense.

Penalty, see § 10.99

§ 71.05 PARKING CERTAIN SEMI-TRAILERS OR TRACTORS ON PUBLIC STREETS PROHIBITED.

No person shall park a semi-tractor or trailer, or any truck rated with a gross vehicle weight in excess of 10,000 pounds, in any area of the city zoned for residential use or other area designated by City Council resolution except when the vehicle is parked in a completely enclosed garage.

Penalty, see § 10.99

§ 71.06 OVERNIGHT PARKING.

The following vehicles shall not be allowed to park on city streets overnight: repair, delivery, rented vehicles with commercial plates and refuse and recycling haulers or any other vehicle not registered as a passenger vehicle.

Penalty, see § 10.99

§ 71.07 REPAIRING OF VEHICLES.

Minor repairs and tune-ups, such as replacement of spark plugs, spark plug wires, thermostat, radiator or heater hoses, oil changes and brake jobs shall be permitted on city streets; provided, that they can be accomplished within the same day and completed by 10:00 p.m. All other repairs shall be considered major repairs and shall not be permitted on any city street, unless the repairs are made within an enclosed structure allowed within the zoning district. Damage to city streets because of repairs or lack of repairs shall be charged to the person responsible for the damage to the city streets.

§ 71.08 PROHIBITING PARKING AREAS IN FRONT YARDS IN RESIDENTIAL ZONES.

(A) The construction, operation or maintaining a parking area, either paved or unpaved, in the front yard of any lot is prohibited in any area zoned for residential use. For the purpose of this section, front yard shall mean and include that area between the sidewalk, or street line in the event there is no sidewalk, and the front line of the principal building, extending in both directions to the side lot lines.

(B) Use of that portion of a vacant lot within 30 feet of the sidewalk lines for parking in an area zoned for residential use is prohibited.

(C) Driveways in any area zoned for residential use shall not exceed 25% of the width at the front or side lot line. Where more than one driveway is desired or required, they shall be at least 70 feet apart.

(D) The front part of any lot shall not be used for the parking of an automobile, truck, trailer, tractor, recreational vehicle, camper, travel trailer, camper top, tent, wagon, boat, boat trailer, storage area or motor home.

(E) No person, being the owner or having control of any building, shall violate or fail to conform to any provision of this section, or fail to obey any lawful order of an officer charged with its enforcement. Each and every day on which any person continues to violate the provisions of this section, after having been notified of the violation, shall constitute a separate offense. This conviction shall not relieve any person from thereafter complying with the provisions of this section, and shall be sufficient cause to refuse further building or land use permits to the offender until a time as the orders have been complied with.

Penalty, see § 10.99

§ 71.09 IMPOUNDMENT.

Any police officer may order the removal of a vehicle from a street to a garage or other place of safety when the vehicle is left unattended and constitutes an obstruction to traffic or hinders snow removal, street improvements or maintenance operations. The vehicle shall not be released until the fees for towing and storage are paid in addition to any fine imposed for violation of this chapter.

§ 71.10 PRIMA FACIE VIOLATIONS.

The presence of any motor vehicle on any street 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.

§ 71.11 SEMITRAILERS.

(A) *Parking or standing prohibited generally; permit required.* No person shall stand or park, or allow to stand or be parked, a semitrailer unattached from a tractor unit on any street in the city, except in an emergency in order to change tractors, without first obtaining a parking permit from the city council.

(B) *Permit issuance conditions.* The city council shall issue a semitrailer parking permit upon assurances from the applicant for such permit that a base suitable to prevent damage to road surfaces from the dolly legs will be used. The utility superintendent is hereby authorized to establish minimum standards for the base. The semitrailer parking permit shall be conspicuously displayed on the semitrailer at all times. For purposes of this section, dolly legs shall mean the front supports for a semitrailer when unattached from a tractor unit.

(C) *Violations.* The following shall constitute violations of this section:

(1) Parking or standing or allowing to be parked or stood upon a street in the city a semitrailer unattached from a tractor unit, except in an emergency in order to change tractors, without a semitrailer parking permit as provided in this section.

(2) Standing or parking, or allowing to be stood or parked, a semitrailer unattached from a tractor unit, except in an emergency in order to change tractors, without properly displaying a semitrailer parking permit as provided in this section.

(3) Standing or parking, or allowing to be stood or parked, a semitrailer unattached from a tractor unit for a period of time on any street in the city, except in an emergency in order to change tractors, without providing and using a base for the semitrailer's dolly legs as required by the utility superintendent.

(D) *Penalties.* A violation of this section shall constitute a petty misdemeanor and be punishable by a fine of not more than \$100.00. A violation of subsection (C)(1) of this section shall be punishable by a fine of not less than \$25.00 or more than \$100.00.

§ 71.12 ANGLE PARKING.

(A) *Required on certain parts of West Second Avenue.* Angle parking shall be required on the west and east sides of West Second Avenue between West Second Street on the north and West Fourth Street on the south. Every vehicle parked on such street shall be parked with the front of the vehicle facing the curb or the edge of the traveled portion of the street at an angle of approximately 45 degrees.

(B) *No parking, stopping or standing zones designated.* The utility superintendent may designate such portions of the street described in subsection (A) of this section as he deems necessary as to no parking, no stopping or standing zones and may limit the hours in which the restrictions apply. The utility superintendent shall mark by appropriate signs each zone so designated.

(C) *Penalty for violation of section.* Any vehicle parking on the portion of West Second Avenue described in subsection (A) of this section in violation of this section or in violation of the designated parking area shall constitute an obstruction to traffic. Any police officer may remove such vehicle from the street to a garage or other place of safety. Such vehicle shall not be released until the fees for towing or storage are paid in addition to any fine imposed for violation of this section. The fine imposed for violation of this section shall not be less than \$10.00 or more than \$100.00.

(D) *Prima Facie violation.* The presence of any motor vehicle on any street when standing or parked in violation of this section is prima facie evidence that the registered owner of the vehicle committed or authorized the commission of the violation.

§ 71.13 WINTER PARKING.

(A) *Purpose.* The purpose of this section is that the city believes that it is in the best interests of the residents of the city to assume basic responsibility for control of snow and ice on city streets to insure public safety. Reasonable ice and snow control is necessary for routine travel and emergency services. The city will provide such control in a safe and cost efficient manner, keeping in mind safety, budget, personnel, and environmental concerns. The purpose of this section is to enlighten the citizens of Halstad as to the difficulty of snow removal and the plowing of snow when vehicles remain on the streets. Vehicles remaining on streets during snow emergencies create hazardous conditions for public street workers and unnecessary expense for the citizens of Halstad.

(B) *Definitions.* The terms defined in this section shall have the following meanings ascribed to them:

BUSINESS DISTRICT shall be defined as the following areas:

- (1) Highway 200 from West Forth Avenue to East First Avenue;
- (2) West Second Avenue from West Second Street to West Fourth Street.

NOTICE OF SNOW EMERGENCY shall mean the posting of a written notice at the Halstad Municipal Utilities of the City of Halstad or a public announcement on a radio station broadcasting in the Halstad, Minnesota area. Notice shall be effective two hours after the notice is posted or two hours after the first announcement of the snow emergency on the local radio station, whichever is first.

UTILITY SUPERINTENDENT shall mean the Halstad Municipal Utilities Superintendent of the City of Halstad or such other person as may be designated by the utility superintendent in their absence or unavailability.

SNOW EMERGENCY shall mean the condition or conditions in existence as determined by the following criteria:

- (1) Snow accumulation or anticipated accumulation of two inches or more.
- (2) Drifting of snow that causes problems for travel.
- (3) Icy conditions which adversely affect travel.
- (4) Time of snow fall in relationship to heavy use of the streets.

(C) *Authority to declare emergency.* The utility superintendent shall have the authority to declare a snow emergency when conditions in the City of Halstad are such that any of the criteria referred to in subsection (B) under “Snow Emergency” have been met.

(D) *Parking during snow emergency.*

(1) No motor vehicle shall be parked on a public street in the City of Halstad for a period of 24 hours after a snow emergency has been declared or until the street has been completely plowed.

(2) The business district as defined in subsection (B) shall be exempted from the provisions of the preceding paragraph. There shall be no parking on public streets in the business district during the hours of 1:00 AM to 6:00 AM on any day from November 1 to the following April 1.

(3) No parking shall be allowed in areas in which parking is restricted as indicated by signage placed there by the public works department during snow removal activities.

(E) *Towing.* Any vehicle parked in violation of any provision of this ordinance, 12 hours after the declaration of a snow emergency may be towed away. The owner of the vehicle shall be responsible for all towing expenses. The vehicle shall not be released until payment of said expenses.

(F) *Penalties.* A violation of this ordinance shall constitute a petty misdemeanor which shall be punishable by a fine up to the maximum amount set by state law for a petty misdemeanor.

§ 71.14 ON-STREET PARKING.

(A) *Purpose.* The city council finds that in order to promote the health, safety and welfare of the citizens of Halstad and to promote traffic flow, that restrictions be placed upon the parking of certain vehicles upon certain city streets.

(B) *General parking prohibitions.* Parking of vehicles is hereby prohibited for more than 72 continuous hours on all public streets, boulevards, ditches and rights-of-way within the corporate limits of the city, with the exception of those streets or highways otherwise provided in the municipal code.

(C) *Designation of parking zones and fire lanes.* The council may, by resolution, designate streets, blocks or alleys, or portions thereof as no parking zones, as fire lanes, or as five-minute, 10-minute, 15-minute, 30-minute, one-hour, two-hour, or three-hour parking zones.

(D) *Parking.* No vehicle towing any more than 10,000 pounds gross vehicle weight rating (GVWR) with a gross combination weight rating (truck plus trailer) over 26,000 pounds; or a single vehicle over 26,000 GVWR or any vehicle carrying hazardous materials as they are defined in 49CFR171-180 (as now provided or hereafter amended) shall be parked upon the residential streets, boulevards, ditches, or rights-of-way in the city. This subsection does not apply to recreational vehicles or road construction vehicles or delivery vans between the hours of 7:30 AM and 7:30 PM, while making a delivery or a pick up.

(E) *Immobile vehicles and trailers.* Immobile vehicles and recreational trailers incapable of movement under their own propulsion shall not be parked or stored on public streets, boulevards, ditches, and rights-of-way within the city for more than 72 continuous hours.

(F) *Access.* No vehicle shall be parked so as to obstruct a public sidewalk or private driveway or mailbox.

(G) *Exceptions.* This section shall not apply to the following circumstances.

(1) City vehicles parked in connection with official city business.

(2) Police, fire and other medical emergency vehicles of public or private utility vehicles parked in connection with official duties.

(H) *Special use permit.* A special use permit allowing parking in violation of subsection (D) for home repair or construction contractors to park trailers or garbage box trailers may be obtained from the city clerk upon filing of an application setting forth the location, size, and purpose of the trailer. This special use permit may be rescinded by the city clerk upon 24 hours' notice and shall terminate without any notice upon completion of the home repair or construction.

(I) *Parked vehicles impounded.* A vehicle in violation of this section may be ordered removed from a public street, boulevard, ditch, and right-of-way by a law enforcement officer. The vehicle may be towed away to a garage, service station or other place of safekeeping as authorized by the city council as soon as possible. The vehicle will be surrendered to the duly identified owner or its representative upon payment of the towing and storage fees. Removal of the vehicle does not bar prosecution for a violation of this section.

(J) *Penalties.*

(1) Any person found to be in violation of any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a penalty of not less than \$50.00 nor more than \$300.00. Each day in which such violation occurs shall be deemed a separate offense.

(2) Any person violating any of the provisions of this section shall be liable to the city for any expenses, loss or damage occasioned by the city as a result of such violation, including damage to streets, court costs and reasonable attorney's fees.

§ 71.15 IMPOUNDMENT

The city council may establish and provide one or more impounding lots for the purpose of keeping and storing impounded motor vehicles as provided in this division. Any motor vehicles impounded by the city shall be placed in the impounding lots or other place as the council may designate.

§ 71.16 CAUSES FOR REMOVAL AND HOLDING; REIMBURSEMENT OF CITY FOR COSTS AND CHARGES.

Whenever any police officer finds any unattended vehicle obstructing the traffic on any street, avenue or alley, or obstructing the entrance of any private driveway, or interfering with the maintenance, cleaning, repairing or snow removal on any streets, avenues or alleys, he may remove such vehicle, or cause the same to be removed, and hold the same in the impounding lot or such other place as the council shall designate until the city is reimbursed for all costs and charges of such removal and storage or until the same has been disposed of as provided in section § 71.20.

§ 71.17 APPLICABILITY OF SECTION 71.16 TO VEHICLES NOT MOVED OR USED FOR 24 HOURS.

All the provisions of section 71.16 shall be applicable to any motor vehicle found standing in or upon any street, avenue or alley when the vehicle has not been moved or used for a period of 24 hours.

§ 71.18 TOWING CHARGE; GROUND RENT FEES.

The city shall make a charge or actual cost, whichever is greater, for towing a vehicle so impounded from the place where found to the place where the vehicle is impounded, and thereafter shall charge as ground rent for the space on which the vehicle stands the currently required fees.

§ 71.19 LIEN IMPOSED.

The city shall have a lien upon such motor vehicle for such tow charges and ground use.

§ 71.20 SALE OF VEHICLE AT PUBLIC AUCTION; NOTICE TO OWNER; PUBLICATION OF NOTICE.

Any motor vehicle so impounded, or otherwise lawfully coming into possession of the city, which remains unclaimed or upon which the fees provided for in section 71.18 remain unpaid for a period of

20 days, may be sold to the highest bidder at public auction after giving mailed notice to the registered owner, if any, as shown by the records of the state registrar of motor vehicles, notice of its possession and intention to dispose of the vehicle at least 30 days prior to the auction. Notice of such public auction shall also be published in the official newspaper of the city once each week for two successive weeks.

§ 71.21 USE OF SALE PROCEEDS.

The proceeds from the sale of any such impounded motor vehicle, less any costs of handling, storage or sale of such vehicle, shall be placed in the general fund of the city. 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 months of the date of sale.

