

ARTICLE III. PARKING*

*Cross references: Off-street parking and loading, § 40-601 et seq.

DIVISION 1. GENERALLY

Sec. 34-61. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Motor vehicle means all vehicles propelled by any means other than muscular power.

Cross references: Definitions generally, § 1-2.

Sec. 34-62. Parking during snow removal.

Upon notice by any police officer, employee or official of the city or when special signs declaring a snow removal emergency are posted along and/or on a street, highway or alley, no person shall park a motor vehicle on that street, highway or alley within the city until the snow removal has been completed. Notice means a written warning ticket placed on the vehicle involved or actual personal notice to the registered owner of the vehicle. An unsuccessful attempt to locate the registered owner by telephone or personal contact of the need to move the vehicle or informing a person of suitable age and discretion who is normally at the registered owner's place of business or residence of the need to move the vehicle shall be deemed sufficient notice.

Sec. 34-63. Owner responsible.

The presence of a vehicle in or upon any public street, alley or highway in the city, stopped, standing or parked in violation of this article shall be prima facie evidence that the person in whose name the vehicle is registered as owner has committed or authorized the commission of such violation.

Sec. 34-64. Moving of vehicle required.

Notwithstanding any other provision in this article, upon order of an authorized peace officer, the owner or operator of any vehicle shall remove his vehicle from where it is parked immediately upon receiving the order. If the owner or operator fails to move the vehicle, the peace officer may have it removed at the expense of the owner or operator, who shall be liable for the cost of removal and storage.

Sec. 34-65. Impounding vehicles.

Any vehicle left parked or standing on any public street, alley or highway in the city in violation of any of the provisions of this division is declared to be a nuisance and may be removed by means of towing or otherwise, under the direction of or at the request of a police officer. The vehicle shall be surrendered to the duly identified owner or his agent only upon payment of all necessary costs and expenses in towing, removing and storage. Impounding a vehicle pursuant to this section does not prevent or preclude the institution and prosecution of proceedings for violation of this division against the owner or operator of such impounded vehicle. The city is not responsible for any damage to the vehicle removed and impounded in accordance with the provisions of this section.

Sec. 34-66. Trucks.

(a) *Parking trucks restricted.* It is unlawful for any person owning, driving or in charge of a vehicle of any of the types specified in subsection (a)(1)--(4) to cause or permit the vehicle to be parked on any residential property or on any public street in the city. This prohibition applies to the following vehicles and other similar vehicles:

- (1) Any bus designed to carry more than nine persons.
- (2) Any motor vehicle licensed for more than 12,000 pounds gross weight.
- (3) Any tractor, truck tractor, truck trailer or any type of truck trailer.
- (4) Any cube type, step-van/step/truck type, flat bed, tow truck or dump box type pickup truck, or similar type vehicles.

(b) *Exceptions.* Subsection (a) of this section does not apply to the following vehicles:

- (1) Any motor truck, pickup or similar vehicle being used by a public utility, moving company or similar vehicle being used by a public utility, moving company or similar company, which is actually being used to service a residence not belonging to or occupied by the operator of the vehicle.
- (2) Any vehicle which is actually making a pickup or delivery at the location where it is parked. Parking shall not be for any period of time beyond that reasonably necessary to make such pickup or delivery.
- (3) Recreational vehicles and equipment.

(4) Any vehicle with respect to which a permit has been issued by the city.

(c) *Trucks prohibited.* No truck licensed for over 12,000 pounds gross weight may be driven on any street in the city unless a permit is obtained from the city clerk-administrator, except that:

(1) Any truck properly licensed by the state may be driven on East Viking Boulevard, Fallbrook Street, Railroad Boulevard from East Viking Boulevard to the sanitary landfill, and all state highways and county roads.

(2) The following vehicles may be driven on any other street:

- a. Vehicles being operated under a license from the city.
- b. Utility maintenance and service trucks.

(d) Permanent weight restrictions.

(1) Except as otherwise provided in this ordinance or as posted, no vehicle having an axle weight in excess of five tons shall use or travel upon any road under the jurisdiction of the city. The public works Superintendent shall post any roads under the jurisdiction of the city which have a weight limit of less than five tons per axle with appropriate signs.

(2) The restrictions imposed in (1) do not apply to municipal vehicles, public safety vehicles, septic trucks, delivery trucks with a residential delivery address on the posted city road, garbage or recycling vehicles while on their collection routes, school buses or agricultural equipment servicing adjacent property.

(e) Seasonal Weight Restrictions.

(1) The public works Superintendent shall determine the seasonal weight restrictions to be applied to all roads under the jurisdiction of the city and the dates during which such limitations shall apply. The public works Superintendent shall post city roads with signs indicating the applicable weight limitations and make that information available through such other means as may be appropriate, including on the city's website.

(2) The restrictions imposed in subdivision (1) do not apply to municipal vehicles, public safety vehicles, septic trucks, delivery trucks with a residential delivery on the posted city road, garbage or recycling vehicles while on their collection routes, school buses or agricultural equipment servicing adjacent property. All such vehicles and equipment shall be posted tons per axle during the period of seasonal weight limits.

(f) Administrative regulation of roads.

The public works Superintendent shall monitor the condition of all roads under the jurisdiction of the city. Whenever the public works Superintendent determines that the use of any city road has or is likely to endanger public health or safety or that such use has or may damage or destroy the road due to any condition, including but not limited to road deterioration, rain, snow, climatic conditions, or soil or subsurface conditions, the public works Superintendent may regulate, restrict, or prohibit traffic on the road. The public works Superintendent may set conditions or limitations on the use of the road to protect public health and safety or to prevent damage to the road, including requiring that a letter of credit or other financial guarantee be posted to compensate the city for damage to the road, establishing haul routes and restricting hours of operation. Any person aggrieved by a decision of the public works Superintendent regarding regulation of traffic under this section may appeal that decision to the city council. The city council may continue, modify or terminate the regulations as it deems appropriate in order to protect public health and safety and to prevent or minimize damage to city roads.

(g) 915.09. Minnesota Statutes, Chapters 168, 169 and 171 adopted by reference.

(1) Except as otherwise provided in this ordinance, the regulatory and procedural provisions of Minnesota Statutes, Chapter 168, Chapter 169 and Chapter 171, as amended, are hereby incorporated herein and adopted by reference.

(h) Violations and liabilities for damages.

(1) Any person violating this ordinance shall be guilty of a misdemeanor for each such violation. In addition to the driver or operator, the owner of any vehicle operated with the owner's permission or consent shall also be liable for any violation of this ordinance. Any person who violates a duly established weight or other vehicle restriction shall be liable to the city for the full amount of the damages caused by such violation.

Sec. 34-67. Parking and Storage Prohibition.

(1) No person shall park any motorized vehicle or non-motorized vehicle on any street, highway, road or thoroughfare within the City of Wyoming between the times of 2:00 a.m. and 6:00 a.m.

(2) No person shall place or store roll-off refuse containers within any city right-of-way.

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Sec. 34-68. Penalties.

Any person violating any provision of this article shall be guilty of a petty misdemeanor.

Secs. 34-68--34-100. Reserved.

DIVISION 2. SNOW REMOVAL

Sec. 34-101. Personal properties.

- (a) Mailboxes damaged during snow removal will be evaluated on a case-by-case basis. Only the mailboxes that are damaged by actual contact with city equipment will be repaired at city expense.
- (b) The city will not be liable for damage to fences, vehicles and other objects parked or placed on city rights-of-way.

Sec. 34-102. Prohibition.

- (a) No person shall park or leave standing any vehicle upon any street in the city after a snowfall of two or more inches, nor upon any street which is covered or had deposited on it two or more inches of snow, until snow has been plowed from curb to curb. If any vehicles are removed under the direction of any peace officer, city maintenance department employee, or the city clerk-administrator, within 72 hours of the removal or impounding, notice shall be given by the peace officer or city employee to the owner of record of such vehicle. Notice may be given in person, by telephone, or, if necessary, by letter. No vehicle will be released until all fines and towing charges has been paid in full. The city does not assume any responsibility for any damage done during towing or impounding of such vehicles.
- (b) No person shall remove snow from private driveways or parking lots and deposit snow onto or across any public street. However, the city council may grant permission in exceptional circumstances.
- (c) The owner or resident of any property abutting any public sidewalk shall be obligated to remove all ice and snow. All ice and snow from the sidewalk shall be removed within 24 hours after the ice or snow has ceased to fall.
- (d) It shall be the responsibility of the owner or resident of any property to remove snow around mailboxes.
- (e) There shall be no temporary obstructions such as garbage containers, rubbish, etc., placed on the boulevard or street in such a manner as to interfere with snowplowing operations by the city.

Secs. 34-103--34-135. Reserved.