
Belle Plaine City Code
Chapter 5 - Motor Vehicles and Traffic
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SECTION 500.00 GENERAL TRAFFIC REGULATIONS.

500.01 Minnesota Statutes Adopted by Reference.

500.02 Exhibition Driving.

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500.04 Driving on Private Property to Avoid Traffic Signal.

500.01 MINNESOTA STATUTES ADOPTED BY REFERENCE.

Except as otherwise provided in this Chapter, the regulatory and procedural provisions of the Minnesota Statutes, Chapters 168 and 169 (commonly referred to as the Highway Traffic Regulation Act), and Chapter 171 as amended are hereby incorporated herein and adopted by reference, including the penalty provisions hereof.

500.02 EXHIBITION DRIVING.

Subd. 1. Prima Facie Evidence. It shall be prima facie evidence of exhibition driving when a motor vehicle stops, starts, accelerates, decelerates, or turns at an unnecessary rate of speed so as to cause tires to squeal or gears to grind or soil to be thrown or an engine to backfire or fishtailing or skidding, or, as to two-wheeled or three-wheeled vehicles, the front wheel to lose contact with the ground or roadway surface.

Subd. 2. Unlawful Act. It shall be unlawful for any person to do any exhibition driving on any street, parking lot, or other public or private property, except when an emergency creates necessity for such operation to prevent injury to persons or damage to property; provided that this Section shall not apply to driving on a licensed racetrack with the permission and under the auspices and direction of the licensee.

500.03 TURNS.

Subd. 1. U-Turns. It shall be unlawful for any person to operate a vehicle by turning so as to proceed in opposite directions upon any street except at a street intersection, and then only if the street intersection is not sign-posted prohibiting a U-turn or otherwise controlled by a traffic signal or sign; provided that any person making, a permitted U-turn shall yield the right-of-way to all pedestrians and vehicles.

Subd. 2. Restrictions on Turns. The Council by resolution, may, whenever necessary to preserve a free flow of traffic or to prevent accidents, designate any intersection as one where the turning of the vehicles to the left or to the right, or both, shall be restricted at all times or during specified hours. The Superintendent of Public Works shall mark by appropriate signs any intersections so designated. No intersection on a trunk highway shall be so designated until the consent of the Commissioner of Highways to such designations shall first be obtained. No person shall turn a vehicle at any such intersection contrary to the directions on the signs.

500.04 DRIVING ON PRIVATE PROPERTY TO AVOID TRAFFIC SIGNAL.

It shall be unlawful for any person to drive upon or through any private property to avoid obedience to any traffic control device.

SECTION 501.00 PARKING REGULATIONS.

- 501.01 Presumption.
- 501.02 Parallel Parking.
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- 501.09 Parking During Snow Removal and Street Maintenance.
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501.01 PRESUMPTION.

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

501.02 PARALLEL PARKING.

Except where angle parking is specifically allowed and indicated by curb marking or sign-posting, or both, each vehicle stopped or parked upon a two-way road where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with and within 12 inches of the right-hand curb, and where painted markings appear on the curb or the street, the vehicle shall be within the parking, front and rear, provided that upon a one-way roadway all vehicles shall be so parked, except that the left-hand wheels of the vehicle may be parallel with and within 12 inches from the left-hand curb, but the front of the vehicle in any event and with respect to the remainder of the vehicle, shall be in the direction of the flow of traffic upon the one-way street; and it shall be unlawful to park in violation of this Section.

501.03 ANGLE PARKING.

Where angle parking has been established by resolution, and is allowed as shown by curb marking or sign-posting, or both, each vehicle stopped or parked shall be at an angle or approximately 45 to 60 degrees with the front wheel touching the curb and within any parking lines painted on the curb or street, provided that the front wheel not touching the curb shall be the portion of the vehicle furthest in the direction of one-way traffic; and it shall be unlawful to park in violation of this Section.

501.04 STREETS WITHOUT CURBS.

Upon streets not having a curb, each vehicle shall be stopped or parked parallel and to the right of the paving, improved or main traveled part of the street; and it shall be unlawful to park in violation of this Section.

501.05 OTHER GENERAL PROVISIONS.

Subd. 1. No Parking, Stopping or Standing Zones. The Council may, by resolution, designate certain streets or portions of streets as no parking, or no stopping or standing zones and may limit the hours in which the restrictions apply. The Superintendent of Public Works or Chief of Police shall mark with appropriate signs each zone so designated. At any time it shall be unlawful to permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic controlling device:

- A. In any intersection.
- B. In a crosswalk.
- C. Upon any bridge or viaduct, or in any subway or tunnel or the approach thereto.
- D. Between a safety zone and the adjacent curb or within thirty feet of a point of the curb immediately opposite the end of a safety zone.
- E. Within thirty feet of a traffic signal, beacon, or sign on the approaching side.
- F. Within twenty feet of any intersection or crosswalk.
- G. At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than eighteen feet.
- H. Within fifteen feet of a fire hydrant.
- I. At any place where the vehicle would block the use of a driveway.
- J. Within fifty feet of the nearest rail of a railroad grade crossing.
- K. Within twenty feet of the driveway entrance to any fire department station and on the side of the street opposite the entrance to any such station within seventy-five feet of the entrance when properly sign-posted.
- L. On any sidewalk or parkway.
- M. At any place where official signs prohibit parking.

Subd. 2. Time Limit Parking Zones. The Council may, by resolution, designate certain areas where the right to park shall be limited during hours specified. The Superintendent of Public Works shall mark by appropriate signs each zone so designated. During the hours specified on the sign, no person shall park a vehicle in any limited parking zone for a period longer than is so specified.

Subd. 3. Vehicles for Sale. It shall be unlawful to park any vehicle upon any street, or within the street right-of-way, for the purpose of displaying it for sale; or to park any vehicle upon any business street from which merchandise is peddled.

Subd. 4. Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for the free movement of vehicle traffic, and no person shall stop, stand or park a vehicle within an alley in a position as to block the driveway entrance to any abutting, property, except to unload commercial produce and then only for a reasonable time.

Subd. 5. Parking Motor Vehicle on Private Property. It shall be unlawful to park any motor vehicle on any private property without the consent of the owner of the property.

Subd. 6. Parking Hours. It is unlawful for any person to stop, park or leave standing any vehicle upon any street for a continuous period in excess of forty-eight (48) hours. (Ord. 03-21, Section 501, Adopted November 3, 2003.)

501.06 IMPOUNDMENT.

Any 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 or street improvement or maintenance operations. The vehicle shall not be released until the fees for towing and storage are paid.

501.07 TRAILER HOUSE, MOBILE HOME, CAMPING TRAILER AND BUS PARKING.

It shall be unlawful for any person to leave or park a trailer house, mobile home, camping trailer, bus, moving trailer, trailer for housing recreational vehicles, trailer for business use or other similar recreational vehicle on or within the limits of any street or right-of-way, except where signs are erected designating the place as a campsite, for more than twenty-four consecutive hours: provided, however, that during, the twenty-four hour period, the vehicle shall not be occupied as living quarters.

(Ord. 03-21, Section 501, Adopted November 3, 2003.)

501.08 TRUCK PARKING.

Subd. 1. Public Property. It shall be unlawful to park a detached semi-trailer upon any street, municipally-owned parking lot, or other public property.

Subd. 2. Streets. No person shall allow a semi-trailer, whether or not attached to a truck-tractor to stand or be parked on any residential street in the City at any time, or in any public parking lot except in an emergency in order to change tractors. Nor shall any person allow any commercial vehicle over 9,000 pounds gross weight to be parked on any street adjacent to property zoned residential or on any private property zoned residential unless enclosed in a suitable enclosure, except when utilized for excavation or construction on the property.

Subd. 3. Loading Zones. Parking of commercial vehicles shall be permitted in duly designated and sign-posted loading zones, and in alleys, for a period of up to twenty minutes, provided the alley parking does not prevent the flow of traffic therein, except when impossible to do so, all of which shall be for the purpose of access to abutting or adjacent property for loading or unloading.

501.09 PARKING DURING SNOW REMOVAL AND STREET MAINTENANCE OPERATIONS.

An emergency ordinance regulating the parking of motor vehicles and obstructions to facilitate snow removal and street maintenance operations.

Subd. 1. Emergency Residential Winter Parking. During the period from November 1 to April 1 of each year, no motor vehicle or any other obstruction shall be parked or allowed to remain on any City street until the street is cleared to its full width when snow has accumulated to a depth of one-half inch on the roadway. (Ord 01-14, Section 501.09, Adopted October 15, 2001.)

Subd. 2. Snow Emergency Downtown Parking.

1. The Superintendent of Public Works, or his or her designee, in the exercise of sound judgment and discretion, shall determine when a Snow Emergency exists requiring the removal of snow and ice from the public streets.

2. The downtown area is described as follows:

The 100 Block of South Meridian Street, from Main Street proceeding south and terminating at the north property lines of 127 and 130 South Meridian Street.

The 100 and 200 blocks of North Meridian Street.

The 100 block of East Main Street.

The 100 and 200 blocks of West Main Street.

The 100 block of East Church Street.

The 100 block of West Church Street.

The 100 and 200 blocks of North Willow Street.

The 100 block of South Willow Street from Main Street proceeding south to the East/West alley. (Ord. 04-02, Section 501, Adopted January 5, 2004.)

3. The downtown snow emergency removal shall be as follows: When Public Works post NO PARKING signs in the downtown area, there shall be no parking on the downtown area streets until Public Works Department removes the signs.

Subd. 3. Street Maintenance. Whenever any street sweeping, construction, or maintenance shall be deemed necessary for the proper condition or repair of the City streets, parking shall be prohibited on those streets so marked by the posting of signs.

Subd. 4. Removal. The City is hereby authorized to remove or cause such obstruction, whether a vehicle or other object, to be removed. The owner shall be responsible for the actual cost of the removal in addition to any penalties which may be imposed upon conviction of any violation of this ordinance.

Subd. 5. Penalty. Any person, firm, or corporation violating the provisions of this Subdivision shall be guilty of a petty misdemeanor and may be fined in accordance with State Statute.

501.10 PARKING RULES IN OFFICIAL PARKING LOTS.

In municipally-owned parking lots, the Council may limit the sizes and types of motor vehicles to be parked thereon, hours of parking and prescribed method of parking, provided that the

limitations and restrictions are sign-posted thereon. It be unlawful to park or leave standing any vehicle backed into a parking place, to drive in the direction opposite the flow of traffic marked by "one-way", signs, or arrows, or to park any vehicle in any municipally-owned parking lot contrary to the restrictions or limitations sign-posted therein.

501.11 UNATTENDED VEHICLES.

Subd. 1. Running. It shall be unlawful for any person to leave a motor vehicle unattended while the engine is running.

Subd. 2. Key. It shall be unlawful for any person to leave a motor vehicle unattended with the key in the ignition.

501.12 VEHICLE REPAIR ON STREET.

It shall be unlawful for any person to service, repair, assemble, disassemble any vehicle parked upon the street, or attempt to do so, except to service the vehicle with gasoline or to provide emergency repairs to the vehicle.

SECTION 502.00 TRUCK AND LOAD ZONES.

502.01 Establishment.

502.02 Truck Zone Prohibitions.

502.03 Loading Zone Prohibition.

502.04 Property Owner Initiative.

502.05 No Truck Parking Zones.

502.01 ESTABLISHMENT.

The Council may by resolution establish loading or truck zones. The Superintendent of Public Works shall mark zones with appropriate signs.

502.02 TRUCK ZONE PROHIBITIONS.

During truck zone hours, as posted, no person shall stop, stand, or park any vehicle except a truck in a truck zone. No person shall stop, stand or park a truck in the truck zone during truck zone hours except to receive or discharge passengers or freight and only for a period of no longer than is necessary for the purpose.

502.03 LOADING ZONE PROHIBITION.

During loading zone hours, as posted, no person shall stop, stand or park any vehicle in a loading zone except to receive or discharge passengers or freight and then only for a period no longer than is necessary for the purpose. No person shall occupy a loading zone with a vehicle other than a truck for more than five minutes during such hours.

502.04 PROPERTY OWNER INITIATIVE.

Any person desiring the establishment of a loading or truck zone abutting premises occupied by him or her shall make written application to the Council. If the Council grants the request, the proper City officers shall bill the applicant for the costs of placing signs and of painting the curb. When the amount is paid to the City Treasurer, the Superintendent of Public Works shall install the necessary signs and paint the curb.

502.05 NO TRUCK PARKING ZONES.

The Council may by resolution establish "No Truck Parking" zones in the business district and the Superintendent of Public Works shall mark with appropriate signs any zones so established. The zones shall be established in the business district where heavy traffic by trucks or other traffic congestion makes parking by trucks a hazard to the safety of vehicles or pedestrians. No person shall park a truck of more than one-ton capacity between 8:00 a.m. and 6:00 p.m. on any weekday upon any street in any such zone, but parking of the vehicle for a period of not more than thirty minutes shall be permitted in the zone for the purpose of having access to abutting property when such access cannot conveniently be secured otherwise.

SECTION 503.00 SNOWMOBILES.

- 503.01 Definitions.
- 503.02 Scope of Application.
- 503.03 Operation.
- 503.04 Special Order.
- 503.05 Direct Crossings.
- 503.06 Yielding the Right-of-Way.
- 503.07 Persons Under the Age of Eighteen.
- 503.08 Equipment.
- 503.09 Locking Vehicles.
- 503.10 Emergencies.
- 503.11 Respect of Animals.
- 503.12 Signal From Officer to Stop.

503.01. DEFINITIONS.

The following terms, as used in this Section, shall have the following meanings:

SNOWMOBILE. The term "Snowmobile" shall mean a self-propelled vehicle steered by skids or runners and designed for travel on snow or ice.

OWNER. The term "Owner" shall mean a person, other than a lien holder having the property in or title to snowmobile, entitled to the use or possession thereof.

OPERATE. The term "Operate" shall mean to ride in or on and control the operation of a snowmobile.

OPERATOR. The term "Operator" shall mean every person who operates or is in actual physical control of a snowmobile.

DEADMAN THROTTLE/SAFETY THROTTLE. The term "Deadman Throttle" or "Safety Throttle" shall mean a device which when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving mechanism.

NATURAL TERRAIN. The term "Natural Terrain" shall mean areas other than roadways or driveways (private or public), parking lots and other areas the surface of which has been intentionally modified for motor vehicle operation thereon.

503.02 SCOPE OF APPLICATION.

Notwithstanding provisions of this Chapter to the contrary, this Section shall apply to control of traffic and regulation of that certain class of vehicles falling within the definitions of snowmobiles as to matters set forth herein this Section.

503.03 OPERATION.

Except as otherwise permitted in this Section, it shall be unlawful for any person to operate a snowmobile not licensed as a motor vehicle as follows:

- A. On the portion of any right-of-way of any public highway, street, road, trail or alley used for motor vehicle travel except that a snowmobile may operate upon the most right-hand lane of a municipal street or alley and may in passing or making a left-hand turn, operate on other lanes which are used for vehicle traffic in the same direction. Snowmobiles may also be operated upon the ditch bottom or outside bank of trunk, County state-aid and County highways where the highways are so configured with the corporate limits.
- B. On a public sidewalk or bicycle trail provided for pedestrian or bicycle travel.
- C. On boulevards within any public right-of-way.
- D. On private property of another without specific permission of the owner or person in control of the property.
- E. At a rate of speed greater than reasonable or proper under all surrounding circumstances.
- F. At any place in a careless, reckless or negligent manner or heedlessly in disregard of the rights of safety of others, or in a manner so as to endanger or be likely to endanger or cause injury or damage to any person or property.
- G. During the hours from 11:00 p.m. to 7:00 a.m. of any day when closer than 100 feet to any dwelling which is usually occupied by one or more persons; provided, however, that snowmobiles operation shall be permitted during such hours when traveling directly to or from the residence of the operator and the nearest City limits at a rate of speed not in excess of fifteen (15) miles per hour.
- H. So as to tow any person or thing except through use of a rigid tow bar attached to the rear of the snowmobile.
- I. At any place while under the influence of alcohol or drugs as defined in M.S. A. 169.121.
- J. Within 100 feet of any pedestrian, fisherman, skating rink or sliding area where the operation would conflict with the use or endanger other persons or property.
- K. On lands owned by a public body or on frozen waters, including, but not limited to school grounds, park property, playgrounds, recreational areas or public trails.

(Ord. 03-09, Section 503.03, Adopted July 7, 2003.)

503.04 SPECIAL ORDER.

In addition to the regulations provided in Section 503.03, it shall be unlawful to operate a snowmobile on any public place where prohibited by order of the City. The City shall have the power, by written order, to prohibit such operation whenever in its discretion the operation would be likely to produce damage to property or endanger the safety or repose of other persons. Such areas shall be appropriately sign-posted before the order shall become effective.

503.05 DIRECT CROSSINGS.

A snowmobile may make a direct crossing of a street or highway, except an interstate highway or freeway, provided:

- A. The crossing is made at an angle of approximately 90 degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing.
- B. The snowmobile is brought to a complete stop before crossing, the shoulder or main traveled way.
- C. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.
- D. In crossing a divided street or highway, the crossing is made only at an intersection of the street or highway with another public street or highway.
- E. If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

503.06 YIELDING THE RIGHT-OF-WAY.

It shall be unlawful for any person operating a snowmobile to enter any intersection without yielding the right-of-way to any vehicles or pedestrians at the intersection as to constitute an immediate hazard.

503.07 PERSONS UNDER THE AGE OF EIGHTEEN.

Subd. 1. It shall be unlawful for any person under the age of fourteen (14) years to operate a snowmobile on streets, in City parks or other public land, or the roadway surface of highways, or make a direct crossing of a trunk, County state-aid, or County highway as the operator of a snowmobile. A person fourteen (14) years of age or older, but less than eighteen (18) years of age, may operate a snowmobile as permitted under this Section, only if he or she has in his or her possession, a safety certificate issued by the Commissioner of Natural Resources as provided by M.S. A. 84.872.

Subd. 2. It shall be unlawful for the owner of a snowmobile to permit the snowmobile to be operated contrary to the provisions of this Section.

503.08 EQUIPMENT.

It shall be unlawful for any person to operate a snowmobile any place within the City unless it is equipped with the following

- A. Standard mufflers which are shall be properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass, straight pipe or similar device on a snowmobile motor.
- B. Brakes adequate to control the movement of and to stop and hold the snowmobile under any condition of operation.
- C. A safety or so-called "Deadman" throttle in operating condition.
- D. When operating between the hours of one-half hour after sunset to one-half hour before sunrise or at a time of reduced visibility, at least one clear lamp shall be attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during

the hours of darkness and under normal atmospheric conditions. The head lamp shall be so aimed that glaring rays shall not be projected into the eyes of any oncoming snowmobile operator. It shall also be equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during the hours of darkness under normal atmospheric conditions.

E. Reflective material at least sixteen (16) square inches on each site, forward of the handlebars, or steering, device of a snowmobile and at the highest practical point on any towed object, as to reflect light at a 90-degree angle.

503.09 LOCKING VEHICLES.

It shall be unlawful for any person to leave a snowmobile on a public place unless he or she shall lock the ignition, remove the key and take the same with him or her.

503.10 EMERGENCIES.

Notwithstanding, the prohibition of operating a snowmobile upon a roadway to the contrary, a snowmobile may be operated on a public thoroughfare in an emergency during the period of time when, at locations where snow upon the roadway renders travel by automobile impractical.

503.11 RESPECT OF ANIMALS.

It shall be unlawful to intentionally drive, chase, run over or kill any animal with a snowmobile.

503.12 SIGNAL FROM OFFICER TO STOP.

It is shall be unlawful for a snowmobile operator, after having received a visual or audible signal from any law enforcement officer to come to a stop, to (a) operate a snowmobile in willful or wanton disregard of the signal, or (b) interfere with or endanger the law enforcement officer or any other person or vehicle, or (c) increase his or her speed or attempt to flee or elude the officer. (Ord. 01-10, Section 503, Adopted August 20, 2001.)

SECTION 504.00 ABANDONED PROPERTY.

- 504.01 Disposition of Abandoned Property.
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- 504.03 Definitions
- 504.04 Violation to abandon motor vehicle
- 504.05 Authority to impound vehicles
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- 504.11 Disposal authority
- 504.12 Contracts; reimbursement by MPCA

504.01 DISPOSITION OF ABANDONED PROPERTY.

- A. Procedure. Except for abandoned and junked vehicles, all property lawfully coming into possession of the City shall be disposed of as provided in this section. Abandoned and junked vehicles shall be disposed of according to the procedures of 504.02 et seq.
- B. Storage. The department of the City acquiring possession of the property shall arrange for its storage. If City facilities are unavailable or inadequate, the department may arrange for storage at a privately-owned facility.
- C. Claim by owner. The owner may claim the property by exhibiting satisfactory proof of ownership and paying the City any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.
- D. Sale. If the property remains unclaimed in the possession of the City for 60 days, the property shall be sold to the highest bidder at a public auction conducted by the Chief of Police after two weeks' published notice setting forth the time and place of the sale and the property to be sold.
- E. Disposition of proceeds. The proceeds of the sale shall be placed in the general fund of the City. If the former owner makes application and furnishes satisfactory proof of ownership within six months of the sale, the former owner shall be paid the proceeds of the sale of the property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale. (Statutory reference Sale of unclaimed property, see MS 471.195.)

504.02 ABANDONED VEHICLES - FINDINGS AND PURPOSE.

Abandoned motor vehicles constitute a hazard to the health and welfare of the people of the City in that such vehicles can harbor noxious diseases, furnish shelter and breeding places for vermin, and present physical dangers to the safety and well-being of children and other citizens. Abandoned motor vehicles and other scrap metals also constitute a blight on the landscape of the City and therefore a detriment to the environment. The abandonment and retirement of motor vehicles and other scrap metals constitutes a waste of a valuable source of useful metal. It is therefore in the public interest that the present accumulation of abandoned motor vehicles and other scrap metals be eliminated, that future abandonment of motor vehicles and other scrap metals be prevented, that the expansion of existing scrap recycling facilities be developed and that other acceptable and economically useful methods for the disposal of abandoned motor

vehicles and other forms of scrap metal be developed. (M.S. 168B.01)

504.03 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, 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 504.05(B), without the consent of the person in control of the property; and

b. Lacks vital component parts or is in an inoperable condition such 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, 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, 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 such 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.

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 section 504.24.

UNAUTHORIZED VEHICLE. A vehicle that is subject to removal and impoundment pursuant to 504.18(B), or M.S. 169.041, 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. (M.S. 168B011).

504.04 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 such property, is guilty of a misdemeanor. (M.S. 168B.03) Penalty, see Section 505.

504.05 AUTHORITY TO IMPOUND VEHICLES.

- A. Abandoned or junk vehicles. Units of government and peace officers may take into custody and impound any abandoned or junk vehicle.
- B. Unauthorized vehicles. Units of government and peace officers may take into custody and impound any unauthorized vehicle under M.S. 169.041. 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:
 - 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.
- (M.S. 168B.04)

504.06 SALE; WAITING PERIODS.

A. Sale after 15 days. An impounded vehicle is eligible for disposal or sale under 504.10, 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 504.10, 45 days after notice to the owner, if the vehicle is determined to be an unauthorized vehicle. (M.S. 168B.051)

504.07 NOTICE OF TAKING AND SALE.

A. Contents; notice given within five days. When an impounded vehicle is taken into custody, the unit of government 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 such 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 504.08; 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 504.19 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 504.10.

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. (M.S. 168B.06)

504.08 RIGHT TO RECLAIM.

A. Payment of charges. The owner or any lienholder of an impounded vehicle shall have a right to reclaim such vehicle from the unit of government 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 504.19, after the date of the notice required by 504.07.

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, GARAGE KEEPER 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. (M.S. 168B.07)

504.09 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 section 504.06(A); and
2. 55 days storage for a vehicle described in 504.06(B).

B. Implied consent to sale. A registered owner who fails to claim the impounded vehicle within the applicable time period allowed under section 504.06 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. (M.S. 168B.087)

504.10 DISPOSITION BY IMPOUND LOT.

A. Auction or sale.

1. If an abandoned or unauthorized vehicle and contents taken into custody by a unit of government or any impound lot is not reclaimed under 504.08, it may be disposed of or sold at auction or sale when eligible pursuant to 504.07 and 504.08.

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 such 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 units of government or public impound lots pursuant to division (A) of this section shall be disposed of in accordance with

section 504.11.

C. Sale proceeds; public entities. From the proceeds of a sale under this section by a unit of government or public impound lot of an abandoned or unauthorized motor vehicle, the unit of government 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 unit of government.

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. (M.S. 168B.08)

504.11 DISPOSAL AUTHORITY.

A unit of government may contract with others or may utilize its own equipment and personnel for the inventory of impounded motor vehicles and abandoned scrap metal and, if no bids are received, may utilize its own equipment and personnel for the collection, storage and transportation of these vehicles and abandoned scrap metal; provided, however, that a unit of government may utilize its own equipment and personnel 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. (M.S. 168B.09(1))

504.12 CONTRACTS; REIMBURSEMENT BY MPCA.

A. MPCA review and approval. If a unit of government enters into a contract with a person licensed by the MPCA pursuant to this section or a contract pursuant to section 504.11, the MPCA may review the contract 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. Where a contract has been approved, the MPCA may reimburse the unit of government for the costs incurred under the contract that have not been reimbursed under section 504.10. Except as otherwise provided in section 504.24, 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 pursuant to division (B) of this section; 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. Solid waste disposers. The MPCA may issue a license to any person desiring to be a party to a disposal contract who meets the requirements for solid waste disposers established by the MPCA pursuant to M.S. 116.07.

C. Units of government that perform work. If a unit of government utilizes its own equipment and personnel pursuant to its authority under 504.24, and the use of the equipment and personnel

conforms to the MPCA's plan for solid waste management and is in compliance with MPCA rides, that government may be reimbursed by the MPCA for reasonable costs incurred which are not reimbursed under section 504.10.

D. Units of government required to contract work. The MPCA may demand that a unit of government contract for the disposal of abandoned motor vehicles and other scrap metal pursuant to the MPCA's plan for solid waste disposal. Where the unit of government fails to so contract within 180 days of the demand, the MPCA, through the Department of Administration and on behalf of such unit of government, may contract with any person duly licensed by the MPCA for such disposal. (M.S. 168B.10(1) - (4))

SECTION 505.00 VEHICULAR NOISE PROHIBITED

505.01 Definitions

505.02 General Prohibition

505.03 Dynamic Braking Device Prohibited

505.04 Penalties

505.01 DEFINITIONS.

Subd. 1. For the purposes of this Ordinance, the following term shall have the meaning stated below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directive.

A. “Dynamic Braking Device.” A Device primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes. A “dynamic device” is commonly referred to, and for the purposes of this definition includes, Jacob’s brake or Jake brake, an engine brake or compression brake.

505.02 GENERAL PROHIBITION.

Subd. 1. No person shall make or cause to be made any distinct and loud audible noise.

505.03 DYNAMIC BRAKING DEVICE PROHIBITED.

Subd. 1. It is unlawful for any person to operate any motor vehicle in the City of Belle Plaine with a dynamic braking device engaged, except when necessary to avoid imminent danger.

505.04 PENALTIES.

Subd. 1. The Belle Plaine City Code, Chapter 1, 100.07, entitled “Penalties” is hereby adopted in its entirety, by reference, as though repeated verbatim herein.

SECTION 506.00 VIOLATIONS AND PENALTIES.

506.01 Penalties.

506.01 PENALTY.

Every person violates a section, subdivision, paragraph or provision of this Chapter when he or she 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 as follows:

Subd. 1 Special Penalties. Where the specific section, subdivision, paragraph or provision specifically makes violation a petty misdemeanor he or she shall be punished as for a petty misdemeanor; where a violation is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property, he or she shall be punished for a misdemeanor, where he or she 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, he or she shall be punished as for a misdemeanor.

Subd. 2. General Penalty. As to any violations not constituting a misdemeanor under the provisions of Subdivision 1 hereof, he or she shall be punished as for a petty misdemeanor.

Subd. 3. Statutory Penalty. As to any violation of a provision adopted by reference, he or she shall be punished as specified in the provision, so adopted.

SECTION 507.00 ALLOW DISABLED PERSONS TO OPERATE MOTORIZED GOLF
CARTS ON CITY STREETS.

507.01 Definitions.

507.02 Operation Provisions.

507.03 Restrictions.

507.04 Private Roadways.

507.01 DEFINITIONS. For the purposes of this Section, the terms defined shall have the following meanings to them:

DISABLED PERSON – Any person who qualifies as disabled as listed in Minnesota State Statute 169.345 subdivision 2.

MOTORIZED GOLF CART - As described as same and listed in Minnesota State Statute 169.045 subdivision 1.

SLOW MOVING VEHICLE EMBLEM – Placard described and attached to vehicle as listed in Minnesota State Statute 169.522.

507.02 OPERATION PROVISIONS. It is lawful to operate a motorized golf cart on any public street if the following criteria is met:

- A. The person is disabled.
- B. The person has obtained a permit to operate the vehicle from the Chief of Police.
- C. The vehicle is equipped with a slow moving vehicle emblem.
- D. The owner of the vehicle has obtained insurance for the vehicle in accordance with Minnesota State Statute 169.045.

507.03 RESTRICTIONS. It shall be unlawful for any person to operate a motorized golf cart:

- A. At a speed greater than ten miles per hour.
- B. On any United States Trunk Highway, Minnesota State Highway, or County State Aid Highway.
- C. In a careless or reckless manner.
- D. From sundown to sunrise.
- E. In violation of any state traffic law when applicable.

507.04 PRIVATE ROADWAYS. Nothing in this ordinance shall prohibit the owner of real property used by the public for the purpose of vehicular travel from prohibiting such use, or requiring different or additional conditions than those specified in this ordinance or state statute.

(Ord. 00-22, Section 507, Adopted November 6, 2000).

SECTION 508.00 UTILITY TASK VEHICLES (UTVs)

508.01 Definitions.

508.02 Operation Provisions.

508.01 DEFINITIONS

For the purpose of this section, the following definitions shall apply:

DRIVER. A person driving and having physical control over a utility task vehicle or mini-truck and being the permittee under this section.

UTILITY TASK VEHICLE. As defined by Minn. Stat. § 169.045, subd. 1(3), a side-by-side, four-wheel drive, off-road vehicle that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds.

508.02 OPERATION PROVISIONS

Subd. 1. No person shall operate an all-terrain vehicle as defined in Minn. Stat. § 84.92 on streets or other public property within the city. No person shall operate a utility task vehicle, as defined herein, on streets or other public property within the city without obtaining a permit as provided herein provided, however, that authorized city staff may operate city-owned utility task vehicles and all-terrain vehicles without obtaining a permit on city streets, sidewalks, trails, rights-of-way, and public property when conducting city business.

Subd. 2. Application for a utility task vehicle operating permit shall be made on a form supplied by the Police Department and shall contain all of the following information:

- (a) The name and address of the applicant.
- (b) Model name, make, and year and number of the utility task vehicle.
- (c) Evidence of insurance in compliance with the provisions of Minnesota Statutes concerning insurance coverage for the utility task vehicle.
- (d) Such other information as the city may require.

Permits shall be granted by the Chief of Police for a period of one year.

Subd. 3. When operating a utility task vehicle, the driver must have a copy of the permit and proof of insurance in his or her possession, and properly display the permit as designated in the permit.

Subd. 4. Utility task vehicles are permitted to operate only on city streets, not state or federal highways except to cross at designated intersections.

Subd. 5. Utility task vehicles may only be operated on designated roadways from sunrise to sunset. They shall not be operated in inclement weather conditions or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet. Except for the purpose of snow removal, operation of utility task vehicles is prohibited when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient light to clearly see persons or vehicles on the roadway at a distance of 500 feet.

Subd. 6. Utility task vehicles shall be equipped with a rear-view mirror to provide the driver with adequate vision from behind as required by Minn. Stat. § 169.70.

Subd. 7. A driver may cross a street or highway intersecting a designated roadway.

Subd. 8. Every person operating a utility task vehicle under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stat., ch. 169, as it may be amended from time to time.

Subd. 9. The Chief of Police may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this section or Minn. Stat., Ch. 169, as it may be amended from time to time, or if there is evidence that the permit holder cannot safely operate the utility task vehicle on the designated roadways.

Subd. 10. The number of occupants on the utility task vehicle may not exceed the design occupant load.

(Ord. 16-03, Section 508.00, Adopted May 2, 2016).