



## CITY COUNCIL AGENDA

January 29, 2015

6:30 PM

City of Norwood Young America,  
310 West Elm Street, PO Box 59, NYA MN 55368  
(952) 467-1800

# SPECIAL MEETING – 6:30 P.M. LARGE CONFERENCE ROOM

1. **Call Meeting of City Council to Order**
2. **Approve Agenda**
3. **Introductions, Presentations, Proclamations, Awards, and Public Comment** (Individuals may address the City Council about any non-agenda item of concern. Speakers must state their name, address, and limit their remarks to three minutes. The City Council will not take official action on these items, but may refer the matter to staff for a future report or direct that the matter be scheduled for a future meeting agenda.)
4. **Consent Agenda** (NOTE TO THE PUBLIC: All those items listed as part of the Consent Agenda will be approved by a single motion, unless a request to discuss one of those items is made prior to that time. Anyone present at the meeting may request an item to be removed from the consent agenda. Please inform the Council when they approve the agenda for this meeting.)
5. **Old Business**
6. **New Business**
  - 6.1 Joint Meeting with Planning Commission
7. **Council Member Reports**
8. **Mayor's Report**
9. **Adjournment**



TO: Honorable Mayor Diedrick and City Council Members  
FROM: Steve Helget, City Administrator  
DATE: January 29, 2015  
SUBJECT: Joint Meeting with Planning Commission

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The purpose of this joint meeting is to discuss public nuisances and blight factors existing in the community and the approach the City should take to address them. Enclosed are sections of the City Code pertaining to hazardous buildings, vehicle parking, and junk vehicles.

Jay Squires, City Attorney will also be present at this meeting.

## CHAPTER 6. NUISANCES

### Section 600 – Blighting Factors

**600.01 Causes of Blight.** It shall be hereby determined that the uses, structures and activities and causes of blight or blighting factors described in this Section, if allowed to exist, shall tend to result in blighted and undesirable neighborhoods so as to be harmful to the public welfare, health and safety. No person, firm or corporation of any kind shall maintain or permit to be maintained any of these causes of blight upon any property in the City owned, leased, rented or occupied by such person, firm or corporation.

**600.02 Junk, Trash, Rubbish and Refuse.** In any area within the City the storage or accumulation of junk, trash, rubbish or refuse of any kind, except refuse stored in such a manner as shall not create a nuisance for a period of time as shall be necessary to remove the same by commercial or private removal to an authorized landfill, recycling center or other State-approved method of removal, as provided for in Section 320 of this Code, and in no case shall this time exceed thirty (30) days.

The term “junk” shall include but shall not be limited to parts of machinery or motor vehicles, unused stoves or other appliances stored in the open, remnants of wood, decayed, weathered or broken construction materials no longer suitable or safe, approved building materials, metal or any other material or cast off material of any kind whether or not the same could be put to any reasonable use.

**600.03 Littering and Failure to Remove.** No person, firm or corporation shall leave, place, throw or deposit rubbish, garbage, yard wastes or other similar substances or materials in any public place, or in any vacant lot or premises in the City, or refuse to remove the same.

**600.04 Weeds, Vegetation and Substances.** No owner, agent or occupant of any premises shall permit upon his or her premises any weeds or grass growing to a height greater than six (6) inches or which have gone or are about to go to seed, fallen trees, dead trees, tree limbs or items which shall be a fire hazard or otherwise detrimental to the health or appearance of the neighborhood.

**600.05 Backyard Composting.** All composting consisting of yard waste and/or kitchen waste which have been left unattended and which cause offensive odors, attract rodents and/or pests or are unsightly, or do not meet the requirements stated below, are strictly prohibited:

**Subd. 1** Compost must be fully confined within fencing or an enclosed structure no larger than 4 feet high and 250 cubic feet in area.

**Subd. 2** Compost shall not be located in the front yard and must be located at least 5 feet from side and rear property lines.

**Subd. 3** Compost materials shall be regularly mixed and shall not include items such as meat, bones, grease, whole eggs, dairy products and feces. *(Amended by Ord. 242, 05-13-13)*

**600.06 Structures.**

**Subd. 1 Unfit Structure.** In any area the existence of any structure or part of any structure which because of fire, wind or other natural disaster, or physical deterioration shall no longer be habitable as a dwelling, nor useful for any other purpose for which it may have been intended shall be illegal.

**Subd. 2 Vacant Structure.** The existence of any vacant dwelling, garage, or other outbuilding, shall be illegal unless the building is kept securely locked, windows shall be kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals. *(Amended by Ord. 162, 10/11/04)*

**Subd. 3 Hazardous Building.** "Hazardous Building" shall be defined as any home, shop, barn, building, structure or other improvement to real estate by which reason of its:

- A. Defective construction,
- B. Deterioration,
- C. Dilapidation,
- D. Partial or complete destruction,
- E. Condition constituting a fire menace,
- F. Violation of fire regulations,
- G. Violation of State Building Code,
- H. Unsafe or unsanitary condition,
- I. Unlawful or improper use,
- J. Instability rendering it likely to fall, or
- K. Emission of obnoxious fumes and odors, constitutes a present danger and peril to life, limb or property,
- L. Any other structure that would be considered hazardous under Minnesota Statutes Chapter 463.

**600.07 Enforcement.** Abatement of nuisances under this Section shall be handled as provided for in Section 610. In addition, a violation of this Section shall constitute a petty misdemeanor. All subsequent offenses shall constitute a separate violation of this Section.  
*(Amended by Ord. 168, 7/25/05)*

### Section 610 – General Abatement Procedures

**610.01 Service of Notice.** When service of an order or notice is required, unless otherwise required, any one or more of the following methods of service shall be adequate:

- A. by personal service; or
- B. by mail, unless it is a written order which gives three days or less for the completion of any act it requires; or
- C. if the appropriate party or address cannot be determined after reasonable effort, by posting a copy of the order in a conspicuous place on the property.

If a mailed order or notice is returned by the United States Postal Service, a good faith effort shall be made to determine the correct address, unless the order or notice orders abatement and that abatement has been completed.

**610.02 Abatement Procedure.** Unless the nuisance is subject to special procedures described in State law or elsewhere in this Code, in which case those procedures shall be followed, the City may abate a nuisance by the procedure described below:

**Subd. 1 Order.** The enforcement officer or his or her authorized representative shall serve a written notice upon the owner and occupant. The notice may be served upon any additional party known to have caused the nuisance. The notice shall contain the following:

- A. a description of the real estate sufficient for identification;
- B. a description and the location of the nuisance and the remedial action required to abate the nuisance;
- C. the abatement deadline, to be determined by the enforcement officer and his or her authorized representative(s) allowing a reasonable time for the performance of any act required, not to be less than 10 days unless a shorter time is required to protect the health, safety, and welfare of the public;
- D. a statement that the order may be appealed and a hearing before the City Council obtained by filing a written request with the City Administrator before the abatement deadline designated in the order; and
- E. a statement that if the remedial action is not taken nor a request for a public hearing filed with the City Administrator within the time specified, the City shall abate the nuisance and charge all costs incurred therein against the real estate as a special assessment to be collected in the same manner as property taxes or to be recovered by obtaining a judgment against the property owner.

**Subd. 2 Setting Hearing Date.** In the event that an appeal is filed with the City Administrator, the City Council shall as soon as possible fix a date for a public hearing.

**Subd. 3 Notice.** The City Administrator shall mail a notice of the date, time, place, and subject of the hearing to the owner, occupant, and known responsible parties.

**Subd. 4 Hearing.** At the time of the public hearing, the City Council shall hear from the enforcement officer, his or her authorized representative(s), and any other parties who wish to be heard. After the hearing, the City Council may confirm or modify the order of the enforcement officer. In either case, if the Council's determination requires abatement, the City Council shall, in the resolution, fix a time within which the nuisance shall be abated and shall provide that if corrective action is not taken within the time specified, the City may abate the nuisance. The City Administrator shall mail a copy of this resolution to same parties required to be notified in Subd. 3 of this Subsection.

**Subd. 5 City Abatement.** If the remedial action is not taken nor an appeal filed within the time specified, the City may abate the nuisance.

**610.03 Substantial Abatement Procedure.** When the enforcement officer or an authorized representative(s) determines that a nuisance exists on a property and the cost of abatement of the nuisance is estimated to exceed two thousand dollars or the abatement involves demolition of a building other than a structure accessory to a residential building or the abatement diminishes the value of the property in an amount estimated to exceed two thousand dollars, except in the case of an emergency as provided for in Subsection 610.04, the City shall abate the nuisance by the procedure described below.

A good faith estimate of the diminution in value or the abatement costs, not the actual cost calculated after the abatement is completed, shall be the basis which determines whether this abatement procedure shall be used.

**Subd. 1 Orders.** The enforcement officer shall serve a written order upon the owner, occupant, all interested parties, and any responsible party known to the officer. The order shall contain the following:

- A. a description of the real estate which shall be sufficient for identification;
- B. the location of the nuisance on the property;
- C. a description of the nuisance and the basis upon which it shall be declared to be a nuisance;
- D. the remedial action required to abate the nuisance; and
- E. the abatement deadline, to be determined by the enforcement officer allowing a reasonable time for the completion of any act required;
- F. a statement that if the remedial action is not taken before the abatement deadline, the matter shall be referred to the City Council who, after a public hearing, may order the City to abate the nuisance and charge all costs incurred against the real estate as a special assessment to be collected in the same manner as property taxes or to be recovered by obtaining a judgment against the property owner.

**Subd. 2 Notice to Public.** When an order requires, exclusively or as an option, the demolition of a building, the public shall be put on notice as follows:

- A. A copy of the order shall be placed on file in the office of the City Administrator.
- B. The enforcement officer shall notify the City Council of each property subject to a demolition order as follows. Each month the enforcement officer shall send to the City Council a list of the properties that have become subject to a demolition order. The list shall be in the form of a resolution declaring that an enforcement action has been commenced and that as a result of the nuisance status of a building on the property, an order has been issued detailing the violation and requiring, exclusively or as an option, that the building be demolished and that a copy of this order shall be on file in the office of the City Administrator. This resolution shall include a description of each property sufficient to identify the property and shall authorize and direct the City Administrator to file a copy of the resolution with the Carver County Recorder and/or Registrar of Titles.

**Subd. 3 Setting Hearing Date.** If the remedial action is not taken within the time specified in the written order, the enforcement officer may notify the City Council that substantial abatement shall be necessary and appropriate. Upon being notified by the enforcement officer, the City Council shall, as soon as possible, fix a date for an abatement hearing.

**Subd. 4 Notice.** Written notice of the time, date, place and subject of the hearing shall be given as set forth in this Subdivision.

- A. The City Administrator shall immediately notify the enforcement officer and his or her authorized representative(s).
- B. At least ten days prior to the hearing, the City Administrator shall mail a notice to all property owners of record within 300 feet of the property in violation of the Code provision.

- C. At least ten days prior to the hearing, the City Administrator shall notify the owner and all interested parties by personal service of the notice upon the owner or any duly authorized representative. If, after reasonable effort personal service cannot be made, either of the following methods of notice shall be considered adequate:
1. confirmed mail service which shall be either certified mail with signed receipt returned or first class mail confirmed by written response;
  2. mailing the notice to the last known address and publishing the notice once a week for two weeks in a newspaper of general circulation in the City and posting the notice in a conspicuous place on the building or property.
- D. At least ten days prior to the hearing, the City administrator shall mail a notice to any responsible party known to the City Administrator.

**Subd. 5 Hearing.** At the time of the public hearing, the City Council shall hear from the enforcement officer, authorized representative(s) and any other parties who wish to be heard. After the hearing, the City Council shall adopt a resolution, describing what abatement action, if any, it deems appropriate. If the resolution calls for abatement action it may either order the City to take the abatement action or fix a time within which the nuisance shall be abated and provide that if corrective action is not taken within the specified time, the City shall abate the nuisance. The City Administrator shall mail copies of the resolution to the parties required to be notified in Subd. 4 to their last known mailing address.

**610.04 Emergency Abatement Procedure.** When the enforcement officer and an authorized representative determines that a nuisance exists on a property and the nuisance constitutes an immediate danger or hazard which if not immediately abated shall endanger the health or safety of the public and there shall not exist sufficient time to follow the procedures of Subsections 610.02 or 610.03, the City may abate the nuisance by the procedure described below.

**Subd. 1 Order by Mayor.** The City shall order emergency abatement by an administrative order to be signed by the Mayor. A good faith effort shall be made to inform the owner that the action is being taken.

**Subd. 2 Notice of the Abatement.** Following an emergency abatement, as soon as the costs incurred are known, the enforcement officer shall serve written notice upon the owner. The notice shall contain:

- A. a description of the nuisance;
- B. the action taken by the City;
- C. the reasons for immediate action;
- D. the costs incurred in abating the nuisance and a statement that these costs may be charged as a special assessment against the property and collected in the same manner as property taxes; and
- E. a statement that the owner may obtain a hearing before the City Council to review the actions taken by the City by filing a written request with the City Administrator within ten working days of the date of the notice.

**Subd. 3 Setting Hearing Date.** In the event that the owner files a request for a review of the action with the City Administrator, the City Council shall as soon as possible fix a date for a public hearing.

**Subd. 4 Notice.** The City Administrator shall notify the owner of the date, time, place, and subject of the hearing.

**Subd. 5 Hearing.** At the time of the hearing, the City Council shall hear from the enforcement officer, any authorized representative(s) and any other parties who wish to be heard. After the hearing, the City Council may adopt a resolution levying an assessment for all or a portion of the costs incurred by the City in abating the nuisance. A copy of the resolution shall be mailed to the owner.

**610.05 Administrative Offense and Penalty.** In addition to abatement procedures outlined in this Section 610, violations of the nuisance ordinance are designated as an administrative offense and subject to an administrative penalty as established in the Fee Schedule by Ordinance of the City Council.

**Subd. 1 Notice.** Any officer of the Carver County Sheriff's Department, or any other person employed by the city, and having authority to enforce a code provision designated as an administrative offense, shall, upon determining that there has been a violation, notify the violator pursuant to Section 610.01-610.05 above of the violation. In addition to this notice, the violator shall be provided:

- A. A statement that failure to take remedial action by the specified deadline will result in an administrative penalty for violation of the nuisance ordinance; and
- B. A statement that additional violations of the same or substantially similar offense within a 12 month period of the abatement deadline stated above will result in an automatic administrative fine, which shall be increased for each subsequent offense

**Subd. 2 Payment.** Once such notice is given, the alleged violator must, within 10 days after issuance of the notice or passing of the specified deadline for abating the nuisance ordinance violation, pay the amount set forth established in the Fee Schedule by Ordinance of the City Council, or may request a hearing in writing, pursuant to Section 610.02 above. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.

**Subd. 3 Failure to Pay.** In the event a party charged with an administrative offense fails to pay the penalty, a misdemeanor or petty misdemeanor charge may be brought against the alleged violation in accordance with applicable statutes, or any unpaid fines may be charged against the real estate as a special assessment. If the penalty is paid or if an individual is found not to have committed the administrative offense by the hearing officer, no such charge may be brought by the city for the same violation.

**Subd. 4 Disposition of Penalties.** All penalties collected pursuant to this chapter shall be paid to the City Clerk's Office and may be deposited in the city's general fund.

**Subd. 5 Subsequent Offenses.** In the event a party is charged with a subsequent administrative offense within a 12-month period of paying an administrative penalty for the same or substantially

similar offense, the subsequent administrative penalty shall be increased by 25% above the previous administrative penalty except when otherwise provided by ordinance.

*(Amended by Ord. 242, 05-13-13)*

### **Section 620 – Guns & Explosives**

**620.01 Guns.** It shall be unlawful for any person to shoot or discharge any gun, air gun, pistol, revolver or other firearm or bow and arrow within the corporate limits of the City.

Nothing in this Code shall be construed to prohibit any firing of a gun, pistol or firearms when done in the lawful defense of person or property or family, or the necessary enforcement of the law.

**620.02 Explosives.** It shall be unlawful for any person to keep, store, or harbor any explosive substances such as dynamite, blasting caps, nitroglycerin, black powder or any other substance designed as an explosive, in Minnesota Statutes § 299F.72, without a permit as required by Minnesota Statutes § 299F.74 and explained in Minnesota Statutes § 299F.73.

### **Section 630 – Building Alarm Systems**

**630.01 Citation.** This Section shall be known, cited and referred to as the “Alarm Users Section.”

**630.02 Purpose and Scope.** The purpose of this Section shall be to protect the public safety services which serve the City from misuse and to provide for the maximum possible service to alarm users. This Section shall provide regulation for the use of burglary, robbery, fire, and medical alarms and shall establish a system of administration and an alarm users fee.

**630.03 Definitions.** For the purposes of this Section, certain terms and words shall be defined as follows:

**Subd. 1 Public Safety Personnel.** “Public Safety Personnel” shall mean all personnel employed by any law enforcement agency, and any firefighting personnel and any ambulance personnel.

**Subd. 2 Alarm User.** “Alarm User” shall mean any person in control of any building, structure, facility or tract of land wherein or whereon an alarm system is used or maintained within the City.

**Subd. 3 Public Safety Communications Center.** “Public Safety Communications Center” shall mean the central facility used to receive emergency requests for public safety services and general information from the public to be dispatched to public safety personnel.

**Subd. 4 Alarm System.** “Alarm System” shall mean any equipment or device which emits an audible, visual, or electronic signal upon the detection of a potential burglary, robbery, fire, medical emergency, trespass, or property intrusion. The term alarm system shall not include anti-theft or tampering alarms installed in any motor vehicle.

**Subd. 5 Sheriff.** “Sheriff” shall mean the Carver County Sheriff or his or her designee.

**CHAPTER 7. TRAFFIC AND VEHICLES****Section 700 – General Provisions**

**700.01 State Traffic Regulations Adopted.** The provisions of Minnesota Statutes Chapter 169 relating to traffic regulations, together with the provisions contained in this Chapter shall be hereby adopted as the traffic code for the City of Norwood Young America. It shall be unlawful for any person to operate any vehicle in the City, or to use the streets of the City in any manner contrary to that described in the provisions adopted by reference and contained in this Chapter.

**700.02 Safe Driving.** No person shall operate or halt any vehicle upon a highway within the City of Norwood Young America carelessly or heedlessly in disregard of the rights or safety of others or in a manner so as to endanger or to be likely to endanger any person or property.

**700.03 Speed.** Any person driving a vehicle on any highway within the City shall drive the vehicle at a speed not greater than is reasonable and proper, having due regard to the traffic, the surface and width of the highway, and of any other conditions then existing. Operating a vehicle at speeds exceeding those specified in this Section shall be prima facie evidence that the operator of the vehicle is driving the vehicle at a speed greater than shall be reasonable and proper:

- A. Not more than 30 miles per hour on any street or highway in the City except where a higher speed is posted.
- B. Fifteen miles per hour when passing a school during school recess or while children are going to or leaving from school during opening or closing hours.
- C. Not more than 25 miles per hour on Lake Street between the intersection with Oak Street (CSAH 33) and the intersection with Reform Street. *(Amended by Ord. 120, 9-14-1998)*
- D. Not more than 25 miles per hour on Reform Street between the intersection with Lake Street and the intersection with Elm Street (CSAH 31). *(Amended by Ord. 120, 9-14-1998)*

**700.04 Stop Before Entering Through Street.**

- A. It shall be unlawful for the driver of any vehicle to fail to bring the vehicle to a full stop before entering any through street properly designated as such by the action of the City or its duly authorized representative.
- B. No driver shall use their Jake Brakes within the City Limits. *(Amended by Ord. 121, 9-28-1998)*

**700.05 Regulation of Large Vehicles.** It shall be unlawful to operate any motor vehicle with a gross weight of 5 tons or larger on any street, avenue, alley or other thoroughfare within the City limits. A tractor-trailer combination with a combined gross weight of 5 tons or more shall for purposes of this Chapter be deemed to be one motor vehicle; however, the prohibition as stated in this sub-Section shall apply to all or a part (tractor only) of any such tractor or trailer combination.

**700.06 Exceptions.** Subsection 700.05 and the prohibitions provided by it shall not apply to the following streets, where the limit shall be nine (9) tons, except that the prohibitions shall apply during road weight restrictions as posted by the Minnesota Department of Transportation, inclusive, of each year. In addition, the prohibition shall not apply to emergency vehicles, city vehicles or city authorized vehicles in the performance of their duties, or to delivery trucks upon the roads only for the minimal distance and time required to make a delivery to a place within the city limits.

- A. Central Avenue
  - B. Railroad Street
  - C. County Road 33
  - D. Morse Street
  - E. Reform Street from Railroad Street to Elm Street
  - F. Faxon Road from Central Avenue to Elm Street East
  - G. Industrial Boulevard
  - H. County Road 34
  - I. County Road 31
  - J. Elm Street from Oak Street to Faxon Road
  - K. Tacoma Avenue from Highway 212 south to city limits
  - L. Tacoma Boulevard
  - M. Tacoma Circle
  - N. 7<sup>th</sup> Street Southwest
  - O. Merger Street from Highway 212 to Hill Street
  - P. Hill Street from Merger Street to Faxon Road
- (Amended by Ord. 252, 7-14-14)*

**700.07 Special Temporary Use Permit.** Upon application made and a showing of good cause the City Administrator may issue a special temporary use permit allowing a motor vehicle with a gross weight of 5 tons or larger to be temporarily operated on a street where it would otherwise be prohibited. Good cause shall include a showing that the street surfaces and other public property shall be protected from damage resulting from any such temporary use.

**700.08 Turns.** The Council may prohibit turns at any intersection where it is determined that such restrictions are necessary to regulate traffic or to protect safety. Such restrictions shall not be enforced until they are posted at the intersection to which the restriction is to apply.

**700.09 Penalty.** Except as otherwise provided, any person who shall violate any provision of this Chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$700.00, or by imprisonment for not more than ninety (90) days, or both, for the offense. Each day that a violation occurs shall be a separate offense.

### **Section 710 – Exhibition Driving**

**710.01 Exhibition Driving.** No person shall start, stop, accelerate, or otherwise operate any motor vehicle in an unnecessary exhibition of speed or driving manner in any public or private way within the City limits. Prima facie evidence of such unnecessary exhibition of speed shall be unreasonable squealing or screeching sounds emitted by the tires, the throwing of sand or gravel by the tires of the vehicle, skids or sliding by the vehicle upon acceleration or stopping, unnecessary engine noise or backfiring, simulation of a race, or abrupt turns or swaying.

### **Section 720 – Parking**

**720.01 Definitions.**

**Subd. 1 Snowfall.** “Snowfall” shall mean any accumulation of two or more inches of snow on a street when snow is falling or has fallen within the previous twenty-four hours.

*(Amended by Ord. 150, 11/25/02)*

**Subd. 2 Blowing Snow.** “Blowing Snow” shall mean any accumulation on a street of two or more inches of snow which is blowing or has been blowing for the previous twenty-four hours.

*(Amended by Ord. 150, 11/25/02)*

**Subd. 3 Street.** “Street” shall mean the entire width of the dedicated or acquired right-of-way of any street within the City. *(Amended by Ord. 150, 11/25/02)*

**Subd. 4 Truck.** “Truck” shall mean any motor vehicle designated and used for carrying things other than passengers except pickup trucks and vans, which are included as passenger vehicle.

*(Amended by Ord. 150, 11/25/02)*

**720.02 Restricted Parking During Snowfall & Blowing Snow.** No person shall park or leave a motorized vehicle on any street within the City during or after a snowfall or a period of blowing snow until the snow has been removed from the street. Parking may be prohibited or restricted following the snow removal as provided by City Code or State law.

**720.03 General Parking Time Limit.** No person shall park any vehicle for a longer period of time than forty-eight (48) consecutive hours on any street in this City.

**720.04 Parking on Private Property.** No person shall park any motor vehicle on any private property without the consent of the property owner.

**720.045 Off-street Residential Parking.**

**Subd. 1 Purpose.** The purpose of this section is to reduce the visual clutter and surface soil runoff, promote the general safety and welfare, and protect the property values of adjoining properties by controlling the number of vehicles that may be parked on a residentially zoned lot.

*(Amended by Ord. 158, 3-22-2004)*

**Subd. 2 Restrictions.** Parking in all residential districts shall be subject to the following requirements:

- A. Off-street parking in the residential districts shall be on the same lot as the principal building unless otherwise approved by the City Council;
- B. No more than four (4) vehicles per lawful dwelling unit may be parked or stored anywhere outside on property zoned residential. This maximum does not include guests who do not reside on the property. For purposes of this Chapter, the words “motor vehicle” and “vehicle” shall be defined to mean every vehicle which is self-propelled. The terms “motor vehicle” and “vehicle” do not include an electric personal assistance mobility device or a vehicle moved solely by human power. *(Amended by Ord. 158, 3-22-2004, Amended by Ord. 247, 12-9-13)*

**Subd. 3 Exemptions.** The City Council may approve an annual “on site parking permit” for exterior parking of more than four vehicles, but not to exceed six vehicles, on residential lots provided the applicant meets the following standards:

- A. The applicant provides the City with an affidavit stating that all abutting property owners have been notified and given an opportunity to respond, in writing, if they have specific concerns regarding the request; and
- B. The applicant annually pays an administrative permit fee as set in the fee schedule adopted from time to time by the Council. (*Amended by Ord. 158, 3/22/2004, Amended by Ord. 247, 12/9/13*)

**Subd. 4. Vehicle Repair on Street.** It is unlawful for any person to service, repair, assemble or dismantle any vehicle parked upon a street, alley, or City-owned parking lot, or attempt to do so, except to service the vehicle with gasoline or oil or to provide emergency repairs, but in no event for more than twenty-four (24) continuous hours.

**Subd. 5 Parking for the Purpose of Advertising or Selling Merchandise.** It is unlawful for any person to park a vehicle on any street for the purpose of advertising the vehicle for sale, for the purpose of advertising for sale or selling merchandise from or in the vehicle, or for the purpose of advertising any merchandise for sale or a forthcoming event.

**Subd. 6 Violations and Penalties.** Upon discovery of a suspected violation, the violator shall be issued a citation by the City’s designated law enforcement agent and given notice of his or her right to be heard on the accusation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense. Any person found to be in violation of this Section shall be guilty of a misdemeanor and subject to the maximum penalty authorized by State law for a misdemeanor. (*Amended by Ord. 158, 3-22-2004, Amended by Ord. 247, 12-9-13*)

#### **720.05 Other Restricted Parking.**

- A. There shall be no parking at any time of the day or night on that portion of Faxon Road between:
  1. Its intersection with U.S. Highway 212 on the south and its point of termination on the north.
  2. Its intersection with US Highway 212 on the north and its intersection with Railroad Street on the south. (*Amended by Ord. 150, 11/25/02*)
- B. No person shall park or leave a motorized vehicle for longer than three (3) hours upon the below described streets between the hours of 7:00 a.m. to 6:00 p.m. on any day of the week except Sunday:
  1. Elm Street between Reform Street and Oak Street
  2. Union Street between Elm Street and the Twin Cities and Western Railroad right-of-way
  3. Morse Street between Elm Street and the Milwaukee Railroad right-of-way  
(*Amended by Ord. 150, 11/25/02*)
- C. Effective November 1 to April 1, no parking shall be permitted from 2:00 a.m. until 7:00 a.m. on the following streets:

1. Elm Street between Reform Street and Oak Street
  2. Union Street between Elm Street and the Twin Cities and Western Railroad right-of-way
  3. Morse Street between Elm Street and the Milwaukee Railroad right-of-way
  4. Brush Street, on the east side, from the public alley to its intersection with Elm Street
  5. Central Avenue North
  6. Central Avenue South *(Amended by Ord. 174, 1/9/06)*
- D. There shall be no parking at any time in the following designated areas:
1. On the southern side of 7<sup>th</sup> Street SW between the five-way stop until 650 feet west of its intersection with Fourth Avenue SW, unless for the purpose of loading and unloading of school buses during school hours
  2. Poplar Ridge Drive from Industrial Boulevard to Faxon Road
  3. Industrial Boulevard from Highway 212 to Faxon Road
  4. On the eastern side of Reform Street from its intersection with Elm Street until its termination on the south with Lake Street
  5. On the western side of 5<sup>th</sup> Avenue NE, beginning at its intersection with 4<sup>th</sup> Avenue NE until its intersection with 118<sup>th</sup> Street
  6. CSAH 34/County Road 134 between Highway 212 to 300 feet south of Second Street S.E.  
*(Amended by Ord. 175, 2/27/06)*
- E. There shall be two hour parking during school hours on:
1. Fourth Avenue SW from 7<sup>th</sup> Street SW until its intersection with Webster Street
  2. The northern side of 7<sup>th</sup> Street SW from the five-way stop until its intersection with Fourth Avenue SW *(Amended by Ord. 150, 11/25/02)*
- F. There shall be no parking between signs from 7:00 a.m. and 9:00 a.m. on Morse Street in front of Central High School
- G. There shall be no parking between signs on the eastern side of Brush Street unless for the purpose of loading or unloading of vehicles
- H. There shall be no parking on Main Street from 2:00 am until 7:00 am beginning at its intersection with Central Avenue until its intersection with Third Avenue NE
- I. There shall be no parking 8:00 am to 4:00 pm, Monday through Friday on the north side of Main Street from its intersection with Third Avenue NE, until the posted sign
- J. No person shall park a vehicle or permit it to stand attended or unattended at any parking lot at Friendship Park, including the Park and Ride Lot off of Fourth Avenue SW at State Highway 5, while displaying a "For Sale" sign or similar sign, unless the driver is using the park facilities or Park and Ride service during the time in which the vehicle is so parked
- K. During the annual Stiftungsfest event, normally scheduled on or about the last full weekend in August, no parking shall be permitted from 2:00 am Friday until Noon Monday on the following streets:
1. Main Street from Second Avenue SE to the far western end
  2. First Avenue SE and NE from First Street SE to First Street NE

- L. During the annual Stiftungsfest event, normally scheduled on or about the last full weekend in August, no parking shall be permitted from 3:00 am to 6:00 pm on Saturday on the following streets:
1. First Street SE from First Avenue SE to Second Avenue SE
  2. Second Avenue SE from First Street SE to Main Street E
  3. Main Street E from Second Avenue SE to Third Avenue SE
- M. During the City's annual Stiftungsfest event, normally scheduled on or about the last full weekend in August, no person shall park in the City parking lot located at 10 First Avenue NE, except by permit issued by the City Office, from 6:00 am on Friday until 11:00 pm on Sunday. *(Amended by Ord. 150, 11-25-2002)*

### **720.06 Recreational Vehicles.**

**Subd. 1 Definitions.** Recreational Vehicle shall mean all boats; canoes; all terrain vehicle; snowmobiles; utility trailers used to transport boats, canoes, snowmobiles, and all terrain vehicles; travel campers; house trailers; slip in camper tops whether or not attached to a truck; and motor vehicles designated, constructed, or used to provide temporary movable living quarters.

**Subd. 2 Parking Prohibition.** To prevent traffic flow problems created by blockage or partial blockage of streets by the size of recreational vehicles, and to discourage the use of recreational vehicles as a primary dwelling, except in emergency situations, no recreational vehicle shall be parked on any city street in a residential district except to allow for the packing or unpacking of equipment, and for the boarding or exiting of passengers. No recreational vehicle shall be allowed to remain on any public street for more than forty-eight (48) consecutive hours, and in no case shall any person be allowed to park a recreational vehicle on a public street in a residential neighborhood more than four times per any calendar month, except that a resident may apply for a temporary parking permit to allow him or her to park such a vehicle for an additional forty-eight (48) hour period. No more than two permits shall be issued to any single household per calendar year.

### **720.07 Commercial Vehicle Parking.**

**Subd. 1 Restricted Vehicles.** No person shall at any time park or leave standing any truck, semi trailer, truck tractor, tractor, or bus with a gross vehicle weight equal to or greater than 11,000 pounds upon any residential street unless for the purpose of loading or unloading such a vehicle or for the pick-up and delivery of goods and/or services to home or businesses in the area. *(Amended by Ord. 150, 11/25/02)*

**Subd. 2 Additional Restrictions.** Nor shall any person at any time park or leave standing any trailer upon any residential street unless for the purpose of loading or unloading such a vehicle. *(Amended by Ord. 150, 11/25/02)*

**720.08 Violations of Parking Restrictions.** The penalty for parking in the restricted areas listed in this Section, shall be no more than the maximum penalty allowed for a petty misdemeanor. Each offense shall be subject to a separate penalty, and each day the offense exists shall count as a separate offense. *(Amended by Ord. 154, 8/11/03)*

**Section 730 – Junk, Abandoned, and Unauthorized Vehicles****730.01 Definitions.**

**Subd. 1 Abandoned Vehicle.** “Abandoned Vehicle” shall mean a motor vehicle that has:

- A. remained illegally:
  - 1. for a period of 48 hours on any property owned or controlled by a unit of government, or more than four (4) hours on such property when it is properly posted; or
  - 2. on private property for a period of time as determined by Minnesota Statutes, § 168B.04, subd. 2, 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;

Classic cars or pioneer cars as defined by Minnesota Statute § 168.10 shall not be considered abandoned vehicles; nor shall any vehicle located on the premises of a junk yard or automobile graveyard properly licensed and maintained pursuant to Minnesota Statute § 161.242 or pursuant to any provision of this Code or other City ordinance. No vehicle being held for storage by agreement or being held under police authority or pursuant to court order shall not be considered an abandoned vehicle. *(Amended by Ord. 247, 12-9-13)*

**Subd. 2 Junk Vehicle.** “Junk Vehicle” shall mean any vehicle that:

- A. is three years old or older;
- B. is extensively damaged, with the damage including such things as broken or missing wheels, motor, drive train, or transmission;
- C. is apparently inoperable;
- D. does not have a valid, current registration plate; and
- E. has an approximate fair market value equal to the approximate value of the scrap in it.

**Subd. 3 Unauthorized Vehicle.** “Unauthorized Vehicle” shall mean a vehicle that is subject to removal and impoundment pursuant to Minnesota Statutes, § 168B.04, subd. 2, or § 169.041, but is not a junk vehicle or an abandoned vehicle.

**730.02 Declaration of Public Nuisance.** Abandoned, junk, and unauthorized vehicles within the City shall be hereby found to create a public nuisance or blight condition tending to reduce the value of private property, to invite theft or vandalism, to create fire and other safety hazards, to attract vermin, and to constitute an unattractive nuisance creating a hazard to the health and safety of the public. The accumulation and outside storage of abandoned and junk vehicles shall be determined to be in the nature of rubbish, litter and unsightly debris, and a detriment to the environment, and shall be hereby declared to constitute a public nuisance which may be abated as provided in this Section or as provided under any other ordinance, specifically Section 600.06, of the City or by the laws of the State. *(Amended by Ord. 168, 7/25/05)*

**730.03 Parking and Storage of Abandoned, Junk, and Unauthorized Vehicles Prohibited.** No person shall park, store, or leave, or permit the parking, storing, or leaving of any abandoned or junk vehicle for a period in excess of 48 hours unless:

- A. the vehicle is completely within a building or is otherwise screened from view by fencing or other barrier approved by the City;
- B. the vehicle is stored or parked on private property in connection with a duly licensed or authorized commercial enterprise operated and conducted pursuant to law when such parking or storing of vehicles shall be necessary to the operation of the commercial enterprise.

In no case shall any vehicle be parked so as to constitute being an unauthorized vehicle.

**730.04 Towing of Motor Vehicles.** The Carver County Sheriff and the City Administrator shall be hereby authorized to remove, towed away by commercial towing service, and impounded at the City designated storage facility, any abandoned, junk, or unauthorized motor vehicle in violation of this Code. The owner of the vehicle shall be responsible for all cost associated with removal of the vehicle.

**730.05 Notice of Impounded Motor Vehicles.** Notice shall be given to the owner of any vehicle impounded under this Section in accordance with the terms of Minnesota Statutes 168B and this Section. The notice shall include the time limit within which the vehicle may be reclaimed before it is subject to disposal by the City in accordance with applicable State law and this Section.

**730.06 Public Sale.**

**Subd. 1 Auction.** After the time period provided for in Subsection 730.05, any vehicle impounded and not reclaimed under this Section shall be sold to the highest bidder at public auction or sale held in compliance with Minnesota Statutes § 168B.08, following ten (10) days published notice of the auction in the legal newspaper for the City. The purchasers shall be given a receipt in a form 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.

**Subd. 2 Proceeds.** From the proceeds of the sale of an impounded vehicle, the City shall reimburse itself for the cost of towing, preserving and storing of the vehicle, and all notice, publication and administrative costs incurred pursuant to this Section. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle at the time of impoundment or any entitled lienholder for ninety (90) days and if not claimed, shall thereafter be deposited in the City treasury.

**730.07 Right to Reclaim.** The owner or any lienholder of any impounded vehicle or any person in lawful possession or control of the property upon which the vehicle was abandoned or otherwise illegally parked shall have a right to reclaim the vehicle from the City upon payment of all towing and storage charges, and administrative fees as set in the fee schedule adopted from time to time by the Council, resulting from the taking of the vehicle into custody within the time period specified in the notice required by Subsection 730.05.

**730.08 Unsold Vehicles.** Any impounded vehicle that is neither reclaimed or sold at auction pursuant to this Section may be disposed of by the City in accordance with Minnesota Statutes § 168B.09.

**730.09 Entry Upon Private Property for Removal or Abatement.** Any person, at the direction of the City Administrator, police chief or any other police officer of the City shall be hereby expressly authorized to enter upon private property for the purpose of enforcing this Section.

**730.10 Liens.** Nothing in this Section shall be construed to impair any lien of a garage keeper under the laws of this State or the right of a lienholder to foreclose. For the purposes of this Section “Garage keeper” shall mean 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.

### Section 740 – Snowmobiles and All-Terrain Vehicles

**740.01 Intent.** It shall be the intent of this section to regulate the use and operation of certain vehicles, commonly called Snowmobiles, and All-Terrain Vehicles or ATV’s to include Class 1 ATV’s and Class 2 ATV’s as defined in section 740.04.

**740.02 State Snowmobile and All-Terrain Vehicle Laws and Statutes Adopted.** Laws of the State of Minnesota, Chapter 84.81 through 84.88 and Chapters 168 through 171, Minnesota Statutes as amended, insofar as applicable to the operation of snowmobiles shall be hereby adopted by reference and shall be as effective as if recited here in full.

**740.03 Compatibility with other Regulations.** Where the conditions of this section are comparable with conditions imposed by any other law, ordinance, statute, resolution, or regulation, the regulations, which are more restrictive, shall apply.

**740.04 Definitions.** For purposes of this Section terms defined in this Section shall have the meaning ascribed to them.

**All-Terrain Vehicle(s).** All-Terrain Vehicle(s) shall include all “Class 1 ATV’s” and “Class 2 ATV’s.” Class 1 ATV’s shall mean at least three (3) low-pressure flotation tires, under 800 cc’s and under 900 pounds dry weight [MS 84.92(8) and (9)]. Class 2 ATV’s shall mean at least three (3) low pressure flotation tires and under 800cc’s, dry weight is 900 pounds through 1,500 pounds [MS 84.92 (8) and (10)]. Class 2 ATV’s were formerly defined as “Off-Road Vehicles” (ORV’s) by the Minnesota Department of Natural Resources.

**Body of Water.** Body of Water shall mean all water wholly within the city limits of Norwood Young America and all portions of boundary waters within the city limits of Norwood Young America contained within any wilderness areas designated hereunder and which the public have a right to use for navigation, fishing, hunting or any other beneficial public use.

**Commissioner.** Commissioner shall mean the commissioner of natural resources.

**Deadman Throttle or Safety Throttle.** 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.

**Operate.** Operate shall mean to ride in or on and control the operation of a snowmobile or all-terrain vehicle.