

CHAPTER 12

MOTOR VEHICLES AND TRAFFIC

Article I	In General
Article II	Weight Restriction
Article III	On Street and Winter Parking
Article IV	Private Parking Lots and Roadways
Article V	Motorcycles
Article VI	Snowmobiles and Recreation Vehicles
Article VII	Junk and Abandoned Vehicles
Article VIII	Repealed

ARTICLE I. IN GENERAL

Sec. 12-01. Abandoned Vehicle Statutes Adopted. Minnesota Statutes Section 168B.01 to 168B.10 are hereby adopted as the abandoned and junked vehicles ordinance of the city. Every provision contained in the said statute is hereby adopted and made a part of this Chapter by reference as if fully set forth herein.

Sec. 12-02a. Nuisance Declared.

- (a) Any vehicle that is found stopped, standing or parked in violation of traffic, Statute or ordinance, or that is reported stolen, or that is found impeding firefighting, snow removal or the orderly flow of traffic, or any junk vehicle, or part thereof, on any public or private place or on any private land or premise is a nuisance.
- (b) Any police officer, firefighter or other duly authorized personnel, such as city employees, may immediately order such nuisance vehicle, or part thereof, to be removed and impounded and shall be surrendered to the duly identified owner thereof by the towing company only upon payment of the required fees which are declared to be the vehicle impound fees covering such vehicle or part thereof.
- (c) Failure of the duly identified owner of such nuisance vehicle, or part thereof, to claim the vehicle, or part thereof, from the towing company shall not relieve the duly identified owner from payment of the vehicle impound fees.

Sec. 12-02b. Unnecessary Acceleration. No person shall start or accelerate any motor vehicle with an unnecessary exhibition of speed on any public or private way within the city limits. Prima facie evidence of such unnecessary exhibition of speed shall be squealing or screeching sounds emitted by the tire or the throwing of sand or gravel by the tires of said vehicle, or both.

ARTICLE II. WEIGHT RESTRICTIONS

Sec. 12-03. Imposed Generally. No person shall operate any vehicle or combination of vehicles as defined by Minnesota Statutes, Section 169.825, upon any local road in the city where a gross weight on any single wheel exceeds nine thousand (9,000) pounds, or where the gross weight on any single axle exceeds eighteen thousand (18,000) pounds, provided, however, that the provisions of this article shall not restrict the operation of emergency vehicles or the operation of vehicles necessary for construction, repairs and maintenance of public streets or the utilities thereon or therein; nor shall it apply to fire fighting equipment. The provisions of this section shall be subject to temporary frost

condition provisions contained in Section 12-4. Enforcement of this section and Section 12-4 shall be conducted by the City Administrator. The City Administrator has the authority to delegate the enforcement of this section.

Sec. 12-04. Limit During Temporary Frost Conditions. During the period of March first to May fifteenth of each year, the Public Works Director/City Engineer shall have authority to restrict or prohibit vehicular traffic on the local roads in the city, as granted by Minnesota Statutes, Section 169.87, when frost conditions and base conditions are such that material damage may result to the street by vehicular use. The Public Works Director/City Engineer shall cause to be erected and maintained signs or barricades on the streets or portions so restricted, or if said restrictions are city-wide, temporary signs at the main entrances to the city. During temporary frost condition periods, the Public Works Director/City Engineer shall allow on local roads and highways, refuse vehicles with a gross weight on any single wheel up to nine thousand (9,000) pounds or gross weight on any single axle up to eighteen thousand (18,000) pounds, and home food delivery vehicles with a gross weight on any single wheel up to six thousand (6,000) pounds or gross weight on any single axle up to twelve thousand (12,000) pounds.

Sec. 12-05. Special Permit Authorized; Limitations. Upon application in writing and good cause shown, the City Clerk may issue a special permit authorizing the applicant to exceed weight limitations. Such applications shall be approved by the Public Works Director/City Engineer. The application shall contain the name of the applicant, the roads to be used, the time period that the permit is requested for, the number of trips, the reason such exception is necessary and such other information as may be required. The application may be approved or denied by the Public Works Director/City Engineer. Every such permit shall be carried in the vehicle to which it refers. If more than one vehicle is involved, a permit for each will be required. Refuse and home food delivery vehicles in compliance with Section 12-4 are not required to secure permits.

Sec. 12-06. Special Permit Fee. To cover administrative costs, there will be a fee to be determined by the City Council per vehicle used paid to the City Clerk upon the issuance of any special permit authorized by Section 12-5.

Sec. 12-07. Road Damage Liability Bond. In cases where load limitation variances are granted, the Public Works Director/City Engineer may require a bond or cash deposit to cover the cost of repairing or replacing any street that might be damaged as a result of vehicles being permitted to exceed load limitations. Such bond or cash deposit shall not exceed ten thousand dollars (\$10,000.00) per vehicle authorized to exceed load limits, and such bond or deposit shall be on hand in the office of the City Clerk prior to issuance of any variance permit.

Sec. 12-08. Civil Liability. Any person driving any vehicle upon city roads shall be liable for all damage that the road may sustain as a result of any illegal operation or as a result of any operation of a vehicle exceeding the restriction of this article, but authorized by special permit.

Sec. 12-09. Repealed. (Ord. No. 703, 2/12/08)

ARTICLE III. ON STREET AND WINTER PARKING

Sec. 12-10. Definitions. As used in this article:

- **Implement** shall mean any device, not a trailer, capable of being towed by a vehicle.
- **Motor Vehicle** shall mean every vehicle that is self-propelled.
- **Owner** shall mean a person, other than a secured party, having the property in or title to a motor vehicle, including a lessee.
- **Person** shall mean a natural person, firm, copartnership, association, corporation, or governmental organization; and in the case of a copartnership, to also include any partner.
- **Street** shall mean any street, avenue, place, drive or any other public way in the city.
- **Vehicle** shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

Sec. 12-11. Time Limited.

- (a) Notwithstanding the provisions of Section 12-18 of this Article, between the first day of November and the first day of April following, there shall be no motor vehicle left unattended or parked on any street within the corporate limits of the City of Oakdale between the hours of 12:00 a.m. and 5:00 a.m.
- (b) Following the accumulation of two (2) inches or more of snowfall in the city, it shall be unlawful for the driver or owner of any motor vehicle to park or leave standing such vehicle, trailer or implement on any street or alley within the corporate limits of the City of Oakdale. Parking may not be resumed on any streets or alleys until snow removal has been completed on said streets. Any police officer who finds a motor vehicle in violation of this paragraph or during an active snow removal operation shall attempt to contact the owner of the motor vehicle and require the owner to immediately remove 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 is authorized to have the motor vehicle removed pursuant to Sec.12-12 of this Article.

Sec. 12-12. Removal and Impoundment. Any vehicle parked in violation of this Chapter is hereby declared to be a nuisance and may be summarily abated by removing such vehicle. The Police Department is hereby authorized to remove and tow away or have removed and towed away by commercial towing services, any vehicle parked in violation of this Chapter or the Statutes of Minnesota, or any vehicle which blocks the use of a fire hydrant, or obstructs or may obstruct the movement of any emergency vehicle. Vehicles so impounded shall be surrendered to the owner or operator thereof upon proper identification to the Police Department and only upon payment of the towing and storage fees assessed against said vehicle. Vehicles so impounded may be placed at any commercial establishment operating vehicle storage facilities or at a public vehicle pound established by the city.

Sec. 12-13. Sidewalk Snow Removal. The owner or occupant of every building or tract of land within the corporate limits of this municipality zoned for commercial, business, or industrial use, and fronting upon any street, having a sidewalk abutting upon said premises shall clear such sidewalk of snow and ice within twenty four (24) hours following the termination of any snow storm or the

formation of ice in either case, whichever is later, and keep the same reasonably clear and free from snow and ice.

Sec. 12-14. Deposits of Snow and Ice. No person shall throw or deposit, or cause or permit to be thrown or deposited, any snow or ice on or into any street, avenue or thoroughfare of this municipality.

Sec. 12-15. Length of Parking. No vehicle shall be parked upon any street in one place for a longer continuous period than twenty-four (24) hours.

Sec. 12-16. Violations. The registered owner of any vehicle found in violation of this Chapter shall be deemed responsible for such violation.

Sec. 12-17. Parking During State of Emergency. It shall be unlawful for the driver of or owner of any motor vehicle, trailer or implement to park or leave standing or permit to be parked or left standing, any motor vehicle, trailer, or implement on any street, avenue, or alley in the city when a state of emergency has been declared in the city. A "state of emergency" shall exist when the Mayor or the City Council shall declare an emergency. The Mayor or the City Council shall have power and authority, premised upon threatening or existing adverse weather or street condition, to declare a state of emergency in the city and to prohibit parking on streets or avenues otherwise regulated herein for a period of seventy-two (72) hours or until a particular street or avenue has been cleaned from curb to curb. Notice of said declared emergency shall be given to the public by means of radio broadcast.

Sec. 12-18. On Street Parking. Only motor vehicles shall be allowed to park on public streets, as long as the gross vehicle weight or maximum gross vehicle weight rating of the vehicle does not exceed eight thousand (8,000) pounds. This section does not apply to motor vehicles loading or unloading, rendering a service or to pickup trucks as defined in Minnesota Statutes, Section 168.011, §29. All other things, natural or manufactured, are prohibited from being parked or stored on public streets without a written permit from the city.

Sec. 12-19. Parking Restrictions.

(a) **No Parking.** No vehicles shall be allowed to park along the designated portions of the city streets described herein:

- 6th Street from Grafton Avenue to Granada Avenue, both sides – During School Hours
- 7th Street from Grafton Avenue to Guthrie Avenue, south side - During School Hours
- 7th Street from Highway 120 to Hadley Avenue, north side
- 7th Street from Guthrie Avenue to Hadley Avenue
- 8th Street from Greenway Avenue to Guthrie Avenue, both sides - During School Hours
- 8th Street Lane, both sides - During School Hours
- 10th Street from TH 120 to I-694, both sides
- 10th Street from I-694 to eastern city limits, north side
- 12th Street from T.H. 120 to Gershwin Avenue, south side
- 12th Street, from Helmo Avenue to 360 feet to the east on the north side
and 60 feet to the east on the south side (Ord. 832, 8/22/17)
- 15th Street from T.H. 120 to eastern city limits, north side
- 15th Street from T.H. 120 to east city limits, south side within 600 feet, east and west of Hadley Avenue
- 15th Street, 200 feet west of Gershwin Avenue, south side
- 22nd Street from Hadley Avenue to 1,000 feet to the west, north side
- 40th Street from Gresham Avenue to Hadley Avenue, south side

40th Street from Gresham Avenue to Ideal Avenue, south side
 45th Street from TH 120 to Glenbrook Avenue, north side
 48th Street from T.H. 120 to Gershwin Avenue, north and south sides
 50th Street from Georgia Boulevard to 700' east of Granada Avenue, north side
 50th Street, from Hadley Avenue to the I-694 bridge, south side
 55th Street from Hadley Avenue to 450 feet to the east, north, and south sides
 Georgia Boulevard from TH 120 to 50th Street, north side
 Grafton Avenue from 6th Street to 7th Street, both sides – During School Hours
 Granada Avenue from 5th Street to 7th Street, both sides – During School Hours
 Granada Avenue from Stillwater Boulevard to T.H. No. 5, west side
 Granada Avenue from TH 5 to 50th Street, west side
 Grange Avenue from 5th Street to 7th Street, both sides – During School Hours
 Granite Avenue from 5th Street to 7th Street, both sides – During School Hours
 Greene Avenue from Greenway Avenue to 7th Street, both sides – During School Hours
 Greenway Avenue from Hudson Boulevard to 7th Street, west side
 Greenway Avenue from Upper 5th Street to 7th Street, east side – During School Hours
 Greenway Avenue from 7th Street to 10th Street, both sides
 Grenadier Way from Grenadier Avenue to the east, south side
 Gresham Avenue from Gresham Court to 40th Street, east side
 Grospoint Avenue between 15th Street and Greystone Avenue, east side
 Grospoint Avenue from Hadley Avenue to 400 feet south of 24th Street, north/east sides
 Guthrie Avenue from 7th Street to 8th Street, both sides – During School Hours
 Hadley Avenue from Hudson Boulevard to 4th Street, both sides
 Hadley Avenue from 4th Street to 10th Street, both sides
 Hadley Avenue from TH 120 to TH 36
 Hudson Boulevard from 10th Street to 11th Street, both sides
 Hadley Avenue from 11th Street to 700 feet north of 15th Street, both sides
 Hadley Avenue from the Railroad Tracks to Upper 35th Street, both sides
 Hadley Avenue from Upper 35th Street to Upper 36th Street, east side
 Hadley Avenue, 1,110 feet south of Trunk Highway 36 to Trunk Highway 36, both sides (Ord. 838, 5/22/18)
 Helmo Avenue from 4th Street to 10th Street, both sides
 Helmo Avenue from 10th Street to 12th Street, both sides
 Helmo Avenue from 12th Street to 15th Street, both sides
 Helmo Avenue from 15th Street to Stillwater Boulevard, east side
 Helmo Avenue to 400 feet south of Stillwater Boulevard, west side
 Heron Avenue from 10th Street to 100' south of 10th Street, both side
 Hudson Boulevard, westerly city limits to Hadley Avenue, both sides
 Ideal Avenue from T.H. No. 5 to 36th Street, west side
 Ideal Avenue from Stillwater Boulevard to TH No. 5, west side
 Olson Lake Trail from 44th Street to 50th Street, west side (Ord. 821, 4/11/17)
 Stillwater Boulevard from Hadley Avenue to I-694, north side
 Upper 33rd Street, east of Hadley Avenue, both sides
 Upper 35th Street from Grenadier Avenue to Grovner Avenue, north side

- (b) **Postal Delivery Boxes.** No person shall stop, stand, or park a vehicle, 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.

ARTICLE IV. PRIVATE PARKING LOTS AND ROADWAYS

Sec. 12-20. What Constitutes "Open to Public". Any roadway or parking lot used by the public as a street for public traffic or parking shall be considered "open to the public" for the purposes of this article.

Sec. 12-21. Maximum Speed. No person shall operate a motor vehicle on any private roadway or parking lot open to the public within the city, at a speed greater than is safe and reasonable for the conditions of traffic then existing thereon, and in no event at a speed in excess of ten (10) miles per hour. Signs shall be posted at the entrances of such roadways that shall designate the speed limit. The signs erected shall conform in size, shape and color to the uniform system established by the Commissioner of Highways.

Sec. 12-22. Careless Driving. No person shall operate or halt any vehicle upon any private roadway or parking lot open to the public, carelessly or heedlessly in disregard of the rights of the safety of others, or in a manner so as to endanger, or be likely to endanger, any person or property.

Sec. 12-23. Parking. Parking of vehicles on private parking lots shall conform to the markings or stalls or positions for parking designated on the surface of the parking area and no vehicle shall be parked or allowed to stand in any area of such parking lot which has been designated or is used for a lane for moving traffic.

Sec. 12-24. Notice of Collision. Any person involved in a collision between the vehicle they are driving and any other vehicle parked on a private roadway or parking lot open to the public shall leave a notice upon each unattended vehicle with which they have collided, giving their name, address and vehicle license number.

ARTICLE V. MOTORCYCLES

Sec. 12-25. Defined. For the purpose of this article, the term motorcycle is defined to mean every self-propelled motor vehicle having a saddle for use of the rider and designed to travel on not more than three (3) wheels in contact with the ground. The term includes motor scooters, bicycles with motors attached, motorcycles, and mini-bikes, but does not include tractors or motorized foot scooters as defined in Minnesota Statute 169.01, 4.2 Subdivision 4c. The term highways shall mean and include any street, avenue, alley or public way used for or open to public travel within the city.

Sec. 12-26. Operation Generally. Motorcycles shall be operated in such manner as to minimize any disturbances to the public and shall not unreasonably annoy or disturb the comfort or repose of the public by engine noise, horns, noisy acceleration and any other audible disturbance resulting from such operation.

Sec. 12-27. Operation on Private Property. No motorcycle shall be driven across or upon any private property without the permission of the owner or occupant thereof, express or implied.

Sec. 12-28. Operation in Parks, On Public Property. No motorcycle shall be driven across or upon any public park or city property unless it is specifically designated for vehicular traffic.

Sec. 12-29. Prohibited on Sidewalks. No motorcycle or motorized foot scooter shall be operated or parked upon any public sidewalk within the city. Electric powered motorized foot scooters shall be

allowed on all designed bikeway/pedways unless otherwise posted. Bikeway/pedways are generally defined as an eight (8) foot wide bituminous pathway designed to carry pedestrians and bicycles and/or are listed on the city's bikeway/pedway map.

Sec. 12-30. Riding Abreast Prohibited. It is unlawful for two (2) or more motorcycles to be operated abreast of one another in the same traffic lane.

Sec. 12-31. Trick Riding, Racing. No stunts, drills, acrobatics, racing or games of any sort on motorcycles are permitted on any city highway, street, alley or public way, within the city without prior approval of the City Council.

ARTICLE VI. SNOWMOBILES/RECREATIONAL VEHICLES

Division 1. Snowmobiles.

Sec. 12-32. Incorporation. Any person operating a snowmobile in the City of Oakdale, unless provided otherwise herein, shall be subject to the provisions of Minnesota Statutes, as amended, Section 84.81 to 84.90, inclusive, and to the regulations of the Commissioner of Natural Resources, NR 51 to 59, inclusive, which are incorporated in and made a part of this Chapter as completely as if set out here in full.

Sec. 12-33. Operation on Private Property. No person shall operate a snowmobile upon private property (upon lands not belonging to the operator of such snowmobile) without the written permission of the owner or person entitled to possession of such property provided that in the case of "oral permission" the landowners or other persons entitled to possession of the involved property are present.

Sec. 12-34. Operation of Public Property.

- (a) Snowmobiles traveling on any trunk highway, County State Aid or County highways shall conform to State law.
- (b) Snowmobiles shall be allowed to travel on any other street in the city provided:
 - 1. They travel in single file on the most right-hand land available for traffic or as close as practicable to the right-hand curb or edge of roadway.
 - 2. Except as provided in Paragraph (a) above, no person shall drive or operate a snowmobile in any of the following places: on boulevards, within the public right-of-way, in a public park, on or across any public land and school grounds, unless specifically permitted by responsible authorities.
 - 3. No person shall drive or operate a snowmobile on any street at a speed in excess of fifteen (15) miles per hour.
 - 4. No person driving or operating a snowmobile shall enter an uncontrolled intersection or cross any street or highway without making a complete stop. The driver or operator shall then yield the right-of-way to any vehicle and all pedestrians.
 - 5. No person shall drive or operate a snowmobile upon a city street without the lights being on at all times.

Sec. 12-35. Hours of Operation. No person shall operate a snowmobile in the city except during the following hours:

Sunday through Thursday - 9 a.m. to 10 p.m.

Friday, Saturday and evening before holiday - 9 a.m. to 1 a.m.

Sec. 12-36. Equipment. In addition to the requirements of the State law, the following equipment shall also be on all snowmobiles:

- (a) No person shall operate a snowmobile so as to tow any person, sled, or other conveyance except by the use of a rigid tow bar attached to the rear of such snowmobile. Disabled snowmobiles shall be exempt.

Sec. 12-37. Unattended Vehicles. No snowmobile shall be unattended while the motor is running or while the key is in the ignition switch.

Sec. 12-38. Races. Professional races shall only be allowed when a permit is first obtained from the City Administrator. Without restricting the definition of what a professional race is, a race shall be considered professional if it is advertised, or offers prize money, goods or trophies, or has a starter or finishing judge, or is sponsored by any organization or person. The permit fee for such races shall be determined by the City Council. The City Administrator shall prescribe rules and regulations for the conduct and operation of said races and may cancel or refuse to renew said permit for violation of such rules and regulations. Said rules and regulations shall consider public health, safety, welfare and nuisance, and such other factors that the City Administrator shall consider necessary. All vehicles involved in the race are required to have a dead man throttle.

No permit shall be issued until a Certificate of Insurance is first filed with the city covering the race in limits of at least \$25,000 bodily injury each person, \$50,000 bodily injury each occurrence, and \$10,000 property damage.

Division 2. Recreational Vehicles.

Sec. 12-39. Incorporation. Any person operating a recreational vehicle in the City of Oakdale, not on a public street or alley, shall be subject to the provisions of Minnesota Statutes, Sections 84.90, 84.92, 84.922, 84.923, 94.925 and 84.928, as amended, which are incorporated in and made a part of this Chapter as completely as if set out here in full.

Sec. 12-40. Definitions. For the purpose of this section, the terms defined herein shall have the meaning ascribed to them.

- **Owner** means a person, other than a lien holder, having the property in or title to a recreational vehicle entitled to the use or possession thereof.
- **Operate** means to ride in or on and control the operation of a recreational vehicle.
- **Operator** means every person who operates or is in actual physical control of a recreational vehicle.
- **Person** includes an individual, partnership, corporation, the state and its agencies and subdivision, and any body of persons, whether incorporated or not.
- **Recreational Vehicle** for the purpose of this section, recreational vehicle shall be defined as in Minnesota Statutes 84.92; motorcycles, licensed and unlicensed, motorized bicycles, licensed and unlicensed, and those recreational vehicles as defined in Minnesota Statutes, Sections 84.90, Subdivision 1 (A).

- **Register** means the act of assigning a registration number to a recreational vehicle as required under applicable Minnesota Statutes or Minnesota Department of Natural Resources (DNR) regulations.

Sec. 12-41. Unlawful Operation. Except for operation on highways, streets, alleys, or parking lots, it shall be unlawful for any person to drive, operate, control or otherwise direct the course of travel of any recreational vehicle within the city under the following circumstances:

- (a) Upon private property (upon lands not belonging to the operator of such recreational vehicle) without the written permission of the owner or person entitled to possession of such property or the oral permission of the landowner or person entitled to possession of such property, provided that in the case of "oral permission", the landowner or other persons entitled to possession of the involved property are present, on the property during such operation. The operator of any recreational vehicle, while operating such vehicle on lands not belonging to the operator (except where specified otherwise herein), shall have in his/her immediate possession at all times while so operating, a written and dated form as signed by the landowner or person entitled to possession of the involved property, which grants to the specified operator, permission to operate a recreational vehicle on the involved property or any part thereof, as described.

For the purposes of this section, "written permission" may be given by a posted notice of any kind or description that the landowner, legal occupant, or lessee prefers, so long as it specifies the kind of vehicles allowed, such as by stating "Recreational Vehicles Allowed", "All-Terrain Vehicles Allowed", or words substantially similar. Failure by the landowner, legal occupant, or lessee to post notices upon lands under his/her control which prohibit the operation of recreational vehicles upon such lands, shall in no way be construed so as to provide tacit approval for the operation of those vehicles upon such unposted lands;

- (b) Upon any school ground, park property, playground, recreation area golf course, other public land or water, except as and at such times as the persons in lawful control of such property may authorize or designate;
- (c) In any manner which creates unnecessary and unusual noise and disturbance, either by the machine itself or the person(s) riding upon such machine;
- (d) In a manner that endangers or is likely to endanger any property or any person, including the operator or passengers of the vehicle;
- (e) After the hour of 10 p.m. on any day or before the hour of 7 a.m. on any day;
- (f) Driving on public land at a speed in excess of fifteen (15) miles per hour, unless otherwise posted, provided that the driver of said recreational vehicle shall, when special hazards exist with respect to pedestrians or other traffic or by reason of weather or trail conditions, appropriately reduce the speed;
- (g) When towing another person or thing on skis, sled, toboggan or other device, unless by means of a rigid tow bar of not more than ten (10) feet in length, except at the direction of a police officer;
- (h) With more passengers than the design capacity of the particular recreational vehicle;
- (i) If the vehicle is unlicensed upon any street or highway or within the right-of-way thereof, except as provided under Section 12-42 Organized Events, and except as provided by Minnesota Statutes 84.928.

Sec. 12-42. Organized Events. Recreation vehicle competitive events, parades, or trail rides may be held only upon permission of the City Council after review by the Public Safety Director and pertinent staff to such conditions as the City Council shall prescribe.

Sec. 12-43. Enforcement. A law enforcement officer finding any recreational vehicle to be in violation of this section in any of its parts may seize same. Any vehicle seized shall be held for a period up to ninety (90) days, subject to claim by owner thereof after appearance in municipal court and an order of said court ordering same released to the claimant upon payment of any and all reasonable towing and storage charges.

Sec. 12-44. Damages. The owner of any recreational vehicle which is in violation of this section in any of its parts and which damages property, shall be liable for such damage.

ARTICLE VII. JUNK AND ABANDONED VEHICLES

Sec. 12-45. Definitions. The following words, terms and phrases, when used in Article VII shall have the following meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

- **Junk Vehicle** means any motor vehicle which cannot be lawfully operated or is not in an operable condition, partially dismantled, used for repair of parts or as a source of repair or replacement parts for other vehicles, kept for scrapping, dismantling or salvage of any kind.

Sec. 12-46. Abandonment and Parking Prohibited.

- (a) No person shall abandon any vehicle or any part thereof or therefrom on the public place in the city.
- (b) No portion of this section shall prevent or supersede Article III of this Chapter pertaining to winter parking regulations.

Sec. 12-47. Parking, Storage, Repair or Maintenance of Junk Vehicles. No person shall repair or do maintenance work on any motor vehicle in any public place except for emergency repair. The Chief of Police, or designated representative, shall determine what constitutes an emergency.

Sec. 12-48. Partially Dismantled, Wrecked, Junked, Discarded or Nonoperating Vehicles on Private Property. It shall be unlawful for any person in charge or in control of any property within the city to allow any junk or abandoned vehicle, including any parts thereof or therefrom, to remain on any private property for a period longer than seventy-two (72) hours unless within an enclosed building or by written permission is obtained from the City Administrator.

Sec. 12-49. Penalty for Violation. Every person who violates an article, section, paragraph, or provision of this Chapter when performing 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 as follows:

- (1) When the specific article, section, paragraph, or provision specifically makes violation a misdemeanor, the violator shall be punished as for a misdemeanor; where a violation is committed in a manner or under circumstances as to endanger or be likely to endanger any

person or property, the violator shall be punished as for a misdemeanor; where the violator stands convicted of violation of any provision of this Chapter, exclusive of violations relating to the standing or parking of an unattended vehicle, within the immediate preceding 12-month period for the third or subsequent time, the violator shall be punished for a misdemeanor.

- (2) As to any violation not constituting a misdemeanor under the provisions of (1) hereof, the violator shall be punished as for a petty misdemeanor.

ARTICLE VIII. Repealed. (Ord. 818, 01/24/17)