

## **ORDINANCE # 73**

### **ORDINANCE ESTABLISHING PARKING REGULATIONS WITHIN CITY LIMITS OF LISMORE**

BE IT ORDAINED by the City Council of the City of Lismore, Minnesota as follows:

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

As to any vehicle parking in violation when the driver is not present, it shall be presumed the owner parked the same, or that the driver was acting as an agent of the owner.

#### **SECTION 2. 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 in any of the following places:

1. On a sidewalk
2. In front of a public or private driveway.
3. Within an intersection.
4. Within 20 feet of an intersection.
5. In a sign posted fire lane.
6. Within 50 feet of the nearest rail of a railroad crossing.
7. Within 20 feet of the driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within 75 feet of said entrance when properly sign-posted.
8. Within 10 feet of a fire hydrant.
9. Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic.
10. On the roadway side of any vehicle stopped or parked at the edge or curb of a street, i.e. double parking.
11. Upon any bridge or other elevated structure upon a street.
12. At any place where official signs prohibit or restrict stopping, parking or both.
13. In any alley, except for loading and unloading to or from adjacent premises.
14. On any boulevard.

#### **SECTION 3. WINTER PARKING REGULATIONS.**

It is unlawful for any vehicle to be parked on public streets for a continuous period in excess of twenty-four (24) hours from November 15 through March 15 of the following year. The City can at any time upon notice require vehicles to be moved in the event of snow removal. The City may also designate an area to be of no parking at any time for the purpose of snow removal. Written notice of such designation will be sent to all homeowners in that area.

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

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

## SECTION 5. RECREATIONAL VEHICLE PARKING.

Subdivision 1: Definition. For the purpose of this ordinance a “recreational vehicle” is defined as follows: travel trailers, including those that telescope or fold down, chassis mounted campers, house cars, motor homes, tent trailers, slip in campers, non-motorized trailers intended and generally used for transporting boats, utility trailers, snowmobiles, all terrain vehicles boats or other watercraft.

Subdivision 2: Unlawful Act. It is unlawful for any person to leave or park a “recreational vehicle” on or within the limits of any street or right of way for a continuous period in excess of forty-eight (48) hours.

## SECTION 6. TRUCK PARKING

Subdivision 1: Detached Trailer. It is unlawful for any person, as driver or operator of a semi-trailer, or as the registered owner of a semi-trailer, to park, stop or leave standing, or cause, allow or permit to be parked, stopped or left standing, whether knowingly or unknowingly, a semi-trailer, not attached to a truck or truck tractor upon any public street, municipally owned parking lot or parking facility, or other public property.

Subdivision 2: Residential District. It is unlawful for any person, as driver or operator of a semi-trailer or as the registered owner of a semi-trailer, to park, stop or leave standing, or cause, allow or permit to be parked, stopped or left standing, whether knowingly or unknowingly, any such semi-trailer, whether or not attached to a truck tractor, within any area zoned as a residential district, except for the purpose of and while engaged in the loading and unloading of such semi-trailer. The truck with attached semi-trailer may only be parked in a residential district during the time it is actually engaged in continuous actual acts of loading or unloading such a semi trailer, otherwise parking shall not be allowed in a residential district.

Subdivision 3: It is unlawful to park a semi trailer, whether or not attached to a truck-tractor except in the business district and for the period from midnight to 6:00 a.m. No parking of any semi-trailer, whether attached or not to a truck tractor, shall be permitted within the City except in those areas or zones specifically marked or authorized by the City as areas where such parking is permitted and allowed.

## SECTION 7. PENALTY

Any person violating this ordinance is guilty of a petty misdemeanor punishable by a maximum fine as set by Minnesota law presently in the maximum amount of \$300, not including surcharges.

Violations of this ordinance may be charged, at the option of the City, as misdemeanor offenses if the following conditions or situations are proven to exist: (a) the person charged with a violation of this ordinance has been convicted of this ordinance at least twice within the preceding 12 –month period of time; (b) the violation of this ordinance was committed in a

manner or under circumstances so as to endanger or be likely to endanger any person or property.

Under the present provisions of Minnesota law convictions for a misdemeanor crime are punishable by \$1,000.00 fine or 90 days in jail, or both.

#### SECTION 7.1 IMPOUNDMENT OF VEHICLE.

The council 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 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 ordinance.

#### SECTION 7.2 PRIMA FACIE VIOLATIONS.

The presence of any motor vehicle on any street when standing or parked in violation of this ordinance is prima facie evidence that the registered owner of the vehicle committed or authorized the commission of the violation.

Amended ordinance section 7.1 & 7.2 effective 2/7/08

#### SECTION 8. EFFECTIVE DATE

The ordinance shall take effect and be in force after its passage and publication according to law.

Adopted by the City Council of the City of Lismore this 7th day of November, 2007.

Steven Wieneke, Mayor

ATTEST:

Kate McCann, Clerk-Treasurer