

## **TITLE VII: TRAFFIC CODE**

### **Chapter**

#### **70. TRAFFIC REGULATIONS**

#### **71. PARKING REGULATIONS**



## **CHAPTER 70: TRAFFIC REGULATIONS**

### **Section**

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### **§ 70.01 STATE HIGHWAY TRAFFIC REGULATIONS ADOPTED BY REFERENCE.**

(A) The Highway Traffic Regulations Act is hereby adopted by reference. The regulatory provisions of M.S. Chapter 169, as it may be amended from time to time, are hereby adopted as a traffic ordinance regulating the use of highways, streets and alleys within the city and are hereby incorporated in and made a part of this section as completely as if set out in full herein.

(B) Any violation of the statutes adopted by reference in division (A) of this section is a violation of this section, and such violator shall be guilty of such an offense and shall be punished by such penalty as is prescribed by such statutes.

(Ord. 52, passed 8-31-72)

### **§ 70.02 TRAFFIC AFTER FIRE ALARM GIVEN.**

(A) All persons operating vehicles, motor or otherwise, on the streets of the city shall upon the sounding of the fire alarm draw to the curb and remain until all fire apparatus has passed. No person or persons operating vehicles shall follow fire apparatus closer than 500 feet while responding to fire calls.

(B) No person, not an authorized member of the Volunteer Fire Department of the city, shall board or ride to or from fire calls upon the fire apparatus unless so requested by the officer in charge.

(C) No person, not an authorized member of the Department, shall approach nearer than 200 feet of any building or fire on which the Department is working unless authorized by the officer in charge of such fire.

(D) No person other than those in charge of rigs shall alter or change any equipment in any way. No person shall drive over the fire hose, or hinder or retard any apparatus or any member of the Department.

(Ord. 25, passed 4-6-26) Penalty, see § 70.99

### **§ 70.03 U-TURNS PROHIBITED.**

No person shall make a “u-turn” or reverse his or her direction of travel on any street between intersections which is marked by a “no u-turn” sign or other sign of similar intent or direction.

(Ord. 60, passed 6-19-78) Penalty, see § 70.99

### **§ 70.04 EXHIBITION DRIVING PROHIBITED.**

(A) Exhibition driving of any motor vehicle upon any public street, alley, sidewalk, parking lot or other public right-of-way or public property within the city is hereby declared to be a public nuisance and is prohibited.

(B) Exhibition diving is defined as driving which is not the result of an emergency and which involves any of the following:

(1) Driving of a motor vehicle in such a manner as to cause acceleration of the vehicle which causes the squealing or screeching sounds to be made by the tires of such vehicle.

(2) Driving of a motor vehicle in such a manner as to cause the throwing of sand, gravel, snow or any other material upon the surface of the road, street, alley, sidewalk, parking lot or other public right-of-way or public property by the tires of such vehicle.

(3) Driving of a motor vehicle in such a manner as to cause the rapid, heavy or unreasonable acceleration of a motor vehicle which causes loud or prolonged or disturbing engine or muffler noise to emit from such vehicle.

(4) Driving of a motor vehicle in such a manner as to cause rubber marks to be left upon the pavement of the road, street, alley, sidewalk, parking lot or other public right-of-way or public property by the tires of such vehicle, regardless of whether or not such driving causes loud, prolonged or disturbing engine or muffler noise to emit from such vehicle.

(5) Driving of a motor vehicle in such a manner as to cause the sudden and unreasonable breaking of the vehicle which causes the throwing of displacement of sand, snow, gravel or other material upon the road, street, alley, sidewalk, parking lot or other public right-of-way or public property by the tires of such vehicle.

(6) Driving of a motor vehicle in such a manner as to cause the fish-tailing of the vehicle, regardless of whether such driving causes squealing or screeching sounds to be made by the tires, and regardless of whether such driving causes loud, prolonged or disturbing engine or muffler noise. (Ord. 61, passed 1-2-79) Penalty, see § 70.99

#### § 70.05 STOP SIGNS.

(A) The city may designate any intersection or throughway as a stop or yield sign intersection by an erection of a stop sign or yield sign at the entrances thereto.

(B) Every driver of a vehicle shall stop at a stop sign or yield at a yield sign before entering any intersection designated by the sign.  
(Ord. 56, passed - - ) Penalty, see § 70.99

#### § 70.06 RECREATIONAL MOTOR VEHICLES.

(A) The laws of the state as set forth in M.S. §§ 84.81 through 84.929 and M.S. Ch. 169 are adopted in full.

(B) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*ATV.* Shall be the same as that set forth at M.S. § 84.92.

***RECREATIONAL MOTOR VEHICLE (RMV).*** A self-propelled vehicle designed for travel on snow, ice, or natural terrain steered by wheels, skis or runners. Snowmobiles and all terrain vehicles are in these.

(C) The following regulations shall apply to the operation of all RMV's operated within the city:

(1) *Operation of RMV's.* It shall be unlawful to operate a RMV in the city upon any streets, avenues, sidewalks, boulevards, parks, golf courses, parking lots, alleys, school grounds, airport property, or other public or private property, except as provided in this section.

(2) *General requirements.* At any time a RMV is used in the city, the following requirements shall be observed.

(a) *Speed.* Unless posted otherwise, no RMV shall be operated at a speed in excess of 15 miles per hour in the streets. Speed in alleys shall not exceed ten miles per hour.

(b) *Age.* The city hereby specifically adopts M.S. § 84.872 with regard to age requirements for operators of recreational motor vehicles.

(c) *Insurance and registration.* All RMV's must be insured and registered.

(d) *Safety equipment.* All RMV's must have all applicable safety equipment provided by law.

(e) *Noise.* No RMV shall be operated in a manner so as to create a loud, unnecessary, or unusual noise which disturbs, annoys, or interferes with the peace and quiet of other persons.

(f) *Single file traffic only.* RMV's traveling in the same direction must travel in single file.

(3) *Permitted uses.* When the operation is in compliance with all other provisions of this section, RMV's may be operated in the following situations:

(a) *Private property.* Between the hours of 6:00 a.m. and 10:00 p.m., RMV's may be operated on private property, provided that the owner has given specific permission to the operator of the RMV.

(b) *Public streets.*

1. RMV's may utilize the public streets only when the RMV is being driven from the normal place of domicile to work locations, utilizing the most direct route, during daylight hours for purposes of:

(i) Mowing and fertilizing lawns;

(ii) Spraying weeds;

(iii) Other uses, when used as the power unit.

2. To utilize an RMV for the purposes of this section, the RMV must have specifically designed equipment which is mounted on, or towed by, the RMV utilizing a rigid hitch system and the RMV is used as the power unit on the job site.

(c) *Snow removal.* For the purposes of plowing or blowing snow only, RMV's may be driven on streets, alleys and sidewalks at any hour within a 24-hour time frame after the snowfall is finished.

(d) *Official use.* This section shall not apply to law enforcement agencies, and fire and rescue personnel, while in the performance of their official duties.

(e) *Emergencies.* RMV's may be utilized in emergencies when and at locations where travel by automobile is impractical.

(f) *Handicapped persons.* Nothing in this section shall be construed to prevent handicapped or disabled persons from utilizing an RMV or similar vehicle as a mode of ordinary conveyance in the city.

(D) It shall be unlawful for the registered owner of an RMV to allow it to be operated contrary to this section or governing state law.

(1) *Defenses.* The registered owner of the RMV may not be prosecuted and punished if:

(a) The RMV was reported as stolen to the Commissioner of Natural Resources or a law enforcement agency at the time the alleged unlawful conduct occurred;

(b) The registered owner demonstrated that the RMV either was stolen or was not in use at the time of the alleged unlawful conduct; or

(c) The registered owner furnishes to law enforcement officer upon request the identity of the person in actual physical control of the RMV at the time of such unlawful conduct.

(2) *Both owner and operator may be liable.* The prosecution of the owner of an RMV under this section shall not operate to limit or bar the prosecution of the RMV operator for violations of this section or applicable state statutes.

(Ord. 6-03, passed 8-21-06) Penalty, see § 70.99

## § 70.99 PENALTY.

(A) Any person, firm or corporation who violates any provision of this chapter for which another penalty is not specifically provided shall, upon conviction, be punished as provided in § 10.99. In either case, the costs of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

(Ord. 50, passed 12-1-69)

(B) Any person violating any provisions of § 70.04 shall be guilty of a misdemeanor and shall be punished as provided in § 10.99.

(C) *Violation of § 70.06.* A violation of § 70.06 shall be a misdemeanor, subject to the maximum penalties provided by law for misdemeanors.

(1) *Excessive speed.* A violation of § 70.06(C)(2)(a) (excessive speed) shall be a petty misdemeanor, subject to the penalties provided by law for petty misdemeanors.

(2) *Other offenses.* A violation of any other section of § 70.06 shall be a misdemeanor, subject to the penalties for misdemeanors.

(Ord. 61, passed 1-2-79; Am. Ord. 6-03, passed 8-21-06)

## CHAPTER 71: PARKING REGULATIONS

### Section

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***GENERAL PROVISIONS*****§ 71.01 DEFINITIONS.**

Any term used in this chapter and defined in M.S. § 169.01, as it may be amended from time to time, has the meaning given to it by that section. Otherwise, all words and phrases used in this chapter shall be defined in accordance with their common usage and meaning.

(Ord. 62, passed 2-20-79)

**§ 71.02 PROHIBITIONS.**

No person shall stop, stand or park any vehicle, or permit it to stand or remain, whether attended or unattended, contrary to any signs which have been erected as required by law or by order of the City Council, or contrary to any provision of this chapter.

(Ord. 62, passed 2-20-79) Penalty, see § 71.99

**§ 71.03 DESIGNATION OF RESTRICTED PARKING ZONES.**

(A) The City Council may, by resolution, 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 or taxi stop zone, truck or commercial vehicle parking zone, and such other zones as may be necessary to assist in the direction and control of traffic. The Council may likewise, by resolution, adopt restrictions which apply to and govern the parking of vehicles in such designated zones.

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

(Ord. 62, passed 2-20-79) Penalty, see § 71.99

**§ 71.04 COURTESY PARKING.**

(A) A vehicle may be parked temporarily in a zone which prohibits or restricts parking for the purpose of forming a funeral procession.

(B) Any vehicle owned or occupied by a physician or an emergency call may be parked temporarily in a zone which prohibits or restricts parking for the purpose of making the call and rendering

emergency service; provided, the privilege shall not be granted for any period of time longer than is reasonably necessary to complete the call and render the service.

(Ord. 62, passed 2-20-79) Penalty, see § 71.99

**§ 71.05 ANGLE AND PARALLEL PARKING; GENERAL PARKING RESTRICTIONS.**

*(A) Angle and parallel parking.*

(1) Angle parking shall be required on streets where painted angle parking lines have been placed, and on such streets, every vehicle shall be parked within a single space as the space is marked on the street or curb. No vehicle shall be parked in more than one marked space.

(2) On all other streets, cars shall be parked parallel to the curb or edge of the roadway in accordance with state law.

*(B) General parking restrictions.*

(1) 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 line marked with yellow paint;
- (c) Within any intersection;
- (d) Within 10 feet of a fire hydrant;
- (e) Within 20 feet of a fire station;
- (f) Within any restricted parking zone designated by the City Council;
- (g) Double parking;
- (h) Blocking any driveway or alleyway;
- (i) In excess of designated time or contrary to a posted parking prohibition;

(j) On any street where snow removal, street maintenance, cleaning, repair or excavation is taking place on where commencement of such work makes the street partially obstructed;

- (k) On the wrong side of the street; or

(1) For the purpose of camping or sleeping in a motor vehicle within the city limits outside of areas designed for camping or sleeping.

(2) During the hours specified on any sign prohibiting or restricting parking, no person shall stop, stand or park any vehicle, or permit it to stand or remain, whether attended or unattended, for a period of time longer than is specified in such sign, and no vehicle shall be parked, allowed to stop or stand, nor shall any person stop, stand or park any vehicle or permit it to stand or remain, whether attended or unattended, in a zone where parking is prohibited.

(Ord. 62, passed 2-20-79) Penalty, see § 71.99

#### **§ 71.06 IMPOUNDMENT.**

A police officer may remove 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 cleaning, street maintenance, repairs or excavation. Such impounded vehicles shall not be released until posted for violation of this chapter. 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 permitted or authorized the commission of the violation.

(Ord. 62, passed 2-20-79)

#### **§ 71.07 APPLICATION FOR DESIGNATION OF LOADING OR TRUCK ZONE.**

Any person desiring the establishment of a loading zone or a truck zone abutting premises occupied by him or her shall make written application to the City Council. If the City Council grants the request, the applicant shall be billed for the estimated cost of placing the signs and painting the curb and no signs shall be installed or action taken in connection with establishment of the zone until the estimated cost is paid by the applicant.

(Ord. 62, passed 2-20-79) Penalty, see § 71.99

### ***ABANDONED VEHICLES***

#### **§ 71.15 ABANDONED VEHICLES.**

All abandoned vehicles found within the city limits shall be dealt with in accordance with M.S. §§ 168B.01 through 168B.101, as they may be amended from time to time, except that a motor vehicle shall be considered abandoned when it has remained upon public property for a period of time in excess of five 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 days without the consent of the owner or person having custody of the private premises, or if such vehicle is in inoperable condition.

(Ord. 62, passed 2-20-79) Penalty, see § 71.99

**§ 71.16 FINDINGS AND PURPOSE.**

M.S. Ch. 168B, and Minn. Rules Ch. 7035, as they may be amended from time to time, are hereby adopted by reference. Sections 71.16 through 71.25 of this code are adopted under the authority of M.S. § 168B.09, Subd. 2, as it may be amended from time to time. If any of these provisions are less stringent than the provisions of § M.S. 168B or Minn. Rules Ch. 7035, as it may be amended from time to time, the statute or rule shall take precedence.

**§ 71.17 DEFINITIONS.**

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

***ABANDONED VEHICLE.***

(1) A motor vehicle, as defined in M.S. § 169.01 as it may be amended from time to time, that:

(a) Has remained illegally:

1. For a period of more than 48 hours on any property owned or controlled by a unit of government, or more than four hours on that property when it is properly posted; or

2. On private property for a period of time, as determined under § 71.19(B), without the consent of the person in control of the property; and

(b) Lacks vital component parts or is in an inoperable condition that it has no substantial potential for further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building.

(2) A classic car or pioneer car, as defined in M.S. § 168.10 as it may be amended from time to time, is not considered an abandoned vehicle.

(3) Vehicles on the premises of junk yards and automobile graveyards that are defined, maintained, and licensed in accordance with M.S. § 161.242 as it may be amended from time to time, or that are licensed and maintained in accordance with local laws and zoning regulations, are not considered abandoned vehicles.

(4) A vehicle being held for storage by agreement or being held under police authority or pursuant to a writ or court order is not considered abandoned, nor may it be processed as abandoned while the police hold, writ or court order is in effect.

***DEPARTMENT.*** The Minnesota Department of Public Safety.

**IMPOUND.** To take and hold a vehicle in legal custody. There are two types of impounds: public and nonpublic.

**IMPOUND LOT OPERATOR** or **OPERATOR.** A person who engages in impounding or storing, usually temporarily, unauthorized or abandoned vehicles. **OPERATOR** includes an operator of a public or nonpublic impound lot, regardless of whether tow truck service is provided.

**JUNK VEHICLE.** A vehicle that:

- (1) Is three years old or older;
- (2) Is extensively damaged, with the damage including things as broken or missing wheels, motor, drive train or transmission;
- (3) Is apparently inoperable;
- (4) Does not have a valid, current registration plate; and
- (5) Has an approximate fair market value equal only to the approximate value of the scrap in it.

**MOTOR VEHICLE** or **VEHICLE.** Has the meaning given “motor vehicle” in M.S. § 169.01, as it may be amended from time to time.

**MOTOR VEHICLE WASTE.** Solid waste and liquid wastes derived in the operation of or in the recycling of a motor vehicle, including such things as tires and used motor oil, but excluding scrap metal.

**MPCA** or **AGENCY.** The Minnesota Pollution Control Agency.

**NONPUBLIC IMPOUND LOT.** An impound lot that is not a public impound lot.

**PUBLIC IMPOUND LOT.** An impound lot owned by or contracting with a unit of government under § 71.25.

**UNAUTHORIZED VEHICLE.** A vehicle that is subject to removal and impoundment pursuant to § 71.19(B), or M.S. § 169.041 as it may be amended from time to time, but is not a junk vehicle or an abandoned vehicle.

**UNIT OF GOVERNMENT.** Includes a state department or agency, a special purpose district, and a county, statutory or home rule charter city, or town.

**VITAL COMPONENT PARTS.** Those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including such things as the motor, drive train and wheels.

**§ 71.18 VIOLATION TO ABANDON MOTOR VEHICLE.**

Any person who abandons a motor vehicle on any public or private property, without the consent of the person in control of the property, is guilty of a misdemeanor.

Penalty, see § 71.99

**§ 71.19 AUTHORITY TO IMPOUND VEHICLES.**

(A) *Abandoned or junk vehicles.* The Administrator or his or her designee or any peace officer employed or whose services are contracted for by the city may take into custody and impound any abandoned or junk vehicle.

(B) *Unauthorized vehicles.* The Administrator, or his or her designee or any peace officer employed or whose services are contracted for by the city may take into custody and impound any unauthorized vehicle under M.S. § 169.041 as it may be amended from time to time. A vehicle may also be impounded after it has been left unattended in one of the following public or private locations for the indicated period of time:

(1) In a public location not governed by M.S. § 169.041 as it may be amended from time to time:

(a) On a highway and properly tagged by a peace officer, four hours;

(b) Located so as to constitute an accident or traffic hazard to the traveling public, as determined by a peace officer, immediately; or

(c) That is a parking facility or other public property owned or controlled by a unit of government, properly posted, four hours; or

(2) on private property:

(a) That is single-family or duplex residential property, immediately;

(b) That is private, nonresidential property, properly posted, immediately;

(c) That is private, nonresidential property, not posted, 24 hours; or

(d) That is any residential property, properly posted, immediately.

**§ 71.20 SALE; WAITING PERIODS.**

(A) *Sale after 15 days.* An impounded vehicle is eligible for disposal or sale under § 71.24, 15 days after notice to the owner, if the vehicle is determined to be:

(1) A junk vehicle, except that it may have a valid, current registration plate and still be eligible for disposal or sale under this subdivision; or

(2) An abandoned vehicle.

(B) *Sale after 45 days.* An impounded vehicle is eligible for disposal or sale under § 71.24, 45 days after notice to the owner, if the vehicle is determined to be an unauthorized vehicle.

#### **§ 71.21 NOTICE OF TAKING AND SALE.**

(A) *Contents; notice given within five days.* When an impounded vehicle is taken into custody, the city or impound lot operator taking it into custody shall give notice of the taking within five days. The notice shall:

(1) Set forth the date and place of the taking; the year, make, model and serial number of the impounded motor vehicle if the information can be reasonably obtained; and the place where the vehicle is being held;

(2) Inform the owner and any lienholders of their right to reclaim the vehicle under § 71.22; and

(3) State that failure of the owner or lienholders to exercise their right to reclaim the vehicle and contents within the appropriate time allowed under § 71.20 shall 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 § 71.24.

(B) *Notice by mail or publication.* The notice shall be sent by mail to the registered owner, if any, of an impounded vehicle and to all readily identifiable lienholders of record. The Department makes this information available to impound lot operators for notification purposes. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in a newspaper of general circulation in the area where the motor vehicle was towed from or abandoned. Published notices may be grouped together for convenience and economy.

(C) *Unauthorized vehicles; notice.* If an unauthorized vehicle remains unclaimed after 30 days from the date the notice was sent under division (B) of this section, a second notice shall be sent by certified mail, return receipt requested, to the registered owner, if any, of the unauthorized vehicle and to all readily identifiable lienholders of record.

#### **§ 71.22 RIGHT TO RECLAIM.**

(A) *Payment of charges.* The owner or any lienholder of an impounded vehicle shall have a right to reclaim the vehicle from the city or impound lot operator taking it into custody upon payment of all

towing and storage charges resulting from taking the vehicle into custody within 15 or 45 days, as applicable under § 71.20, after the date of the notice required by § 71.21.

(B) *Lienholders.* Nothing in this chapter shall be construed to impair any lien of a garagekeeper under the laws of this state, or the right of a lienholder to foreclose. For the purposes of this section, **GARAGEKEEPER** is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair or maintenance of motor vehicles.

### § 71.23 OPERATOR'S DEFICIENCY CLAIM; CONSENT TO SALE.

(A) *Deficiency claim.* The nonpublic impound lot operator has a deficiency claim against the registered owner of the vehicle for the reasonable costs of services provided in the towing, storage and inspection of the vehicle minus the proceeds of the sale or auction. The claim for storage costs may not exceed the costs of:

- (1) 25 days storage for a vehicle described in § 71.20(A); and
- (2) 55 days storage for a vehicle described in § 71.19(B).

(B) *Implied consent to sale.* A registered owner who fails to claim the impounded vehicle within the applicable time period allowed under § 71.19 is deemed to waive any right to reclaim the vehicle and consents to the disposal or sale of the vehicle and its contents and transfer of title.

### § 71.24 DISPOSITION BY IMPOUND LOT.

(A) *Auction or sale.*

(1) If an abandoned or unauthorized vehicle and contents taken into custody by the city or any impound lot is not reclaimed under § 71.22, it may be disposed of or sold at auction or sale when eligible pursuant to §§ 71.21 and 71.22.

(2) The purchaser shall be given a receipt in a form prescribed by the Registrar of Motor Vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

(B) *Unsold vehicles.* Abandoned or junk vehicles not sold by the city or public impound lots pursuant to division (A) of this section shall be disposed of in accordance with § 71.25.

(C) *Sale proceeds; public entities.* From the proceeds of a sale under this section by the city or public impound lot of an abandoned or unauthorized motor vehicle, the city shall reimburse itself for

the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred in handling the vehicle pursuant to this chapter. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for 90 days and then shall be deposited in the treasury of the city.

(D) *Sale proceeds; nonpublic impound lots.* The operator of a nonpublic impound lot may retain any proceeds derived from a sale conducted under the authority of division (A) of this section. The operator may retain all proceeds from sale of any personal belongings and contents in the vehicle that were not claimed by the owner or the owner's agent before the sale, except that any suspected contraband or other items that likely would be subject to forfeiture in a criminal trial must be turned over to the appropriate law enforcement agency.

#### **§ 71.25 DISPOSAL AUTHORITY.**

The city may contract with others or may utilize its own equipment and personnel for the inventory of impounded motor vehicles and abandoned scrap metal and may utilize its own equipment and personnel for the collection, storage and transportation of these vehicles and abandoned scrap metal. The city may utilize its own equipment and personnel only for the collection and storage of not more than five abandoned or unauthorized vehicles without advertising for or receiving bids in any 120-day period.

#### **§ 71.26 CONTRACTS; REIMBURSEMENT BY MPCA.**

(A) *MPCA review and approval.* If the city proposes to enter into a contract with a person licensed by the MPCA pursuant to this section or a contract pursuant to § 71.25, the MPCA may review the proposed contract before it is entered into by the city, to determine whether it conforms to the MPCA's plan for solid waste management and is in compliance with MPCA rules. A contract that does so conform may be approved by the MPCA and entered into by the city. Where a contract has been approved, the MPCA may reimburse the city for the costs incurred under the contract that have not been reimbursed under § 71.23. Except as otherwise provided in § 71.25, the MPCA shall not approve any contract that has been entered into without prior notice to and request for bids from all persons duly licensed by the MPCA to be a party to a disposal contract pursuant to M.S. § 116.07, as it may be amended from time to time; does not provide for a full performance bond; or does not provide for total collection and transportation of abandoned motor vehicles, except that the MPCA may approve a contract covering solely collection or transportation of abandoned motor vehicles where the MPCA determines total collection and transportation to be impracticable and where all other requirements herein have been met and the unit of government, after proper notice and request for bids, has not received any bid for total collection and transportation of abandoned motor vehicles.

(B) *The city may perform work.* If the city utilizes its own equipment and personnel pursuant to its authority under § 71.25, and the use of the equipment and personnel conforms to the MPCA's plan for solid waste management and is in compliance with MPCA rules, the city may be reimbursed by the MPCA for reasonable costs incurred which are not reimbursed under § 71.24.

(C) *The city required to contract work.* The MPCA may demand that the city contract for the disposal of abandoned motor vehicles and other scrap metal pursuant to the MPCA's plan for solid waste disposal. If the city fails to contract within 180 days of the demand, the MPCA, through the Department of Administration and on behalf of the city, may contract with any person duly licensed by the MPCA for the disposal.

**§ 71.99 PENALTY.**

Any person found in violation of a provision of this chapter is guilty of a petty misdemeanor and shall be punished in accordance with state law.  
(Ord. 62, passed 2-20-79)

