

CHAPTER VI TRAFFIC AND MOTOR VEHICLES

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ORDINANCE 61     PARKING AND TOWING

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**Section 61.1. Definitions.** Any term used in this Ordinance and defined in Minn. Stat. 169.011 has the meaning given to it by that Section unless defined herein. Otherwise, all words and phrases used in this Ordinance shall be defined in accordance with their common usage and meaning.

**Section 61.2. Prohibitions.** No person shall stop, stand or park any vehicle, or permit any vehicle to stand or remain, whether attended or unattended, contrary to the following:

- A.     Signs that have been erected as required by law or by Order of the City Council;  
or
- B.     This Ordinance.

**Section 61.3. 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 any other zones as may be necessary to assist in the direction and control of traffic. The City Council may also adopt restrictions that apply to and govern the parking of vehicles in any of these designated zones.

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

**Section 61.4. Emergency Parking.**

**Subd. 1. Funeral Procession.** A vehicle may be parked temporarily in a zone that prohibits or restricts parking for the purpose of forming a funeral procession.

**Subd. 2. Emergency Vehicles.** Any vehicle owned or occupied by a physician or other emergency medical personnel on an emergency call may be parked temporarily in a zone that prohibits or restricts parking for the purpose of making the call and rendering emergency services, provided the privilege shall not be granted for any time longer than is reasonably necessary to complete the call and render the service.

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**Section 61.5. Angle or Parallel Parking.** Every vehicle parked upon any street with a curb shall be parked parallel to the curb, unless angle parking is designated by appropriate signs. On streets with a curb, the right-hand wheels of any vehicle parked shall be within one (1) foot of the curb. On streets without a curb, the vehicle shall be parked to the right of the main traveled portion of the road or 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. All vehicles shall be parked in accordance with State law.

### **Section 61.6. Parking Regulations.**

**Subd. 1.** Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device, 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, crosswalk, or sidewalk;
- 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 parked;
- H. Blocking a public or private driveway or alleyway;
- I. Within fifty (50) feet of a railroad crossing;
- J. In excess of a designated time limit or contrary to a posted parking prohibition;
- K. On any street where snow removal, street maintenance, cleaning, repair, or excavation is taking place, or where commencement of such work has been announced or posted, or where such work makes the street partially obstructed;
- L. On the wrong side of the street;
- M. Within twenty (20) feet of a crosswalk at an intersection;
- N. Within thirty (30) feet upon the approach to any flashing beacon, stop sign, or traffic control signal located at the side of a roadway;
- O. Upon any bridge or other elevated structure upon a highway;

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- P. At any place where signs prohibit stopping.
- Q. No vehicle shall stand, stop, or otherwise park on the travel portion of any roadway.
- R. No vehicle shall stand, stop, or otherwise park on any public street in one location more than 72 consecutive hours.
- S. No vehicle shall stand, stop, or otherwise be parked on any public street or roadway unless it is currently licensed.

**Subd. 2.** No person shall, for purposes of camping or related activities, leave or park a trailer on any street or right-of-way.

**Subd. 3.** No person shall stop or park a vehicle on a street when directed to proceed by any peace officer with authority to direct traffic.

**Subd. 4.** No person shall park a vehicle on any street for the purpose of displaying it for sale.

**Subd. 5.** No person shall allow any disabled vehicle to remain upon any street or highway which obstructs traffic or the entrance to any driveway or alleyway, or interferes with maintenance, cleaning, repairing or snow removal. Any City police officer may require a person in charge of the vehicle to move it to a non-public place. If such movement is not made or if any motor vehicle is left alone or abandoned in any such position, the officer may provide for the immediate removal of such vehicle, subject to the limitations of Minn. Stat. § 169.041.

### **Section 61.7. No Parking and/or Loading Zones.**

**Subd. 1. No Truck Parking Zones.** The Chief of Police by direction of the City Council may establish “No Truck Parking” zones in the City and shall mark by appropriate signs any zones so established. The zones shall be established where heavy traffic by commercial vehicles or other traffic congestion makes parking by commercial vehicles a hazard to the safety of vehicles or pedestrians. No person shall park a commercial vehicle of more than one ton capacity upon any street in any “No Truck Parking” zone. Parking of those vehicles for a period of not more than thirty (30) minutes shall be permitted in the zone for the purpose of having access to abutting property when such access cannot conveniently be secured from an alley or from a side street where truck parking is not so restricted.

**Subd. 2. No Parking and Limited Parking Zones.** The Chief of Police by direction of the City Council may designate certain blocks or portions of blocks in the City as thirty (30) minutes, one (1) hour, or two (2) hour limited parking zones or no parking zones and shall mark by appropriate signs any zones so established. No parking zones shall be designated by an unbroken yellow marking on the curb line or by appropriate signs. Such zones shall be established wherever necessary for the convenience of the public or to minimize traffic hazards and to preserve a free flow of traffic. No person shall park any vehicle in any limited parking

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zone between the hours of 8:00 a.m. and 6:00 p.m. of any weekday for a longer period than is specified on the signs marking the zone.

**Subd. 3. No Loading Zones.** The Chief of Police by direction of the City Council may establish in each block one or more loading zones and shall mark by appropriate signs any zone so established. Such zones shall be located at places most convenient for the use of the public with regard to traffic conditions in the block. No person shall, between the hours of 8:00 a.m. and 6:00 p.m. of any weekday, park any vehicle in any loading zone except for the purpose of receiving or discharging passengers or freight and then only for a period no longer than is necessary for the discharge or receipt of such passengers or freight.

**Section 61.8. Abandoned Vehicles.** All abandoned vehicles found within the City limits shall be dealt with in accordance with Minn. Stat. § 168B.01-168B.13. 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 vehicle is illegally parked or inoperable, or when the vehicle has remained on private property for a period in excess of three (3) days without the consent of the owner or person having custody of the private premises.

### **Section 61.9. Street Cleaning, 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, when street cleaning or street repair or maintenance operations are taking place.

**Subd. 2.** Street cleaning and street repair or maintenance operation shall be announced and notice given to the public through the posting of signs or announcements in the media at least six (6) hours prior to the commencement of any street cleaning, street repair and/or maintenance operations. A City police officer may order the removal of any vehicle parked upon any street, avenue or alleyway in the City of Waite Park involved with the maintenance, cleaning, or repair of the street, avenue, or alleyway.

### **Section 61.10. Parking on Public Property.**

**Subd. 1.** No person shall park a motor vehicle, trailer, mobile home or accessory unit on public property, other than designated park property, within the City unless parking is specifically permitted and so posted on the property or unless the parking is for a public reason; namely, while the occupant or occupants of said vehicle or said units are attending or conducting official public business while the vehicles or units are so parked.

**Subd. 2.** No person shall park a large vehicle and/or towed unit including but not limited to a camper, motor home, mobile home, bus, camper bus, travel trailer, truck-tractor, road tractor, semi-trailer, and/or a vehicle or trailer deemed to be of commercial or industrial type, on any street, highway or public property zoned residential, when such vehicle and/or trailer exceeds 18,000 pounds gross vehicle weight, 23 feet in length, 8 feet in width or 8 feet in height. This shall not apply to:

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- A. Park property where camping is permitted. (Only camping type of vehicles/trailers permitted).
- B. To those vehicles temporarily parked by the drivers thereof while said driver is engaged in the performance of his/her usual trade or occupation.
- C. Construction trailers or equipment while temporarily engaged in building or remodeling, with a valid building permit. Dumpsters are allowed on private property only, not to exceed 30 calendar days per year or while building or remodeling is in progress, and then with a valid building permit.
- D. Emergency or utility vehicles engaged in temporary performance of duties.
- E. Persons violating this subdivision shall be subject to penalties as described in section 61.16, Subd. 1, of this same ordinance.

Section 61.10. Subd. 2. Amended 7/15/13

**Subd. 3.** No person shall park a trailer including but not limited to boat, snowmobile, camping, ATV, construction or other trailer on any street, highway or public property zoned residential. This shall not apply to:

- A. Construction trailers/equipment while temporarily engaged in building or remodeling with a valid building permit.
- B. To those towed trailers while said driver of the towing vehicle is engaged in the performance of his/her usual trade or occupation.
- C. Emergency or utility services engaged in temporary performance of duties.
- D. A special exemption is allowed for a period not to exceed seven calendar days per year, in such case, the trailer should be parked as reasonably close to the owners residence as possible, so as to not obstruct view or parking for neighboring residences. This would also apply to persons visiting a private residence while towing a trailer.
- E. Persons violating this subdivision shall be subject to penalties as described in section 61.16, Subd 1. of this ordinance.

Section 61.10 updated 10/2006

### **Section 61.11. Snow Removal.**

**Subd. 1.** No person shall park a motor vehicle, trailer, mobile home, or accessory unit on a public street, avenue or alleyway in the City from the 1st day of November to the 1st day of April between the hours of 2:00 a.m. and 7:00 a.m. The purpose of regulating parking during the prescribed time is to protect the general health, safety, and welfare of the citizens of the City and to facilitate snow removal.

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**Subd. 2.** No person shall stop, stand, or park any vehicle, or permit it to stand or remain, whether attended or unattended, on any street or alley for a period longer than four (4) hours after a snowfall of one-and-one-half (1 ½) inches or more in depth or of an amount which necessitates the plowing and clearing of City streets, avenues and alleys of snow by the City, until the streets or alleys in question are actually plowed and cleared of snow.

**Subd. 3.** The Chief of Police may place or cause to be placed and maintained signs reading “no parking - snow removal” on any streets and avenues in the City and at any times as he or she may deem necessary for the purpose of facilitating the removal and disposition of snow. No person shall park any vehicle on any street or avenue when those signs are in place notwithstanding any other provision in this Ordinance.

**Section 61.12. Registered Owner.** Parking of any motor vehicle contrary to this Ordinance or State law is considered an act of the registered owner of the vehicle as well as the act of the person parking the vehicle. For purposes of this section, the registered owner is defined to include motor vehicle or leasing agencies and corporate owners. It shall be a defense to any violation of this ordinance if the registered owner shows that on the date of the offense, he or she had transferred title to another.

**Section 61.13. Storing or Parking of Junked Vehicle.** No person shall park, store, or leave any junked vehicle, whether attended or unattended, upon any public or private property within the City. No person, as an owner of or an occupant having control of private property within the City, shall permit the parking, storing, or leaving any junked vehicle upon private property, unless the junked vehicle is stored within a building. For purposes of this Ordinance, a junked vehicle shall constitute any vehicle, as defined in this section, which has unlawfully affixed or attached to it an expired State registration or license plate or plates, or the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded. The presence of a junked vehicle within the City upon private or public property as described by this Ordinance is declared to be a hazard to the public health and safety, and a public nuisance that the City may abate as a nuisance

Section 61.13 Amended 7/15/2013

**Section 61.14. Parking Privileges for the Physically Handicapped.** Statutory parking privileges for the physically handicapped shall be strictly observed and enforced. Penalties imposed for a violation shall be in accordance with State law. This Ordinance incorporates by reference Minn. Stat. § 169.345 and § 169.346, relative to parking privileges for the physically handicapped. The City Council shall from time-to-time designate certain parking spaces for the exclusive use of the physically handicapped and shall designate such parking spaces with appropriate signs.

Section 61.14 updated 8/2005

**Section 61.15. Impoundment.** Any vehicle left parked or standing in violation of this Ordinance or the laws of the State of Minnesota may be towed away pursuant to the provisions of Minn. Stat. § 168B.035. Any motor vehicle towed away and impounded under this Ordinance or State law may be claimed and recovered after payment to the towing authority of all towing

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and storage charges. The City, its agents and employees, shall not be responsible for any damage done during towing and impoundment under this Ordinance or State law.

**Subd. 1. Notice of Impoundment.** Within forty-eight (48) hours after a vehicle has been impounded, the Chief of Police shall send written notice to the owner of the impounded vehicle at his or her last known address as shown by the records of the Department of Public Safety. If the owner is unknown to the Chief of Police or an address cannot be found, the Chief of Police shall publish at least once in the City's official newspaper notice of the impounding, the license number of vehicle, the motor vehicle number of the impounded vehicle, and the name and type of vehicle impounded.

**Subd. 2. Sale of Vehicle.** If after the expiration of sixty (60) days after mailing or publishing the notice set out in Subd. 1. the vehicle is not redeemed by the owner or the owner's agent, the City shall proceed to sell the impounded vehicle at public auction after first giving at least twenty (20) days notice of such sale by publication in the City's official newspaper of the time and place of the sale. The notice shall describe the vehicle to be sold, with reasonable certainty, by manufacturer's trade name or make, motor vehicle number, license number, and any other specifically identifying information, and the notice shall state to whom, if anyone, the records of the Department of Public Safety show the car belongs, and if the name of the owner is unknown, that fact shall be stated in the notice. If the name of the owner is known, the City shall send that person a copy of the published notice immediately after publication of the notice. The City shall credit any money it receives after the sale to the City's general fund. At any time within one (1) year after the sale, if the former owner of the vehicle which has been sold appears, upon application to the City Council and presentation of satisfactory proof that the person was the owner of the vehicle sold, that person shall be paid the proceeds of such sale, less the necessary expenses thereof, and less the towing, impounding and storage charges provided under this Ordinance.

### **Section 61.16. Penalties.**

**Subd. 1. Parking Citation.** A parking citation shall be issued to the owner or operator of any vehicle in violation of this Ordinance or State law. All parking citations shall indicate the nature of the violation, the amount of the fine, the method by which the fine may be paid, and the procedure by which the violator may contest the issuance of the parking citation. Any person violating this Ordinance or the State laws designated under it shall be guilty of a petty misdemeanor. Four (4) parking violations within one (1) calendar year shall constitute a misdemeanor.

**Subd. 2. Fines.** The fines for violation of this Ordinance are established by the City Council and set forth in Appendix B - Waite Park Schedule of Fees Charges.

Section 61.16, Subd. 2 updated 8/2005

**Subd. 3. Impoundment of Vehicles.** In the event a violator of this section receives three (3) consecutive parking citations, the City Police Department may impound and tow the vehicle. For purposes of this section, a "consecutive parking citation" means a violator receiving at least three citations for failing to move the vehicle from the same location or by continuing to park the vehicle in the same no parking zone on three consecutive days and/or nights. A vehicle may be



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impounded immediately where the City Police Department determines the vehicle poses a hazard to the safety of vehicles or pedestrians or the orderly flow of traffic. When a vehicle is eligible for towing under this section, the police officer shall:

- A. Complete an Initial Crime Report (ICR) and brief narrative report;
- B. Conduct a license check and attach it to the narrative report;
- C. Record the vehicle information on a tow log;
- D. Call an authorized towing company with an impound lot to tow the vehicle;
- E. Advise the towing company not to release the vehicle until it is shown a receipt from the Waite Park Police Department that all parking citations have been paid or any other documentation from the Waite Park Police Department which authorizes the release of the vehicle.

**Subd. 4. Release of a Towed Vehicle.** Once all outstanding parking fines are paid in full, the City Police Department may release the vehicle to the respective party by issuing a receipt to the owner of the vehicle that the fines have been paid. The violator shall then submit the receipt to the towing company impound lot, and the towing company shall then release the vehicle upon payment of towing and impoundment fees. The towing company shall also advise the Police Department when the vehicle is released.

**Subd. 5. Fine Collection.** The City Clerk or the Clerk's designated agent is authorized to receive, process, and make records of all parking citations issued and fines paid. All monies obtained from the fines shall be deposited with the City Treasurer and shall be a part of the general funds.

**Subd. 6. Request for Review.** If a recipient of a parking citation desires to contest the issuance of a citation, the recipient shall, within seven (7) days, submit to the Police Department a written request for review. The designated representative of the Police Department shall respond to such review within 15 business days.

**Subd. 7. Non-payment of Fine.** Any violator who fails to pay the assessed fine or submit a written request for REVIEW within seven (7) days from the date of issuance of a parking citation shall be guilty of a petty misdemeanor, except that when preceded by three (3) or more parking violations within the preceding twelve (12) months, the non-payment shall be a misdemeanor.

Amended 8/2/21