

Ordinance # 91
General & Winter Regulations for Parking & Storage of
Vehicles, Junk & Abandoned Vehicles
Regulations for Commercial Trucks/Tractors, Semi Trailers

The City Council of Vernon Center, Minnesota, ordains:

Sect. 1. Definitions

- a. Person: An individual, firm, association, partnership, or corporation, and any agent of any of the aforesaid.
- b. Owner: A person who has a lawful right of possession of a vehicle and/or trailer by reason of obtaining it by purchase, exchange, gift, lease, inheritance or legal action whether or not the vehicle and/or trailer is subject to a security interest, and means registered owner where the reference to owner may be construed as either to registered or legal owner.
- G. Vehicle: Every device capable of being moved upon a street or alley and in, upon, or by which any individual or property is or may be transported or drawn upon a street or alley. A bicycle, power wheelchair, electric personal assistive mobility device and golf cart shall not be considered a vehicle for purposes of Ordinance #91. As used in this Ordinance #91, the term "vehicle" shall include all other vehicles defined herein.
- d. Recreational Vehicle: For the purposes of this ordinance, a recreational vehicle means a vehicular unit primarily designed as temporary living quarters for recreational, camping or travel use, being of such size or weight as not to require a special highway movement permit, including without limitation camping trailers, travel trailers, motor homes and truck campers, and any other type of temporary easily movable vehicle/residence.
- e. Trailer: Any vehicle without motive power designed to be drawn by or used in conjunction with a vehicle constructed so that no appreciable part of its weight rests upon or is carried by such vehicle, but does not include a municipal transit vehicle, or any portion thereof. "Trailer" does not include a cargo extension.
- f. Junk Vehicle: Any vehicle meeting any of the following requirements:
 1. Left on private property without the permission of the person having right to the possession of the property;
 2. Left on a street, alley way open to the public, or on municipal or other public property for seventy-two (72) hours or longer;
 3. Extensively damaged, such damage including but not limited to any of the following: A broken or missing window or windshield, missing wheels, tires, motor, or transmission, or leaking hazardous liquids or materials;
 4. Apparently inoperable;
 5. Having a fair market value of Five Hundred Dollars (\$500) or less; or
 6. Without a current certificate of registration or a current and proper vehicle license.

Sect. 2. General Parking Regulations

- a. All vehicles on city streets and not in motion shall be parked to the right of the main traveled portion of the street and parallel to it and in such a manner as not to interfere with the free flow of traffic, unless angle parking is designated by appropriate signs or markings.
- b. No vehicle or recreational vehicle shall be parked on city sidewalks or in a manner blocking a public or private driveway or within the street right of way.
- c. No vehicle or recreational vehicle shall be parked on public alleys except for the purpose of loading or unloading at which time parking shall be made with the least inconvenience to the passing traffic in said alley.
- d. Recreational vehicles may not be parked on the city streets for longer than a continuous period of 24 hours. They may be stored in an enclosed building or parked on private property in the rear yard, side yard, or driveway and follow all setbacks and number allowed as stated in the current city zoning ordinance.
- e. No person shall service, repair, replace parts, dismantle, or do maintenance work on any vehicle or recreational vehicle on any public street or alley unless such work is for emergency service to a disabled vehicle or disabled recreational vehicle.
- f. "No Parking" signs may be placed by the City on any street to permit repair, construction, snow removal, street cleaning, or other such activities. It shall be unlawful for a person to park in an area so designated as "No Parking."
- g. It shall be unlawful for a person to park in an area designated and posted as a fire lane.

Sect. 3. Winter Parking Regulations

- a. Following the accumulation of two inches or more of snow fall in the City of Vernon Center, it shall be unlawful for the driver or owner of any vehicle, trailer or implement to park or leave standing such a vehicle, trailer or implement on any street or alley within the corporate limits of the City of Vernon Center at or after 1:00 a.m. Parking may not be resumed on any streets or alleys until snow removal has been completed curb to curb on said streets or alleys.

Sect. 4. Parking & Storage

- a. A person must not cause, undertake, permit, or allow the outside parking and storage of vehicles on residential property unless it complies with the following requirements:
 1. Vehicles, including recreational vehicles, which are parked or stored outside in the front yard areas must be on a paved or graveled parking surface or driveway area.
 2. Vehicles, watercraft, and other vehicles stored outside on residential property must be owned by a person who resides on that property. Students who are away for school for periods of time, but still claim the property as their legal residence will be considered residents on the property.

- b. **Moving Attended Vehicle.** In the event any peace officer or designated city official finds any attended vehicle standing upon any street, alley or municipally owned parking lot or facility in violation of any provision of Ordinance #91, such officer or official is hereby authorized to move such vehicle or require the driver or other person having charge of such vehicle to move such vehicle to a position in compliance with the law.
- c. **Moving Unattended Vehicle.** In the event a peace officer or designated city official finds any unattended vehicle upon any street, alley or municipally owned parking lot, ramp or facility in violation of any provision of Ordinance #91, such officer or official is hereby authorized to provide for the removal of such vehicle to a position in compliance with the law, and in the event any charge shall be placed against such vehicle for the cost of such removal or subsequent storage, such charge shall be paid by the party claiming such vehicle prior to the removal of the vehicle from such position.

Sect. 5. Inoperable Vehicles

- a. **Declaration of nuisance.** Any vehicle described in this section shall constitute a hazard to the health and welfare of the residents of the community as such vehicles can harbor noxious disease, furnish a shelter and breeding ground for vermin, and present physical danger to the safety and well-being of children and citizens. Vehicles also contain various fluids which, if released into the environment, can and do cause significant health risks to the community.
- b. **Inoperable vehicles.** It shall be unlawful to keep, park, store or abandon any vehicle that is not in operating condition, partially dismantled, used for repair or parts for other vehicles, kept for scrapping, dismantling, or salvage of any kind, or which is not properly licensed for operation within the state, or which constitutes a junk vehicle pursuant to Minn. Stat. §168B.011, subd. 3, or as defined in Section 1(e) of this Ordinance, as they may be amended from time to time.
- c. **Screening.** This section does not apply to a vehicle enclosed in a building and/or kept out of view from any street, road, or alley, and which does not foster complaint from a resident of the city. Privacy fencing is permissible.

Sect. 6. Duties of City Officers. City officials may apply and enforce any provision of this ordinance relating to public nuisances within this jurisdiction. Any peace officer or other designated city official shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of such public nuisances. Except in emergency situations of imminent danger to human life and safety, no peace officer or designated city official will enter private property for the purpose of inspecting or preventing public nuisances without the permission of the owner, resident, or other person in control of the property, unless the officer or person designated has obtained a warrant or order from a court of competent jurisdiction authorizing entry.

Sect. 7. Abatement Procedure

- a. **Procedure.** Whenever the peace officer or other designated official determines that a public nuisance is being maintained or exists on the premises in the city, the official shall notify, in writing, the owner of record and occupant of the premises of such fact and order that the nuisance be terminated or abated. The notice of violation shall specify the steps to be taken to abate the nuisance and the time within the nuisance is to be abated. If the notice of violation is not complied with within the time specified, the official shall report the fact forthwith to the City Council. Thereafter, the City Council may, after notice to the owner and occupant and an opportunity to be heard, determine by Order that the condition identified in the notice of violation of this Ordinance is not abated within the time prescribed by the official and may seek injunctive relief by serving a copy of the City Council Order and notice of motion for summary enforcement in accordance with Section 7(b) of this Ordinance #91, or may obtain an administrative search and seizure warrant and abate the nuisance.
- b. **Notice.** Written notice of the violation; notice of the time, date, place, and subject of any hearing before the City Council; notice of the City Council order; and notice of motion for summary enforcement hearing shall be served by a peace officer or designated official on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premise is not occupied, the owner of record is unknown, or if the owner of record or occupant refuses to accept notice, notice of the violation shall be served by posting it on the premises.
- c. **Emergency procedure; summary enforcement.** In cases of emergency, where delay in abatement required to complete the procedure and notice requirements as set forth in subdivisions (a.) and (b.) of this section will permit a continuing nuisance to unreasonably endanger public health, safety, or welfare, the City Council may order summary enforcement and abate the nuisance. To proceed with summary enforcement, the peace officer or other designated official shall determine that a violation of this Ordinance exists or is being maintained on premises in the city and that delay in abatement will unreasonably endanger public health, safety or welfare. The officer or designated official shall notify, in writing, the occupant or owner of the premises of the nature of the violation, whether public health, safety, or welfare will be unreasonably endangered by delay in abatement if required to complete the procedure set forth in subdivision (a.) of this section and may order that the violation be immediately terminated or abated. If the violation is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.
- d. **Immediate abatement.** Nothing in this section shall prevent the city, without notice or other process, from immediately abating any condition that poses an imminent and serious hazard to human life or safety.
- e. **Judicial remedy.** Nothing in this section shall prevent the city from seeking a judicial remedy when no other adequate administrative remedy exists.

Sect 8. Commercial Trucks-Truck Tractors-Semi Trailers-Trailers

- a. **Travel on Streets.** The City Council by resolution may designate streets in which travel by commercial vehicles with GVW (gross vehicle weight) in excess of 10,000 pounds is prohibited. The City shall have appropriate signs placed on those streets and no person shall operate such vehicle on those posted streets. These restrictions do not apply to City or emergency vehicles, public school buses, or to garbage/refuse trucks making regular collections. Nor shall these restrictions apply if the commercial vehicles as stated above must use the particular street in question for the purpose of local pickup, delivery, or service.
- b. **Truck Routes.** A map showing the current approved and designated truck routes within the City shall be available at City Hall.
- c. **Parking.** A commercial truck, truck tractor, semi-trailer, or trailer or any combination of the same may be parked in a completely enclosed garage or shed. Those wanting to park a commercial truck or truck tractor in a driveway on a residential zoned parcel must apply for a permit from the City in accordance with Section 9 of this Ordinance #91.
- d. **Detached Trailer.** It is unlawful for any person, as driver or operator of a semi-trailer, or as the registered owner of a semi-trailer, to park, stop or leave standing, or cause, allow or permit to be parked, stopped or left standing, whether knowingly or unknowingly, a semi-trailer, not attached to a truck or truck tractor upon any public street, municipally owned parking lot or parking facility, or other public property.
- e. **Parking Restrictions.** It is unlawful for any person, as driver or operator of a vehicle, having a GVW, as defined in Minnesota Statutes, Chapter 165, in excess of seven thousand (7,000) pounds, or as the registered owner of such vehicle, to park, stop or leave standing, or cause, allow or permit to be parked, stopped or left standing, whether knowingly or unknowingly, on any public street or in any municipally owned parking facility not identified by City Council resolution as permitted for Commercial Vehicles, except for a period of not more than thirty (30) minutes for the purpose of and while engaged in loading or unloading such vehicle.
- f. **Violation.** For violations of this section, any peace officer shall issue a verbal warning to the owner of the commercial truck, truck tractor, semi trailer, or trailer for the 1" offense. For all subsequent offenses, a citation will be issued.

Sect. 9. Permit

- a. A permit must be obtained from the City to park one commercial truck or truck tractor in the driveway on a residential zoned parcel.
- b. Permit Application is available at City Hall.
- c. Permit Application must be reviewed and approved by the City Council.
- d. Upon approval of a permit, an annual permit fee of \$25 will be charged for parking the commercial truck or truck tractor.
- e. The annual permit shall run from January-December. No permit fee will be pro-rated and the fee is non-refundable.

- f. A permit is not transferable upon the replacement of a commercial truck or truck tractor within the calendar year of permit issuance.
- g. It will be at City Council discretion to revoke a permit issued.
- h. When a permit is revoked, a person may appeal to the City within 10 days of the revocation. A special hearing will be arranged within 30 days after the appeal is filed. At such hearing the City Council shall hear all relevant information and argument and either reverse or affirm their decision to revoke the permit.
- i. The driver or the owner of the commercial truck or truck tractor must be the occupant of the property where it will be parked in the driveway.

Sect. 10. Recovery of Cost

- a. **Personal liability.** The owner of any vehicle or trailer which has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, shall be personally liable for the cost to the city of the abatement, including administrative costs. As soon as the removal has been completed and the cost determined, the City Clerk-Treas. or other C1 official shall prepare a bill for the cost and mail it to the owner. Thereupon, the amount shall be immediately due and payable at the office of the City Clerk-Treas.

A vehicle impounded cannot be released from impound until the towing and storage fees are paid in addition to any fine imposed.

- b. **Assessment.** After notice and hearing as provided in Minn. Stat. §429.061, as it may be amended from time to time, if the violation is a public health or safety hazard on private property, the City Clerk-Treas. shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges, as well as other charges for current services, to be assessed under Minn. Stat. §429.101 against each separate lot or parcel to which the charges are attributable. The City Council may then spread the charges against the property under that statute or any other pertinent statutes for certification to the county auditor and collection along with current taxes the following year, or in annual installments, not exceeding ten (10), as the City Council may determine in each case.

Sect. 11. Penalty. Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

Sect. 12. Severability. If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

Sect. 13. Repeal & Effective Date. Ordinance # 91, enacted on May 1, 2012, and any amendments to it are hereby repealed upon this ordinance taking effect from and after its passage and publication as provided by Minn. Stat. §412.191, subd. 4, as it may be

amended from time to time, which meets the requirements of Minn. Stat. §331A.01, subd. 10, as it may be amended from time to time.

Passed by the City Council of Vernon Center, Minnesota, this 8th day of November 2018.



Dana Ziegler, Mayor

Attested:



Diane Roelofs, City Clerk-Treas