

## **ORDINANCE #2009-2**

### **GENERAL PROVISIONS OF PARKING IN THE CITY OF BROWNSDALE**

#### **SECTION 1. PRESUMPTION**

As to any vehicle parking in violation of 2009- 2 of this City Code when the driver thereof is not present, it shall be presumed that the owner parked the same or that the driver was acting as the agent of the owner.

#### **SECTION 2. DEFINITION**

For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**VEHICLE.** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power.

#### **SECTION 3. 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:

- A) On a sidewalk;
- B) In front of a public or private driveway;
- C) Within an intersection;
- D) Within ten feet of a fire hydrant;
- E) On a crosswalk;
- F) Within 20 feet of a crosswalk at any intersection;
- G) In a sign-posted fire lane;
- H) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
- I) Within 50 feet of the nearest rail of a railroad crossing;
- J) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when properly sign-posted;
- K) Alongside or opposite any street excavation or obstruction when the stopping, standing or parking would obstruct traffic;
- L) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- M) Upon any bridge or other elevated structure upon a street;
- N) At any place where official signs prohibit or restrict stopping, parking or both;
- O) In any alley, except for loading or unloading, and then only so long as reasonably necessary for the loading and unloading to or from adjacent premises; or
- P) On any boulevard which has been curbed.

#### **SECTION 4. UNAUTHORIZED REMOVAL**

It is unlawful for any person to move a vehicle not owned by the person into any prohibited area or away from a curb a distance as is unlawful.

#### **SECTION 5. 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.

#### **SECTION 6. PARALLEL PARKING**

Except when angle parking is specifically allowed and indicated by curb marking or sign-posting, or both, 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 12 inches of, the right-hand curb, and, where painted markings appear on the curb or the street, the 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 12 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 the one-way street. It is unlawful to park in violation of this section.

#### **SECTION 7. ANGLE PARKING**

Where angle parking has been established by Council resolution, and is allowed, as shown by curb marking or sign-posting, or both, 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. It is unlawful to park in violation of this section.

#### **SECTION 8. 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. It is unlawful to park in violation of this section.

## **SPECIFIC PARKING ISSUES; IMPOUNDMENT; PROHIBITED ACTIVITY**

### **SECTION 9. PARKING HOURS**

- A) It is unlawful for any person to stop, park or leave standing any vehicle upon any street for a continuous period in excess of 48 hours.
- B) The City Engineer may, when authorized by motion of the Council, designate certain streets, blocks or portions of streets or blocks as prohibited parking zones, or five-minute, ten-minute, 15-minute, 30-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. The 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.
- C) 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, or other parking enforcement officer, for the purpose of measuring the length of time the vehicle has been parked.
- D) For the purpose of enforcement of this section, any vehicle moved less than one block in a limited time parking zone shall be deemed to have remained stationary.

### **SECTION 10. SNOW REMOVAL PARKING**

From November 1<sup>st</sup> through May 1<sup>st</sup> because of snow, freezing rain, sleet, ice, snow drifts or other natural phenomena, which create or are likely to create hazardous road conditions impeding, or likely to impede, the free movement of fire, health, police, emergency or other vehicular traffic, or the safety and welfare of the community, the City shall *Restrict parking on certain streets and parking lots*. During these months , it is unlawful to park or leave standing any vehicle on any portion of the following streets or parking lots from 1:00 a.m. to 8:00 a.m.:

- 1) 100 Block of N. Mill St
- 2) 100 Block of S. Mills St
- 3) 100 Block of E Main St
- 4) 100 Block of W. Main St
- 5) 100 Block of W. Pleasant St
- 6) 100 Block of E. Pleasant St.
- 7) All city-owned parking lots,

- A) This section shall not apply to Persons in charge of wreckers or authorized emergency vehicles while actually servicing mechanical, fire, police or medical emergencies;
- B) *Unlawful acts*. During these months it is unlawful to park or leave standing any vehicle on

any street or city-owned parking lot listed in Section 10 above during prohibited hours, on any other street between the hours of 8:00 a.m. and 8:00 a.m. of the succeeding day, bearing odd-numbered United States Post Office address on even-numbered days of the month or on any other street between the hours of 8:00 a.m. and 8:00 a.m. of the succeeding day, bearing even-numbered United States Post Office address on odd-numbered days of the month.

## **SECTION 11. TRUCK PARKING**

- A) It is unlawful to park a detached semi-trailer upon any street, city-owned parking lot or other public property.
- B) It is unlawful to park a semi-trailer, truck-tractor or a combination thereof within an area zoned as a residential district, except for the purpose of actually loading or unloading the same.
- C) It is unlawful to park a truck of more than 9,000 pounds gross vehicle weight upon any street in the business district which has been duly sign-posted prohibiting the same, but parking of the vehicle for a period of not more than 20 minutes shall be permitted in the space for the purpose of necessary access to abutting property while actively loading or unloading when the access cannot reasonably be secured from an alley or from an adjacent street where truck parking is not so restricted.
- D) It is unlawful to 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 the vehicle, or any passenger bus, diagonally along any street, except for a time sufficient to load or unload, and in such case, only parallel parking shall be permitted. 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.
- E) Parking of commercial vehicles is permitted in duly designated and sign-posted loading zones, and in alleys, for a period of up to 20 minutes, provided that the 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.

## **SECTION 12. IMPOUNDING AND REMOVING VEHICLES**

When any police officer finds a vehicle standing upon a street or city-owned parking lot in violation of any parking regulation, the officer is hereby authorized to require the driver or other person in charge of the vehicle to remove the same to a position in compliance with this chapter. When any police officer finds a vehicle unattended upon any street or city-owned parking lot in violation of any parking regulation, the officer is hereby authorized to impound the unlawfully parked vehicle and to provide for the removal thereof and to remove the same to a convenient garage or other facility or place of safety; provided, that if any charge shall be placed against the vehicle for cost of removal or storage, or both, by anyone called upon to assist therewith the same shall be paid prior to removal from the place of storage or safekeeping.

### **SECTION 13. UNATTENDED VEHICLE**

- A) It is unlawful for any person to leave a motor vehicle unattended while the engine is running.
- B) It is unlawful for any person to leave a motor vehicle unattended with the key in the ignition.

### **SECTION 14. 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 the vehicle with gasoline or oil or to provide emergency repairs thereon, but in no event for more than 12 hours.

### **SECTION 15. 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 the 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.

### **SECTION 16. COURTESY PARKING**

The Council is hereby authorized, by motion, to waive hours of parking limitations herein stated upon an application duly filed on any day and to any particular group; provided, that members of the group shall have displayed in their motor vehicles a "courtesy parking" sticker, card or other similar designation. The Council may, by such motion, restrict effective hours, days and places of the waiver.

### **SECTION 17. PHYSICALLY HANDICAPPED PARKING**

- A) Statutory parking privileges for the physically handicapped shall be strictly observed and enforced.
- B) It is unlawful for any person, whether or not physically handicapped, to park:
  - 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.

## **PARKING ON LOTS AND PRIVATE PROPERTY**

### **SECTION 18. 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.

### **SECTION 19. PENALTY**

- A) Any person, firm or corporation who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor. The penalty which may be imposed for any crime which is a misdemeanor under this code, including Minnesota Statutes specifically adopted by reference, shall be a sentence of not more than 90 days or a fine of not more than \$1,000, or both.
- B) Any person, firm or corporation who violates any provision of this code, including Minnesota Statutes specifically adopted by reference, which is designated to be a petty misdemeanor shall, upon conviction, be guilty of a petty misdemeanor. The penalty which may be imposed for any petty offense which is a petty misdemeanor shall be a sentence of a fine of not more than \$300.
- C) In either the case of a misdemeanor or a petty misdemeanor, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.
- D) The failure of any officer or employee of the city to perform any official duty imposed by this code shall not subject the officer or employee to the penalty imposed for a violation.

### **SECTION 20. SEVERABILITY AND SAVINGS CLAUSE**

If any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as invalidation or affect the validity and enforceability of any other section or provision of this ordinance.

**SECTION 21. EFFECTIVE DATE**

This ordinance, as written, shall supersede all previous City Ordinances concerning parking and regulations in the City Of Brownsdale.

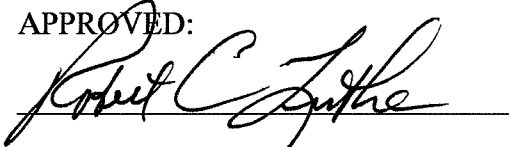
This ordinance shall be effective upon its passage and publication according to law.

Passed by a vote of Yeas and Nay by the City Council of Brownsdale the 2 day of March, 2009.

YEAS 5


NAYS 0

APPROVED:



Mayor, Robert Luthe

ATTESTED:



City Clerk/Treasurer, Theresa Booms

Publication date in Grand Meadow News on the 25 day of March 2009.