

**GLENWOOD TOWNSHIP  
RIGHT-OF-WAY ORDINANCE**

GLENWOOD TOWNSHIP  
POPE COUNTY, MINNESOTA

Ordinance No. 01112022

Adopted on January 11, 2022

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**GLENWOOD TOWNSHIP  
RIGHT-OF-WAY ORDINANCE**

The board of supervisors of the Town of Glenwood ordains:

**ARTICLE I  
GENERAL PROVISIONS**

1.1 **Title.** This Ordinance shall be known and cited as the Glenwood Township Right-of-Way Ordinance, and referred to herein as “this Ordinance.”

1.2 **Authority and Purpose.** This Ordinance is adopted under the broad authorities provided the Town Board as the road authority over Town roads. This authority includes, but is not limited to, Minnesota Statutes, chapters 160, 164, 165, 168B, 169, 609, and other chapters, as well as the rules associated with those chapters.

The purpose of this Ordinance is (1) to establish reasonable regulations, requirements, and restrictions regarding the use and administration of the Town’s road rights-of-way, (2) to protect the health, safety and welfare of Town residents, those traveling on Town roads, and the general public, (3) to reduce interferences with public travel, (4) to protect the cumulative investment the public has made to construct, maintain, and improve the Town’s roads, (5) to prescribe penalties for violating this Ordinance, and (6) to provide for the recovery by the Town of its actual expenses incurred where reimbursement is required by this Ordinance. The Town Board finds that the regulations, requirements and restrictions set forth in this Ordinance are in the best interests of the health, safety and welfare of the Town’s citizens.

1.3 **Delegation.** The Town Board may delegate authority to administer and enforce all or any aspect of this Ordinance to one or more supervisors, employees, contractors or agents as it deems appropriate.

1.4 **Repealer.** Any previous ordinance or regulation adopted by the Town Board regarding the same matters, are hereby repealed and replaced by this Ordinance and are hereby repealed as of the effective date of this Ordinance.

1.5 **Severability.** If any portion of this Ordinance is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

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

(A) **Abandoned Vehicle.** “Abandoned Vehicle” shall have the meaning given the term in Minnesota Statutes, section 168B.011, subd. 2.

- (B) Applicant. "Applicant" means a person who requests or installs a driveway in accordance with this Ordinance.
- (C) Driveway. "Driveway" means a private road, drive, or way constructed for use by motor vehicles to provide access from a public road to a parking area on private property. The term includes the entire length of the drive on the property including, but not limited to, the portion of the drive located within the public right-of-way and which is referred to herein as the driveway access.
- (D) Driveway Access. "Driveway Access" means the portion of a driveway located within a public right-of-way and which serves to connect the portion of the driveway located on private property to the surface of the public road. A driveway access is sometimes referred to as, and the term includes, a driveway approach or an access drive.
- (E) Junk. "Junk" means old or scrap hazard signs, copper, brass, rope, rags, batteries, paper, synthetic or organic, trash, garbage, waste materials, rubbish, rubber debris, appliances, waste, or junked, dismantled, or wrecked automobiles or farm or construction machinery or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.
- (F) Junk Vehicle. "Junk vehicle" shall have the meaning given the term in Minnesota Statutes, section 168B.011, subdivision 3.
- (G) Motor Vehicle or Vehicle. "Motor vehicle" or "vehicle" shall have the meaning given the term "motor vehicle" in Minnesota Statutes, section 169.011, subdivision 42.
- (H) Parking Enforcement Officer. "Parking enforcement officer" means the person duly appointed by the Town Board to serve as the Town's Parking Enforcement Officer. Law enforcement officers shall have all the powers of a parking enforcement officer under this Ordinance.
- (I) Person. "Person" means a natural person, firm, corporation, partnership, association, or other form of business entity.
- (J) Right-of-Way. "Right-of-Way" means the entire area of a Town road in which the Town has an interest including, but not limited to, the road surface, shoulders, ditches, backslopes, and all areas beyond such improvements out to the edges of the Town's easement or other ownership interest.
- (K) Snow Season. "Snow season" means from November 1st through April 30th each year as well as any days before or after that period during which one or more inches of snow has accumulated.

- (L) Towing Company. "Towing company" means a person engaged in the business of towing or recovering vehicles by means of a crane, hoist, tow bar, tow line, or dolly.
- (M) Town. Glenwood Township, Pope County, Minnesota.
- (N) Town Board. The board of supervisors of Glenwood Township, Pope County, Minnesota.
- (O) Town Property. "Town Property" means any property owned, or directly managed, by Glenwood Township and includes, but is not limited to, parks, open space, utility easements, cemeteries, lake accesses, and the town hall property.
- (P) Town Road. "Town road" means the entire width between the boundary lines of any way or place under the Town's jurisdiction within the Town when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic. The term includes, but is not limited to, platted roads and cartways that have been taken over by the Town for public maintenance, and minimum-maintenance roads. Unless expressly indicated otherwise in this Ordinance, Town Road includes all portions of the right-of-way including, without limitation, the travelled surface, shoulders, ditches, and the remainder of the easement area regardless of whether it is regularly brushed, mowed, or otherwise maintained by the Town.
- (Q) Truck. "Truck" shall have the meaning given the term in Minnesota Statutes, section 169.011, subdivision 88.

**ARTICLE II  
GENERAL RIGHT-OF-WAY REGULATIONS**

- 2.1 **Prohibitions.** In order to protect public safety and avoid interferences with maintenance activities, the following are prohibited within a Town road right-of-way.
  - 2.1.1 **Obstructions.** No person may place, maintain, or allow any obstruction in a right-of-way other than those specifically permitted by this Ordinance, by state law or rule, or by written approval of the Town Board. Items prohibited by this section include, but are not limited to, fences, posts, structures, piled materials, hay bales, vehicles, trailers, campers, equipment, or any other items that interfere with the safe use or the maintenance of the right-of-way. No person shall park a functioning vehicle in a right-of-way in such a way as to unreasonably interfere with the safe use of a road or the maintenance of the right-of-way.
  - 2.1.2 **Cultivation.** No person may cultivate, plant, harvest, or maintain agricultural crops, trees, bushes, or shrubs within a right-of-way.

- 2.1.3 Landscaping. No person may cultivate, plant, or maintain grasses, flowers, vegetables, or other vegetation in any manner that obstructs visibility of a right-of-way or otherwise interferes with, obstructs, or renders dangerous for passage a right-of-way. No person may place watering systems or sprinkler heads within a right-of-way.
- 2.1.4 Junk. No person shall place, discard, deposit, or maintain Junk in a right-of-way.
- 2.1.5 Alteration of Grade. No person may alter or change the depth or contour of any portion of any ditch or embankment in a right-of-way without written approval of the Town Board.
- 2.1.6 Unauthorized Maintenance. No person may work, maintain, improve, or repair the traveled portion of a right-of-way without the written approval of the Town Board.
- 2.1.7 Damage to a Right-of-Way. No person shall cause damage to a right-of-way, whether by a willful act or a failure to exercise due care, without the written approval of the Town Board. Damage prohibited by this section includes obstructing a ditch, culvert, or any related drainage facilities. Any person doing work within a right-of-way with approval of the Town Board shall return the right-of-way to at least the same condition it was in prior to the damage.
- 2.1.8 Depositing Snow. No person shall place or otherwise deposit any snow or ice on the travelled portion of a right-of-way, or push snow across the travelled portion of a right-of-way so as to leave ridges or other deposits of snow or ice on the travelled portion.
- 2.1.9 Irrigation. No person shall cause water to discharge from field irrigation systems onto the travelled road surface of a Town road.
- 2.1.10 Statutory Prohibitions. Without limiting or modifying the other provisions of this Ordinance, the prohibitions contained in Minnesota Statutes, section 169.2715 are adopted by reference and are incorporated into this Ordinance.

## 2.2 Mailboxes, Newspaper Boxes and Signs.

- 2.2.1 Mailboxes. Mailboxes and newspaper boxes are permitted within a right-of-way if they do not interfere with, obstruct, or render dangerous for passage in a right-of-way. Mailboxes placed within a right-of-way shall comply with all of the standards in Minnesota Rules, chapter 8818 regardless of the speed limit of the adjacent road. The Town Board may remove and replace mailboxes that do not comply with the standards at the owner's expense as provided in Minnesota Statute, section 169.072.

2.2.2 Signs. No sign of any nature may be placed or allowed to remain in any right-of-way except an official traffic sign placed by a governmental authority or other signage expressly permitted by state law.

### ARTICLE III DRIVEWAYS AND CULVERTS

- 3.1 **Driveway Access Permits**. The construction or reconstruction of a driveway access onto a Town road shall require a driveway access permit from the Town. All driveway accesses constructed or reconstructed within a Town road right-of-way shall comply with the standards and requirements in this Ordinance and comply with all other applicable laws, rules, regulations and ordinances.
- 3.2 **Authority, Scope, and Violation**. Pursuant to Minnesota Statutes, sections 160.18 and 160.2715, a permit is required from the road authority before constructing an approach to a public right-of-way and constructing a driveway headwall. The Town requires an owner to apply for and obtain a driveway access permit from the Town before constructing a new driveway access, or reconstructing an existing driveway access, that provides access to or from a Town road. A driveway access permit is required regardless of the intended use of the driveway including, but not limited to, driveway accesses used for agricultural purposes. The owner shall pay the application/inspection fee, reimburse the Township for costs of an engineering review if required, and is responsible for all costs associated with constructing the driveway access and obtaining and installing a culvert, or other drainage structures, as may be required. For the purposes of this Ordinance, the reconstruction of a driveway access requiring a driveway access permit includes any alteration that increases or decreases the vertical profile or width of the driveway access, any alteration to drainage by raising, lowering, changing the diameter, removing, or blocking an existing culvert, or a change in the use of the land that results in a significant change in the use of the driveway access such as if the land is converted from a residential to commercial use. The restrictions contained in this Ordinance that may occur within a Town road right-of-way are in addition to the prohibitions contained in Minnesota Statutes, sections 160.2715; 609.74; and such other law as may apply. A failure to install a driveway access in accordance with this Ordinance or the permit issued for the project, shall constitute a violation of this Ordinance and of the cited statutory sections.
- 3.3 **Application Procedures**. A request for a driveway access permit to access a Town road must be on the application form approved by the Town and submitted with the required permit fees in accordance with the following:
- (A) The applicant shall provide all information required in the application form including, but not limited to, whether the driveway access is intended for primarily a residential, commercial, or industrial use, a sketch of the driveway access showing its proposed location, width, and describing any proposed culverts or other drainage structures.



- (B) The applicant shall place stakes at each end and at each corner of the desired access showing its proposed location and width.
- (C) An inspection will be conducted of the proposed driveway access. If the inspector determines that review by the Town's Engineer is required, the applicant shall be required to reimburse the Town the actual costs it incurs related to the Engineer's review. The requirement to reimburse the Town for its costs for the Engineer's review is a condition of issuing the permit and failure to fully reimburse the Town is a violation of the permit and of this Ordinance. Any specific requirements, conditions, or restrictions identified by the Engineer during the review shall be incorporated in and made part of the driveway access permit.
- (D) No work on the driveway access shall occur until the driveway access permit has been issued. The driveway access and associated drainage structures must be constructed in accordance with the standards contained in this Ordinance and any specific requirements, conditions, or restrictions set out in the permit and in the Engineer's report (if issued). The Engineer's report is automatically incorporated in and made part of the driveway access permit issued by the Town.
- (E) A change, or proposed change, in use of a property that results in a significant increase in the use, or intensity of the use, of an existing driveway access requires a new driveway access permit from the Town. The permit may require reconstruction of the driveway access in order to adequately accommodate the increased use.

**3.4 Standards.** The construction or modification of a driveway access shall comply with the following standards as well as any specific requirements imposed by the Town Board for the driveway access.

- (A) Width Requirements. The driveway access shall comply with the following minimum and maximum widths based on whether the property being served is used primarily for residential or commercial (including industrial) purposes. The permitted width of a driveway access shall be established in the permit issued for the driveway access. The driveway access must be able to reasonably accommodate the type of vehicles anticipated to use the particular driveway access based on the primary use of the property. The entire portion of the driveway access within the right-of-way shall comply with the width standards, except that the driveway access may be flared as it approaches the surface of the road. The total width of the flared portion shall not exceed the permitted width of the driveway access by more than five (5) feet and the flare shall be limited to the area within five (5) feet from the edge of the surface of the road.

	<b>Residential</b>	<b>Commercial</b>
<b>Minimum Width</b>	24 feet	24 feet
<b>Recommended Width</b>	30 feet	32 feet
<b>Maximum Width</b>	32 feet	50 feet

- (B) Vertical Clearance. The area above the driveway access shall be clear of tree branches and other obstructions in order to achieve a vertical clearance of at least 14 feet and such vertical clearance shall be maintained in order to allow access by emergency vehicles.
- (C) Setbacks. No driveway access shall be placed within any of the following setback distances. Additional corner clearance may be required in the sole discretion of the Town based on the presence of a bus stop, turning lane(s), a skew or complex intersection, atypically wide intersection, heavily traveled roadways or other conditions that reasonably require a further setback distance. Common or shared driveway accesses are exempt from the side lot line setback requirement. The setback from an intersection shall be measured from the closest edge of the intersection right-of-way.

<b>Setback From:</b>	<b>Setback Distance</b>
Another Driveway access	200 feet
Right-of-Way Intersection	60 feet
Side Lot Line	10 feet

- (D) Driveway Access Angle. All driveway accesses shall enter the right-of-way and connect to the surface of the road at 90 degree angles. The driveway access angle is measured as the angle between the driveway centerline and the edge of the surface of the road.
- (E) Driveway Access Profile. The constructed profile of the driveway access shall be such that it facilitates drainage and shall not exceed an 8% gradient for a driveway accesses used primarily for commercial purposes and a 10% gradient for all other driveway accesses.
- (F) Driveway Headwalls. The sides of a driveway access used to support its surface, which are also referred to as headwalls, must be constructed in a manner so as not to create an unreasonable hazard for recreational vehicles and vehicles that may leave the travelled surface of the road. Furthermore, placing rocks, fences, pillars, posts, and other materials or structures that extend above the level of the driveway access can also pose a safety hazard and interfere with maintenance of the right-of-way. In order to avoid or reduce such hazards and interferences, a driveway headwall erected or reconstructed within the right-of-way of a Town road shall have a slope of no steeper than 3 to 1 (horizontal to vertical). No materials or structures shall be placed on or along a driveway access that interfere with the maintenance of the right-of-way or that extend more than one foot above the surface of the access drive. This prohibition does not apply to mailboxes and newspaper boxes provided, however, that any mailbox placed or replaced within a Town road right-of-way shall comply with this Ordinance.

(G) Drainage. Drainage along the Town road shall be maintained at all times. No driveway access shall be constructed, expanded, altered, or maintained such that it interferes with the drainage of water within a ditch or along a curb and gutter. A culvert shall be required for a driveway approach unless the Town Board determines the particular driveway approach indicates a culvert is not required. A culvert installed within a driveway access shall, at a minimum, have a size of 15 inches in diameter, be a corrugated metal pipe (CMP), dual wall high density polyethylene, dual wall polypropylene, reinforced concrete pipe (RCP), or other material approved by the Town that is designed for such use, and shall extend at least 2 feet beyond the edges of the driveway. Culvert aprons made of the same or similar material shall be installed on each end of the culvert. Installation shall be in accordance with standards established by the Minnesota Department of Transportation.

(H) Maintenance of Drainage Structures. The owner or occupant of land is responsible for maintaining the drainage structures installed in or associated with a driveway access including, but not limited to, keeping culverts free of dirt and debris, repairing, and replacing drainage structures as needed so as not to not interfere with or obstruct the drainage of water along the right-of-way. If an owner or occupant fails to maintain, clean, repair, or replace a culvert or other drainage structure as needed to avoid obstructing drainage, the Town may undertake such work as may be needed and the owner of the property shall be responsible for fully reimbursing the Town for its costs.

3.5 Multiple Driveway Accesses. No more than one driveway access to a lot shall be permitted, except upon approval of the Town Board. A request for an additional driveway approach shall not be approved unless the owner demonstrates, to the Town Board's satisfaction, a specific need for an additional driveway access and that the additional driveway approach can be placed and constructed in such a way as to not unreasonably interfere with the safe use or maintenance of the right-of-way.

3.6 Unsafe Driveway Accesses. Any driveway access within a Town road right-of-way that creates a safety hazard for the traveling public, or unreasonably interferes with the use, maintenance, or drainage of the road, is hereby declared a public nuisance and is prohibited. The Town may issue one or more written orders requiring the owner or occupant of the property, or both, to take such actions as the Town determines are needed to eliminate or otherwise correct the nuisance condition. If the owner or occupant fails to promptly correct the condition as directed, or if the condition creates an eminent safety hazard requiring immediate action, the Town may take action to eliminate the nuisance condition. The owner shall be required to fully reimburse the Town for all costs it incurs to correct the condition.

3.7 Surfacing. Driveway accesses constructed or reconstructed to provide access from a Town road with a bituminous surface shall be hard surfaced with bituminous, concrete or brick pavers. Driveway accesses constructed or reconstructed to provide access from a Town road with a gravel surface may be surfaced with gravel, bituminous, concrete or brick

pavers. A driveway approach with a slope of 10% or greater shall be hard surfaced to prevent erosion of materials onto the road surface and to ensure proper maintenance of the right-of-way. The hard surfacing shall extend from the driveway approach within the right-of-way onto the driveway within the private property as needed to prevent eroded materials from running into the right-of-way. Gravel surfaced driveway accesses shall be a minimum of six (6) inches class 5 aggregate. Bituminous surfaced driveway accesses shall be a minimum of three (3) inches bituminous over six (6) inches class 5 aggregate base. Concrete and brick pavers are subject to Town approval.

- 3.8 **Construction.** The construction or reconstruction of a driveway access must not interfere with the maintenance or safe use of the Town road. No materials shall be dumped or stockpiled on the surface of the road, on the shoulder, or within the right-of-way outside of the permitted location for the driveway access. Upon the completion of construction, the right-of-way must be cleared of any excess materials and any dirt or other materials shall be removed from the surface of the road. Unless stated otherwise, all construction activities, right-of-way restoration, and clean up shall be completed within 30 days from issuance of the driveway access permit.
- 3.9 **Restoration.** Any part of the right-of-way disturbed during construction of a driveway access, or the installation of drainage facilities, shall be restored by the applicant to its pre-construction or pre-installation condition. Such restoration shall include, but not be limited to, grading, seeding, and landscaping as needed to fully restore the right-of-way and prevent erosion. Only natural netting blanket is allowed within the Town right-of-way and both temporary seed and perennial ditch grass mix shall be used in accordance with supplier application rates. Slope shall be no flatter than 6 to 1 (horizontal to vertical).
- 3.10 **Waivers.** An applicant for a driveway access may request the Town Board grant a waiver of one or more of the standards or requirements of this Ordinance. No waiver will be granted unless the applicant can demonstrate, to the satisfaction of the Town Board, that there are extenuating circumstances necessitating the deviation and that granting the waiver will facilitate the safe and efficient use of the property and will not interfere with the construction, maintenance, and safe use of the road and its appurtenances. A waiver must be in writing and approved by the Town Board at a meeting.

#### ARTICLE IV PARKING AND TOWING

4.1 **Parking Restrictions.**

- 4.1.1 **Compliance.** Every vehicle parked upon a Town road shall comply with the provisions of this section. Parking or placing a vehicle in a location or under the circumstances prohibited hereunder is a violation of this Ordinance and such vehicle is subject to towing and impoundment.

4.1.2 **Prohibitions.** It is unlawful for a person to park a vehicle, or any portion of a vehicle, whether attended or unattended, on a Town road in way which violates any of the following:

- (A) In a place prohibited by Minnesota Statutes, section 169.32;
- (B) In a place prohibited by Minnesota Statutes, section 169.34, subdivision 1;
- (C) In a place or manner described in Minnesota Statutes, section 168B.035, subdivision 3(b);
- (D) So as to interfere with the maintenance of a Town road by the Town or its authorized contractor. For the purposes of this prohibition, maintenance includes, but is not limited to, snowplowing, grading, seal coating, and bituminous overlay; or
- (E) For longer than 72 consecutive hours from May 1<sup>st</sup> through October 31<sup>st</sup> each year.

4.1.3 **Snow Season Parking.** It is unlawful for a person to park a vehicle, whether attended or unattended, during the snow season in a way which violates this subdivision. The following constitute snow emergency regulations for the purposes of Minnesota Statutes, chapter 168B.

- (A) No parking is allowed on a Town road when there is an accumulation of 2 or more inches of snow until after the Town has completed plowing it; or
- (B) During periods when less than 2 inches of snow has accumulated, or after the snow has been plowed and snow event has ended, no vehicle may be parked on a Town road for more than 12 consecutive hours.

4.1.4 **Truck Parking.** It is unlawful for a person to park a truck on a Town road longer than 12 consecutive hours, except when loading or unloading is actively taking place.

4.2 **Placing Objects Prohibited.** It shall be unlawful to place or leave any object or property, except a vehicle, on any portion of the travelled surface or shoulder of a Town road. The Town may cause any object or property placed or left in violation of this section to be immediately removed and the person who caused or allowed the object or property to be placed or left within the Town road shall be responsible for fully reimbursing the Town for all costs it incurs to remove and dispose of the object or property.

4.3 **Abandoned and Junk Vehicles.** It is unlawful for a person to park, store, leave, or to allow the parking, storage, or leaving of an abandoned vehicle or a junk vehicle on a Town road or on Town property and such vehicles are subject to towing and impoundment. Abandoned vehicles and junk vehicles create an unsightly condition

tending to reduce property values, interfere with the maintenance and safe use of Town roads, and constitute an attractive nuisance creating a hazard to the health, safety and welfare of minors.

#### 4.4 **Towing and Impoundment Authorized.**

- 4.4.1 **Authorized.** The Town may tow and have impounded a vehicle parked or abandoned in violation of this Ordinance as provided in this section.
- 4.4.2 **Parking Enforcement Officer.** The duly appointed Parking Enforcement Officer shall have all powers provided such an officer under this Ordinance, as well as Minnesota Statutes, chapter 168B, and is authorized to act on behalf of the Town. Law enforcement officers shall have all the powers of a parking enforcement officer under this Ordinance.
- 4.4.3 **Designating a Towing Company.** The Town Board may designate one or more towing companies that a parking enforcement officer may contact to tow a vehicle in accordance with this Ordinance. If one or more towing companies are designated, a parking enforcement officer shall use a designated company to the extent reasonably possible under the circumstances. The Town Board may enter into such agreements with the towing companies as it deems necessary to provide for the timely towing and storage of vehicles. A towing company towing or impounding a vehicle pursuant to this Ordinance shall be responsible for impounding and properly storing and safekeeping the vehicle and its contents. Any towing company towing a vehicle upon order of the Town shall comply with all applicable federal, state, and local laws, rules, regulations, and ordinances in the towing, storage, and sale or other disposal of the vehicles it tows.

#### 4.5 **Procedure for Towing Vehicles.**

- 4.5.1 **Procedures.** A parking enforcement officer shall comply with the following procedures before ordering a vehicle towed pursuant to this Ordinance.
- 4.5.2 **Citation and Towing Report.** A parking enforcement officer shall issue a citation and towing report regarding the vehicle in violation of this Ordinance. The towing report shall describe the vehicle, the license plate number, and the reasons for towing. The citation and towing report may be on the same form. The parking enforcement officer and the tow driver shall both sign the towing report.
- 4.5.3 **Waiting Period.** If the vehicle is not moved or otherwise made to comply with this Ordinance within four hours of the issuance of the towing report, the parking enforcement officer may order the vehicle towed and impounded.
- 4.5.4 **Immediate Towing.** A parking enforcement officer may order the immediate towing and impoundment of a vehicle, upon the issuance of a towing report and without allowing for a waiting period, if it is parked or located so as to:

- (A) Violate the snow season parking prohibition contained in this Ordinance;
- (B) Interfere with snowplowing the traveled portion of a Town road;
- (C) Block a driveway, alley, Town road, or fire hydrant;
- (D) Be within 30 feet of a stop sign and visually blocking the stop sign;
- (E) Be within a designated no parking area;
- (F) Constitutes an accident or traffic hazard to the traveling public as determined by a parking enforcement officer;
- (G) Prevent egress by a lawfully parked vehicle; or
- (H) Violate state law allowing the immediate towing of a vehicle.

4.5.5 First Notice. Within five days of towing a vehicle, excluding Saturdays, Sundays, and legal holidays, the Town or the towing company shall mail or otherwise deliver written notice of the towing to the registered owner and all lienholders of the vehicle. If the Town provides the notice, it shall provide a copy of the notice to the towing company and if the towing company provides the notice it shall provide a copy to the Town. If the owner or lienholders cannot be identified, the notice required by this subdivision shall be published at least once in the Town's official newspaper. The notice shall include the following information:

- (A) The date the vehicle was towed;
- (B) The place the vehicle was towed from;
- (C) The reason(s) the vehicle was towed;
- (D) The year, make, model, and vehicle identification number of the vehicle;
- (E) The place where the vehicle is being held;
- (F) Information about the right to reclaim the vehicle and who to contact; and
- (G) The failure to reclaim the vehicle constitutes a waiver by them of any right, title, and interest in the vehicle and its contents and consent to dispose of both.

4.5.6 Second Notice. If the vehicle remains unclaimed after 30 days from the date the first notice was sent, the Town or towing company shall send the owner and

lienholders a second notice. The notice shall be sent by certified mail, return receipt requested.

- 4.6 **Retrieving Impounded Vehicles.** An owner shall contact the towing company directly in order to reclaim a vehicle towed and impounded pursuant to this Ordinance. The towing company may charge the reasonable costs of services provided in the towing, storage, and inspection of the vehicle before releasing the vehicle. The towing company shall be responsible for requiring sufficient proof of ownership before releasing a vehicle or its contents. A registered owner of a vehicle may retrieve the contents of a vehicle without charge and without retrieving the vehicles when authorized to do so pursuant to Minnesota Statutes, section 168B.07, subdivision 3.
- 4.7 **Disposal of Unclaimed Vehicles.** The towing company shall be responsible for properly disposing of the unclaimed vehicles and their contents impounded pursuant to this Ordinance in accordance with the authority provided to impound lots under law to sell or otherwise dispose of impounded vehicles. The towing company shall not dispose of or sell an unclaimed vehicle for at least 45 days after the first notice and 15 days after the second notice.

## ARTICLE V PENALTIES AND ENFORCEMENT

- 5.1 **Penalties.** Any person who violates, or fails to comply with, a provision of this Ordinance, knowingly makes a false statement in any document required to be submitted under the provision hereof, or that violates a condition of a permit issued, shall be guilty of a misdemeanor. Upon conviction thereof, such person shall be punished by a fine and/or imprisonment as authorized by law for the punishment of a misdemeanor. Each day that a violation continues shall constitute a separate offense.
- 5.2 **Enforcement and Remedies.** In the event of a violation of this Ordinance, the Town Board, in addition to the other remedies, may institute appropriate criminal and/or civil actions or proceedings to prevent, restrain, correct or abate such violations. Criminal prosecution of a violation shall not bar the Town from also pursuing a civil remedy, just as pursuit of a civil remedy does not bar criminal prosecution of a violation.
- 5.3 **Recovering Costs.** If a person fails to fully reimburse the Town for any of the Town's costs required to be reimbursed in this Ordinance, the unreimbursed amount, together with collection costs, constitute a service charge that may be collected on the taxes of the owner's property as provided in Minnesota Statutes, section 366.012, or collected in accordance with any other legal authority available to the Town. In the event of certification of service charges, the Town will provide written notice of its intent to certify the amount on or before September 15. The amounts so certified to the County shall be subject to the same penalties, interest, and other conditions provided for the collection of property taxes.



This Ordinance shall be in effect as of the first day of publication after adoption.

Adopted on the 11<sup>th</sup> day of January, 2022.

**BY THE TOWN BOARD**

  
Town Chairperson

Attest:   
Town Clerk

