

REGULATING PARKING ALONG TOWNSHIP ROADS

Ordinance

The Board of Supervisors of the Town of Deerwood, Crow Wing County, Minnesota ordains:

Section 1. Purpose.

As a road authority, the Board has broad authority to regulate what occurs within its town roads. This authority is found in Minn. Stat. § 365.10, subd. 17, a variety of sections in chapters 160, 164, 165, 169, and other chapters, as well as the rules associated with those chapters. The Board recognizes that certain roadways within the township's jurisdiction can be potentially hazardous when parking or stopping occurs along its shoulders. These parked or stopped vehicles impede the flow of traffic for emergency vehicles or general traffic. The purpose of this ordinance is to identify those areas by posting signs, and to authorize the removal of such vehicles in violation of the order on the sign.

Section 2. Definitions.

Board – The Deerwood Township Board of Supervisors.

Local authority - The Board assumes authority over the township's road jurisdictions, and authorizes the Crow Wing County Sheriff's Department to enforce any applicable laws.

Towing authority – Law enforcement authority authorized to enforce the traffic laws, and also includes any private towing companies authorized by the law enforcement authority to tow vehicles on behalf of that authority.

Township road or road – Public roadways under the governing authority of Deerwood Township.

Unauthorized vehicle – Any vehicle found to be parked or stopped in violation of any local ordinances or state laws.

Section 3. Presumption.

As to any vehicle parked or stopped in violation of this Ordinance, when the driver thereof is not present, it shall be assumed that the owner, or for a leased motor vehicle the lessee of the vehicle, parked the same, or that the driver was acting as the agent of the owner or lessee.

Section 4. Parking or stopping regulation.

The Board may, by resolution, designate certain roads or portions of roads as no parking or no stopping or standing zones or as zones for parking by physically handicapped persons and may limit the hours, days or seasons in which the restrictions apply.

Section 5. No parking or stopping signs.

Where the Board has determined a hazardous situation exists as a result of parked or stopped vehicles, the Board may direct that appropriate signs shall be installed. No vehicle, except emergency, law enforcement, or vehicles parked temporarily for the delivery of merchandise, shall be allowed to park or stop in a manner contrary to posted signs and may be towed in accordance with this Ordinance or applicable state law.

Section 6. Towing

Any vehicle in violation of this ordinance may be summarily removed without notice to the owner or operator by officers of the law, or by persons employed or designated by them, at the owner's sole risk and expense, and stored in an appropriate impound facility. The towing company will make notice of the impoundment to the title owner of the vehicle within 10 days of the towing. The Sheriff's department will use their standard provisions for the issuance of a ticket.

a) All administrative fees, necessary costs and expense of towing, removing or storage of such vehicles shall be first paid to the person or persons designated by the law enforcement department, by the persons claiming the vehicles before release of same.

b) The Board, its agent or its employees, shall not be responsible for any damages to such vehicles removed in accordance with the provisions of this ordinance.

c) In the event that any vehicle held or stored under the direction of an officer of the law upon which there are charges for storage or towing, or both, is not reclaimed, recovered or taken by the vehicle owner thereof, there shall be deemed to be imposed upon such vehicle a possessory lien in the amount so charged and unpaid, and should the owner thereof fail to pay the same then the possessory lien may be foreclosed in the manner provided by law.

Section 7. Violation is a petty misdemeanor.

Every person who violates a section, subdivision, paragraph or provision of this Ordinance when he she/he performs an act thereby prohibited or declared unlawful or fails to act when such failure is thereby prohibited or declared unlawful and, upon conviction thereof, shall be punished by fine as a petty misdemeanor.

Section 8. Severability

If any section, subsection, sentence, clause, or phrase of this Ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 9. Effective Date

This Ordinance shall take effect and be in force on _____.

Published: _____

Posted: _____

Passed by the Town of Deerwood Board of Supervisors the _____ day of _____,
20____.

Ayes: All

Nays: None

Absent: None

_____, Chairman

ATTEST:

_____, Clerk