

## ORDINANCE NO. 251

### AN ORDINANCE RELATING TO THE PARKING OF VEHICLES WITHIN THE CITY OF BRAHAM, MINNESOTA, AND IMPOSING PENALTIES FOR VIOLATION THEREOF

The City Council of the City of Braham Ordains:

#### SECTION I. Definitions.

Any term used in this Ordinance and defined in Minnesota Statutes 169.01 has the meaning given to it by that Section. Otherwise, all words and phrases used in this Ordinance shall be defined in accordance with their common usage and meaning.

#### SECTION II. Prohibitions.

No person shall stop, stand or park any vehicle, or permit it to stand or remain, whether attended or unattended, contrary to the following:

- A. Signs which have been erected as required by law or by order of the City Council;
- B. Any provision of this Ordinance.

#### SECTION III. Designation of Restricted Parking Zones.

The City Council may designate certain streets or portions of certain streets as any of the following: No Parking Zone, No Stopping Zone, No Standing Zone, Physically Handicapped Zone, Limited Parking Zone, Truck Zone, Loading Zone, Safety Zone, Bus Stop, Truck or Commercial Vehicle Parking Zone, and such other zones as may be necessary to assist in the direction and control of traffic. The City Council may adopt restrictions which apply to and govern the parking of vehicles in such designated zones.

All zones designated by the Council shall be marked by appropriate signs as determined by the Council. During the hours specified on each sign, no person shall stop, stand or park any vehicle or permit it to stand, whether attended or unattended, for a period of time longer than is specified on the sign, and no vehicle shall be stopped, allowed to stand, or parked in a no parking zone or in a zone where parking is otherwise prohibited, except as permitted by State law, and except as otherwise permitted hereunder.

#### SECTION IV. Funeral Processions and Emergency Parking.

- A. A vehicle may be parked temporarily in a zone which prohibits or restricts parking for the purpose of forming a funeral procession.

B. Any vehicle owned or occupied by a physician or authorized emergency first responder on an emergency call may be parked temporarily in a zone which prohibits or restricts parking for the purpose of making the call and rendering emergency service, provided the privilege shall not be granted for any time longer than is reasonably necessary to complete the call and render the service.

C. Any other authorized emergency vehicle, the driver or owner of which is engaged in responding to a bona fide emergency, may be parked temporarily in a zone which prohibits or restricts parking for the purpose of rendering emergency service, provided the privilege shall not be granted for any time longer than is reasonably necessary to complete and render the service.

#### SECTION V. Angle Parking and Parallel Parking.

Angle Parking shall be allowed only in areas designated for Angle Parking. In all other areas, all vehicles shall be parked parallel to the curb or edge of the roadway in accordance with state law.

#### SECTION VI. Parking Regulations.

Subd. 1. No person shall stop, stand or park any vehicle, or permit it to stand or remain, whether attended or unattended, in any of the following places:

- (a) On any curb, cross walk or side walk;
- (b) Along any curb marked with yellow paint;
- (c) Within any intersection;
- (d) Within ten (10) feet of a fire hydrant;
- (e) Within twenty (20) feet of the entrance to a fire station;
- (f) Within any restricted parking zone designated by the City Council;
- (g) Double Parking;
- (h) Blocking any driveway or alleyway;
- (i) In excess of a designated time limit or contrary to a posted parking prohibition;
- (j) On any street where snow removal, street maintenance, cleaning, repair, excavation is taking place or where commencement of such work has been announced or posted, or where such work makes the street partially obstructed;
- (k) On the wrong side of the street;
- (l) For the purpose of camping or sleeping in a motor vehicle within the City limits outside of areas designated for camping or sleeping.

Subd. 2. During the hours specified on any sign prohibiting or restricting parking, no person shall stop, stand, or park any vehicle, or permit it to stand or remain, whether

attended or unattended, for a period of time longer than is specified in such sign, and no vehicle shall be parked, allowed to stop or stand, nor shall any person stop, stand or park any vehicle or permit it to stand or remain, whether attended or unattended, in a zone where parking is prohibited.

#### SECTION VII. Overnight Parking Restriction.

From November 1 to April 1, it shall be unlawful for any person to park a motor vehicle, or any owner to permit a motor vehicle be parked on any street or public way in the City of Braham between the hours of 2 o'clock a.m. and 7 o'clock a.m.

#### SECTION VIII. Street Maintenance or Repair.

Subd. 1. No person shall stop, stand or park any vehicle, or permit it to stand or remain upon any street, whether attended or unattended during such time as street repair is taking place.

#### SECTION IX. Abandoned Vehicles.

All abandoned vehicles found within the City limits shall be dealt with in accordance with Minnesota Statutes 168 B.01 -168 B.101, except that a motor vehicle shall be considered abandoned when it has remained upon public property for a period of time in excess of five (5) days if the vehicles is illegally parked or inoperable, or when the vehicle has remained on private property for a period of excess of three (3) days without the consent of the owner or person having custody of the private premises, or if such vehicle is in inoperable condition.

#### SECTION X. Impoundment.

Any Police Officer may, consistent with Minnesota Statutes §169.041, remove or cause to be removed a vehicle from the street to a garage or other impound area when a vehicle is left unattended and constitutes an obstruction to traffic, is parked in violation of this Ordinance, or hinders street improvement or maintenance operations or is parked, stopped or standing in violation of any law or Ordinance or local authority of the City of Braham. Vehicles impounded pursuant to this Ordinance will be released to their lawful owner (or persons entitled to possession) upon showing of adequate evidence of a right of its possession and paying the amount of all accrued parking use fees, fines and costs for each outstanding citation, Notice, Summons or Warrant and, in addition thereto, the charges for towing and storage.

Whenever the Police Department or its authorized agent has impounded a vehicle described in this Ordinance, notice of such removal and the storage place of such vehicle shall be mailed to the last registered owner of said vehicle, within ten (10) days, if name and address of such owner can be ascertained with reasonable diligence. Such Notice shall:

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

B. Inform the owner and any lien holders of their right to reclaim the vehicle as provided herein; and

C. State the failure of the owner or lien holders to exercise their right to reclaim the vehicle and contents shall be deemed a waiver by them of all the right, title and interest in the vehicle and contents and consent to the sale of the vehicle and contents at a public auction authorized by this Ordinance.

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

The owner or any lien holder of a motor vehicle seized pursuant to this Ordinance shall have the right to reclaim such vehicle from the City of Braham upon payment set forth herein within fifteen (15) days after the date of the Notice of the taking of said motor vehicle.

If a motor vehicle seized pursuant to this Ordinance is not claimed, it shall be sold at public auction as provided by Minnesota Statute 168B.08, as amended (1973).

#### SECTION XI. Registered Owner, Impoundment.

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

#### SECTION XII. Duty of Police, Impoundment.

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

towing and storage charges. This record shall be in the form prescribed by the Chief of Police.

#### SECTION XIII. Police Chief Authorized.

The Chief of Police is hereby authorized and directed to design and prepare all forms and to take other steps necessary to carry out the purposes and intent of this Ordinance.

#### SECTION XIV. Registered Owner, Prima Facia Evidence.

The presence of any motor vehicle on any street when standing or parked in violation of the Ordinance of the City of Braham is prima facia evidence that the registered owner of the vehicle committed or authorized the commission of the violation.

#### SECTION XV. Duties of Police Chief.

Subd. 1. It shall be the duty of the Police Chief under the direction of the Council, to keep account of all violations of this Ordinance.

Subd. 2. The Police Chief shall keep an account of and report with regard to each vehicle which has been parked in violation of any of the provisions of this Ordinance, the date and hour of such violation, the name and the State license number of such vehicle, and any other facts, the knowledge of which is necessary to a thorough understanding of the circumstances attending such violation.

Subd. 3. The Police Chief shall attach to any vehicle parked in violation of this Ordinance or any other Ordinance relating to parking in the City of Braham a ticket as provided by section II of this Ordinance.

#### SECTION XVI. Application for Designation of Loading or Truck Zone.

Any person desiring the establishment of a loading zone or a truck zone abutting premises occupied by him shall make written application to the City Council. If the City Council grants the request, the applicant shall be billed for the estimated cost of placing the signs and painting the curb and no signs shall be installed or action taken in connection with establishment of the zone until the estimated cost is paid by the applicant.

#### SECTION XVII. Semi-Trailer Truck.

No person shall allow a semi-tractor and/or semi-trailer or any combination of separation thereof, to stand or to be parked for more than four (4) hours on a street in the City except in an emergency in order to change tractors and/or trailers, in a designated area, or with permission of the Braham Police Department.

SECTION XVIII. Parking of Commercial Vehicles.

No person shall stop, stand, or park any vehicle or permit it to stand or remain upon any street, whether attended or unattended, in the business district of the City of Braham between the hours of 8:00 o'clock a.m. and 6:00 o'clock p.m., on a business day, if such vehicle has a net weight of more than 5500 pounds or a gross weight limitation of more than 10,000 pounds, except that such a vehicle may be parked temporarily in the business district for the purpose of having access to abutting property for the purpose of loading or unloading freight or other merchandise when such access cannot otherwise be secured from an alley or side street where such parking is not restricted, or in a designated area.

SECTION XIX. Penalty.

Whenever any vehicle is parked contrary to the provisions of this Ordinance or any other Ordinance relating to parking in the City of Braham, the Police Department shall attach to such vehicle a ticket meeting the requirements of state law stating that it has been parked in violation of an Ordinance and instructing the owner or operator to report to the Police Department in regard to such a violation. The owner or operator may pay the Chief of Police or his or her duly authorized agent or may deposit in receptacles provided at City Hall for such purposes in full satisfaction of such violations the sum of \$10.00 unless otherwise provided on the ticket or as specified in state law.

Any person violating any provision of this Ordinance or other Ordinances of the City of Braham relating to parking and who has not paid such sums of money as provided in this Section within 10 days after the ticket was issued shall be charged with a petty misdemeanor, and upon conviction thereof shall be subject to a fine of up to \$200.

SECTION XX. Effective Date.

This ordinance shall become effective upon its passage and publication.

SECTION XXI. Repeal of Previous Ordinances.

The following Ordinances are hereby repealed:

Ord. No. 106 Relating to the Parking of Vehicles...	Dated 5/2/1983
Ord. No. 176 Amending Ord. 106 Re. Semi-Trailer Truck Parking	Dated 9/2/1997
Ord. No. 215 Amending Ord. No. 202 Regarding Snowplowing...	Dated 4/2/2002
Ord. No. 228 Amending Ord. No. 106 Relating to the Parking...	Dated 2/3/2004

Section XXII. Summary for Publication.

The City Council hereby determines that the following summary clearly informs the public of the intent and effect of this ordinance and by a four-fifths vote of its members directs that only the title of the ordinance and the following summary be published pursuant to Minn. Stat. 412.191, Subd. 4:

CITY OF BRAHAM  
ORDINANCE NO. 251

AN ORDINANCE RELATING TO THE PARKING OF VEHICLES  
WITHIN THE CITY OF BRAHAM

Ordinance Number 251 regulates the parking of vehicles within the City and provides for the penalty for violations, effective immediately.

A printed copy of the full text of the ordinance is available for inspection by any person at the Braham City Hall.

Adopted by the Braham City Council this 3<sup>rd</sup> day of April, 2007.

Attest:

Sally A. Hoy  
Clerk/Administrator

[Signature]  
Mayor