



ORDINANCE NO. 28

Parking Control Regulations on City Streets

The City Council of the City of Pine Springs, Minnesota ordains:

SECTION 1. Purpose.

101. The purpose of this ordinance is to establish parking regulations for vehicles operating on City public streets. The intent is to promote and maintain the public safety, well-being and convenience of the residents of the City, to maintain efficient traffic flow, to prevent nuisances on streets, and to preserve street surfaces.

SECTION 2. Amendments to Existing City Code

201. In order to consolidate all parking related regulations in one ordinance, the following sections shall be deleted from the existing Zoning Code. This ordinance will now encompass the terms and conditions contained in those deleted sections.

1. Delete the following subsection from the Zoning Code:
"708.06. Truck Parking in Residential Areas
No motor vehicle over one ton capacity bearing a commercial license and no commercially licensed trailer shall be parked or stored in a platted residential district except when loading, unloading, or rendering a service."
2. Delete the following subsection from the Zoning Code:
"708.07. Parking in residential areas (off-street and on-street) shall be limited to the use of the residents of those homes and guest parking, except for short-term parking (six hours or less)."

202. A penalty for "Petty Misdemeanor", as described in Section 802 of this ordinance, shall be inserted in the Penalties section of the City Fee Schedule which was enacted by Ordinance #27, Section 2, Exhibit A - "Fee Schedule".

SECTION 3. Definitions.

301. For the purposes of this ordinance, certain words and phrases are defined as follows:

1. "Crosswalk" means
 - a. that portion of a roadway ordinarily included with the prolongation or connection of the lateral lines of sidewalks at intersections;
 - b. that portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.
2. "Operate" means to control the movement and position of a vehicle or trailer.
3. "Operator or driver" means any individual who is in actual physical control of a vehicle or trailer.
4. "Owner" means a person, other than a lien holder, having the property in or title to a vehicle or trailer entitled to the use or possession thereof.
5. "Park or Parking" means the positioning of, including but not limited to, a vehicle, trailer, storage pod, dumpsters, construction materials, landscape materials, etc., whether occupied or not, other than temporary object standing or stopping.

6. "Parked object or objects" means, including but not limited to, any vehicle, trailer, storage pod, dumpster, construction materials, or landscape materials, etc., left stopped or standing on a City street.
7. "Parking enforcement officer" means 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.
8. "Right of way" means the entire strip of land which the public owns the fee or an easement for roadway purposes.
9. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, excluding the shoulder and sidewalk if any.
10. "Stand or standing" means the halting of a vehicle or trailer, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
11. "Stop" means complete cessation from movement.
12. "Stopping" means any halting even momentarily of a vehicle or trailer, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal.
13. "Street or highway" means the entire width between boundary lines of any way or place when any part thereof is open to the use of the public as a matter of right for the purposes of vehicular traffic.
14. "Trailer" or "recreational vehicle" (RV) means any vehicle or structure designed and used for human living quarters which meets all of the following qualifications:
 - a. is not used as the residence of the owner or occupant;
 - b. is used for temporary living quarters by the owner or occupant while engaged in recreational or vacation activities;
 - c. is towed or otherwise transported, by its own or by other motive power, on the public streets or highways incidental to such recreational or vacation activities. The term "trailer" shall include recreational vehicles.
 - d. The "trailer" or "RV" category shall include, but not be limited to:
 - 1) travel trailers including those that telescope or fold down,
 - 2) chassis-mounted campers,
 - 3) motor homes,
 - 4) pickup campers,
 - 5) pop-up campers,
 - 6) tent trailers,
 - 7) camping or converted buses that provide temporary human living quarters,
 - 8) camper tents,
 - 9) house trailers,
 - 10) camping trailers, and
 - 11) any other self propelled vehicle constructed to provide living accommodations.
 - e. The "trailer" or "RV" category shall not include:
 - 1) mobile homes
 - 2) off-road all terrain vehicles (ATV)
 - 3) snowmobiles
15. "Utility or cargo trailers" means any vehicle designed for carrying property on its own structure and for being drawn by a motor vehicle but does not include a trailer drawn by a truck-tractor semitrailer combination.

16. "Vehicle" means any device in, or upon, or by which any person or property is or may be transported upon a public highway, except for devices moved by human power.

SECTION 4. Parking Authorization Powers

401. The City Council shall have the authority to designate any parking zone, a no parking zone, a restricted parking zone, and a time limited parking zone for parked objects on City streets. Any changes, temporary or permanent, to parking regulations require the review, approval, and resolution of the City Council. The declaration of the various parking zones will be determined by the City Council, passed by Council Resolution, and documented in the "City of Pine Springs - Parking Control Zone Schedule". The schedule may be changed at any time by resolution of the City Council.

401.01 The City Council may appoint as many parking enforcement officers as are needed to enforce the provisions of this ordinance. 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.

A parking enforcement officer has the authority to issue parking citations, to issue a towing report for the parked object and to have illegally parked objects or obstructions removed pursuant to MN Statute 168B.035 "Towing Authorized".

401.02 The City Council may order the placing of signs, devices or marks, or the painting of streets or curbs prohibiting or restricting the stopping, standing, or parking of objects on any street.

401.03 "No Parking" signs or traffic cones may be placed by City authorized representatives 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 parked object on the streets or portion thereof so posted.

401.04 Parking During State of Emergency.

1. It shall be unlawful for the driver of or owner of any parked object, to park or leave standing or permit to be parked or left standing, any parked object on any street in the City when a state of emergency has been declared in the City.
2. A "state of emergency" shall exist when the Mayor or the acting Mayor shall declare an emergency.
3. The Mayor or the acting Mayor shall have power and authority to declare a state of emergency in the City and to prohibit parking on any street. Emergencies include but are not limited to:
 - a) threatening or existing adverse weather, or
 - b) street conditions so as to maintain public safety and street surfaces, or
 - c) a public nuisance on city streets as defined by MN Statute 609.74 Public Nuisance, or
 - d) an unlawful assembly on city streets as defined by MN Statute 609.705 Unlawful Assembly.

401.05 Time Limit Parking.

1. Zones. The City Council may designate a certain zone where the right to park objects is limited by time. The City authorized representative shall mark by appropriate signs each zone so designated. No person may park in any limited time parking zone for a longer period than is specified.
2. Shifting of Parked Objects. Any parked object parked in a limited time zone and found to be within 300 feet of its previous location in a limited time zone is deemed to have remained stationary.

SECTION 5. Manner of Parking

501. Parking Relative to Roadway. Every parked object upon any city street shall be:

1. parked so as to not impede the free flow of traffic,

2. parked to the right side of the street, relative to the direction of travel, and
3. parked within one foot of the edge of the improved roadway and parallel to the direction of travel unless angle parking is designated.

502. Parking Relative to Opposite Direction of Travel. Parking on the left side of any city street, relative to the direction of travel, is prohibited.

503. Double Parking. No person shall double park any parked object on any street except to briefly load or unload passengers or merchandise, and then only, for such time as may be necessary to load or unload.

504. Clear Unobstructed Vehicle Passage. No person shall stop, park, or leave standing any parked object, whether attended or unattended, upon the paved or improved or main-traveled part of the street:

1. unless there is an unobstructed width of at least 10 feet, of such part of the street opposite such parked object, which shall be left for the free passage of other vehicles, and
2. a clear view is available from a distance of at least 100 feet in each direction.

SECTION 6. Parking Regulations

601. No person shall stop, stand, or park an object 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, prohibits these acts.

602. Length of parking.

602.01 Resident or Guest. Residents and their guests have the privilege of up to twenty-four (24) hour street parking subject to other sections in this ordinance, except in emergency situations or where prior authorization for a parking extension has been obtained from a City parking enforcement officer or the City Council.

602.02 Transient Parking.

Unless limited further by section 601, the following transient parking regulations apply:

1. No parked object shall be parked upon any street in one place for any contiguous period of longer than eight (8) hours except:
 - a) in emergency situations or where prior authorization for the parking has been obtained from a City parking enforcement officer or the City Council
 - b) resident or guest parking.
2. A parked object found to be within 300 feet of its previous location is deemed to have remained stationary. If the same parked object is found to be parked within the City limits on two consecutive eight (8) hour periods, it is deemed to be stationary. If the original location time and the shifted parked object location time in total exceed the eight (8) hour limit, it is considered a violation of parking regulations.

603. Display of Vehicle for Sale. It is unlawful to park any parked object upon any street displaying a "for sale" sign.

604. Commercial Motor Vehicles. No commercial motor vehicle over a three-quarter (¾) ton capacity and no commercial flat-bed, utility, or cargo trailer may be parked on any street or roadway in any residentially zoned area in the City, except when such vehicle is engaged in the temporary loading, unloading or rendering a service in the zone involved, or when prior authorization for the parking has been obtained from an authorized law enforcement officer or parking enforcement officer.

605. Truck Parking Restriction.

No person shall park a truck, truck tractor, or semi-trailer which has a gross vehicle weight in excess of six tons for more than eight (8) hours at a time on any street in any area zoned for residential use.

606. Postal Delivery Boxes. No person shall stop, stand, or park an object, except when necessary to avoid conflicts with other traffic or in compliance with the directions of a police officer or traffic-control device, within ten (10) feet of any type of postal delivery box. This section shall be in effect Monday through Saturday between the hours of 8 a.m. and 6 p.m. The exception to the identified day and time restrictions shall be those days when the normal delivery of mail is suspended (Federal holidays, etc.). The intent of this section is to allow for the unobstructed delivery of mail by the U.S. Postal Service.

607. Obliterating of Marks. 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 parked object by a police officer or other duly authorized parking enforcement officer, for the purpose of measuring the length of time a parked object has been parked in any limited time zone. This subdivision applies to persons who intentionally conceal or destroy marks by moving the parked object forward or backward.

608. Vehicle Repairs. Vehicle or trailer repair or maintenance is not permitted on City streets.

609. Snow Emergencies and Winter Parking.

1. Snowfall Removal. No owner of a parked object shall leave, park or permit same to stand on any City street except in compliance with the direction of a police officer, for a period of time commencing immediately after the accumulation thereon of two (2) inches or more of snow, and continuing until the snow has been removed to the full width of the street.

2. Snow Emergency. No person shall park any parked object on any public street when a snow emergency has been declared.

610. Notice of Collision. Any person involved in a collision between the vehicle or trailer they are driving and any other parked object on a City roadway or street open to the public shall leave a notice upon each unattended parked object with which they have collided, giving their name, address and vehicle license number.

611. Immovable Motor Vehicles. No person shall leave any parked object parked upon any street in the City with the wheels chained, locked, or fastened in such manner that such parked object cannot easily be moved in case of necessity or emergency.

612. Parking Prohibited in Certain Places. No person shall stop, stand or park a parked object, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Police Officer or traffic control device, in any, including but not limited to, any of the following places:

1. At any place where official signs prohibit stopping or parking
2. On a sidewalk
3. In front of a public or private driveway
4. Within an intersection
5. Within ten feet of a fire hydrant
6. On a crosswalk
7. Within 20 feet of a crosswalk at any intersection
8. In a sign-posted fire lane
9. Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal
10. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic
11. Upon any bridge or other elevated structure upon a street
12. Within a bicycle lane, except where posted signs permit parking

613. Good Samaritan; Exception to Stopping and Parking

The City hereby adopts by reference, as if fully set forth herein, MN Statute 169.342 "Good Samaritan; Exception to Stopping and Parking".

614. Unlicensed Vehicles. Unlicensed vehicles or trailers shall not be parked on a City street.

615. Abandoned Vehicle Statutes Adopted. Minnesota Statutes Section 168B.01 to 168B.16 is hereby adopted as the abandoned or junked vehicles and recovery of vehicles ordinance of the City. Every provision contained in the said statute is hereby adopted and made a part of this Ordinance by reference as if fully set forth herein.

SECTION 7. Parking Damage.

701. It is the intent of the City Council that any party responsible for damage to City property or streets be held accountable for the damages.

702. Any physical damage caused to any City property or street from any object parked or placed on that street shall be assumed by the owner or operator hereof, and no liability for damage shall be assumed by the City.

703. Damages include any costs to restore or replace the City property or street to its original or a satisfactory condition as determined by the City.

SECTION 8. Enforcement and Penalties.

801. Presumption in Reference to Illegal Parking.

In prosecution of this ordinance, proof of registered ownership (owner or lessee) and proof that the particular parked object described in the complaint was parked in violation of any such regulation, shall constitute evidence of a prima facie presumption that the parked object owner or lessee shall be the presumed violator.

802. If a parked object is stopped, standing, or parked in violation of this ordinance, the owner of the parked object, or for a leased parked object the lessee of the parked object, is guilty of a petty misdemeanor and subject to penalty fees according to the City Fee Schedule.

803. The owner or lessee may be released from a penalty fee under paragraph (801) if:

1. another person is convicted for, or pleads guilty to, that violation, or
2. the motor vehicle or trailer was reported stolen at the time of the violation.

804. Nuisance. Any parked object parked in violation of this ordinance is declared a nuisance and may be issued a citation and summarily abated by:

1. A police officer or parking enforcement officer requiring the driver or other person in charge of the parked object to promptly remove it. Failure to do so will result in the parked object being removed to a safe impoundment storage facility, such as an indoor garage or other outdoor facility.
2. For unattended parked objects, removing the parked object by or under the direction or at the request of a police officer or parking enforcement officer, to a safe impoundment storage facility, such as an indoor garage or other outdoor facility.

805. Liability for Towing or Storage Damages. Any damage occasioned to any parked object found in violation of this ordinance by such towing or removal operations or the storage of such parked object thereafter, shall be assumed by the owner or operator hereof, and no liability for damage shall be assumed by the City.

SECTION 9. Severability

In the event that a court of competent jurisdiction adjudges any part of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included within that judgment.

SECTION 10. Effective Date

This Ordinance shall be and is hereby declared to be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of Pine Springs, Washington County, Minnesota, this 2nd day of November, 2021.

Frank Bastyr (signature)
Mayor

Attest: Victoria Keating (signature)
City Clerk

Revision History

| Ver. | Changes | Date Changed |
|-------------|-----------------------------|---------------------|
| 1.0 | Adopted by the City Council | Nov 2, 2021 |