

CHAPTER 71: PARKING REGULATIONS

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Cross-reference:

Abandoned vehicles, see Chapter 90

§ 71.01 NO PARKING WHERE POSTED.

(A) 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.

(B) Pursuant to M.S. § 168B.035, the City Police Chief, if any, or the City Council may appoint as many parking enforcement officers as are needed to enforce the provisions of this chapter. The parking enforcement officers shall be subordinate to the Chief of Police, if there is one, or the City Clerk. A **PARKING ENFORCEMENT OFFICER** is an individual whose services are utilized by a law enforcement agency to provide parking enforcement and administrative or clerical assistance and who is not a sworn and licensed police officer. A parking enforcement officer's duties shall not include enforcement of the general criminal laws of the state, and the parking enforcement officer does not have full powers of arrest or authorization to carry a firearm on duty.

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.

(A) 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.

(B) "No parking" signs may be placed by city employees on any street of the city to permit construction, repair, snow removal, street cleaning or similar temporary activities. While the signs are in place, it shall be unlawful to park any vehicle on the streets or portion thereof so posted.

(C) It shall be unlawful for a person to park in an area designated by Council resolution and posted as a fire lane.

(D) It shall be unlawful for a person to park a vehicle or permit it to stand, whether attended or unattended, on an alley within the city, provided that this does not prohibit the parking of vehicles for less than one hour on an alley for the purpose of access to abutting property for loading or unloading merchandise or other material when parking on the property itself is not available.

(E) It shall be unlawful for a person to park a motor vehicle in an area designated by posted signs pursuant to Council resolution for certain types of vehicles, unless the motor vehicle is one of the types of vehicles specifically permitted.

(F) Every vehicle parked upon any street with a curb shall be parked parallel to the curb, unless angle parking is designated by appropriate signs or markings. On streets with a curb, the right-hand wheels of any vehicle parked shall be within one foot of the curb. On streets without a curb, the vehicle 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.

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 or after two inches or more of snow have accumulated, no motor vehicle shall be left parked on any street or public way in the city until the declared emergency is canceled or, if no emergency is declared, until the street is cleared on both sides of accumulated snow.

(D) During a declared snow emergency, any police officer or city appointed parking enforcement officer, appointed pursuant to M.S. § 168B.035, Subd. 2, 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 or city appointed parking enforcement officer, appointed pursuant to M.S. § 168B.035, Subd. 2, 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.

*Repealed 71.09
Replaced*

Any police officer or city appointed parking enforcement officer, appointed pursuant to M.S. § 168B.035, Subd. 2, 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

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71.09 IMPOUNDMENT AND DISPOSITION OF MOTOR VEHICLES.

Any person, at the direction of the Chief of Police, is hereby authorized to remove, or have removed at their direction, a vehicle from any public or private way or place, under any of the circumstances hereinafter enumerated, the Council hereby finding and determining such vehicles under such circumstances to be obstructions to traffic or public nuisances. Such vehicle is authorized to be removed under any of the following circumstances:

(A) When a vehicle upon a public way is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;

(B) When any vehicle is left unattended upon a street or parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic, or left unattended on any public street with engine running or with keys in the ignition switch or lock;

(C) When any vehicle is parked or left standing upon any area or portion of a public street in violation of or contrary to a parking limitation or prohibition established by the City Traffic Engineer, provided such area or portion of such public street has been posted with an official sign giving notice both of such limitation or prohibition and of the fact that such area or portion of such street is a "Tow Away" area;

(D) When a vehicle is parked in violation of any traffic ordinance and is an obstruction or hazard or potential obstruction or hazard to any lawful function or limits the normal access to a use of any public or private property;

(E) When a vehicle is left on a public way or place and appears to be abandoned, or a complaint is received that it is abandoned and remains there continuously for a period of 72 hours after notice is posted on the windshield that it will be impounded, or when an automobile hulk or junker is left on public or private property for such a period;

(F) When the driver of such vehicle is taken into custody by the police department and the vehicle would thereby be left unattended upon a street, highway or restricted parking area, or other public way;

(G) When a vehicle is found being driven upon the streets or other public way of the city and the same is not equipped with all of the necessary parts and equipment as required for a fully operational motor vehicle, or does not meet the standards for the parts or equipment required therein;

(H) When the driver of a vehicle is reasonably suspected of using license plates or a license permit unlawfully, misusing the license plates or license permit issued to the driver, or a vehicle is driven or parked without proper license plates or license permit, or with no license plates or license permit, or driven or parked with an invalid or expired license permit;

(I) When the driver of a vehicle is driving without an operator's license or chauffeur's license which is current and valid, or who does not have such license in the driver's immediate possession, or who drives a vehicle contrary to restrictions imposed upon the license, or who drives a vehicle while his or her operator's or chauffeur's license has been denied, suspended, canceled or revoked by the state;

(J) When any vehicle is reasonably suspected of being a stolen vehicle, or parts thereof to be stolen parts;

(K) When the driver of any vehicle is taken into custody for a suspected felony or misdemeanor, or when the vehicle is suspected of containing stolen goods, or other contraband;
or

(L) When any vehicle is parked or stopped in an emergency access lane in violation of or contrary to a parking limitation or prohibition established by city ordinance, provided that such emergency access lane has been posted with an authorized sign giving notice both of such limitation or prohibition and of the fact that such area or portion of such public roadway or private property is a "Tow Away" area. (Penalty, see § 10.99)

No vehicle may be towed from public property unless a peace officer or a duly delegated parking enforcement officer has prepared, in addition to the appropriate citation, a written towing report describing the motor vehicle and the reason for towing. The report required by this paragraph must be signed by the officer and the tow driver.

Within five (5) calendar days after the impounding of a vehicle pursuant to this Section, notice that the vehicle has been impounded shall be given by the Chief of Police to the owner and all readily identifiable lien holders. The notice shall be made by mailing to the owner thereof at his or her last known address, as shown by the records of the Commissioner of Public Safety, a written notice of such impoundment. 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 legal newspaper. The notice given pursuant to this paragraph, whether in writing or by publication, shall state (a) the date and place for the taking, the year, make, model and serial

number for the impounded vehicle if such information can be reasonable obtained and the place where the vehicle is being held, (b) inform the owner and any lien holders of their right to reclaim the vehicle upon payment of all towing and storage charges resulting from taking the vehicle into custody and (c) that the failure of the owner or lien holders to exercise their right to reclaim the vehicle, together with all contents, within the time allowed in this Section should be deemed a waiver by them of all right, title, and interest in the vehicle and contents and a consent to the transfer of title to and disposal or sale of the vehicle and contents pursuant to this Section. If a vehicle remains unclaimed after thirty (30) days from the date the notice was sent pursuant to this paragraph, a second notice shall be sent by certified mail, return receipt requested, to the registered owner, if any, of the vehicle and to all readily identifiable lien holders of record.

Towing and storage charges shall be established by resolution of the Council of the City of Henning. In addition to the towing and storage charges, clerical and administrative expenses incurred by the city and reasonable daily storage expenses shall be charged.

Before the owner or his agent or any lien holders shall be permitted to remove any vehicle impounded pursuant to this Section, they shall furnish satisfactory evidence of the owner's identity and ownership of said vehicle. The owner shall pay such fees for the towing and storage of said vehicle, clerical and administrative expenses, and storage fees as set forth by the Council. The owner shall sign a written receipt for said vehicle.

No vehicle impounded pursuant to this Section shall be released so long as it is designated as a police "Hold" without a written release thereof from the Chief of Police or a designated representative of the Chief of Police.

If, after the notices required by this section have been provided and a minimum period of forty-five (45) days has elapsed from the date that the vehicle and contents were taken into custody, the Chief of Police, by and through the City of Henning, may proceed to sell the same by sealed bid or by public auction, after first giving notice of such sale in the official legal newspaper. The notice pursuant to this Section shall be published no less than ten (10) days prior to the date of such sale as set forth herein. Said notice of sale shall include the time and place of such sale, stating further whether such sale shall be by sealed bid or by public auction or both. Records stating with reasonable certainty the manufacture's trade name, vehicle identification number, license number, ownership, if available from the records of the Commissioner of Public Safety, shall be kept and available for public inspection at the place of sale. Determination of whether the sale shall be by sealed bid or public auction shall be left to the discretion of the Chief of Police.

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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.

Pursuant to M.S. § 169.34, Subd. 2, as it may be amended from time to time, 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.

