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## CHAPTER IX MOTOR VEHICLES AND TRAFFIC

### **Section 900 – Driver’s licenses and registration of motor vehicles**

#### **900.01 Motor vehicle registration act.**

Minnesota Statutes, chapter 168 as amended is adopted by reference and is as much a part of this code as if fully set forth herein. Three copies of this chapter will be marked as official copies and filed for use and examination by the public in the city hall.

#### **900.03. Driver’s license law.**

Minnesota Statutes, chapter 171 as amended, known as the "Driver's License Law," is adopted by reference and is as much a part of this code as if fully set forth herein. Three copies of this chapter will be marked as official copies and filed for use and examination by the public in the city hall.

#### **900.05. Violations.**

A violation of a statute adopted by reference herein is a violation of this code.

## **Section 905 – Traffic regulation**

### **905.01 State statutes adopted.**

Minnesota Statutes, Chapter 169 and specifically Minnesota Statutes, Sections 169.69 (muffler) and 169.693 (motor vehicle noise limits), as amended, are hereby adopted by reference and are as much a part of this code as if fully set forth herein.

*[Revised 11/02/2009; Ordinance 385]*

### **905.03. Unreasonable acceleration.**

No person will start or accelerate any motor vehicle with any unnecessary exhibition of speed on any public or private roadway, driveway, parking lot or other driving surface within the city limits. Prima facie evidence of such unnecessary acceleration of speed will be unreasonable squealing or screeching sounds emitted by tires or the throwing of sand or gravel by the tires of the vehicle, or both.

### **905.05. Compression Release Engine Braking.**

*[Added 11/02/2009; Ordinance 385]*

No person shall use motor vehicle brakes that are in any way operated or activated by the compression of the engine in any motor vehicle that make a loud popping sound upon any public roadway located within the city except in an emergency situation.

### **905.07. Penalty.**

*[Added 11/02/2009; Ordinance 385]*

Violation of any provision of this section shall constitute a petty misdemeanor, subject to the penalties provided by law for petty misdemeanors.

## **Section 910 – Parking regulation**

### **910.01 Winter parking.**

During the period from November 1st through March 31st of each year, no motor vehicle or any obstruction will be parked, or allowed to remain, on any city street between the hours of 2:00 a.m. and 6:00 a.m., so as to interfere with the proper removal of snow. The city is authorized to remove or cause such obstruction, whether a vehicle or other object, to be removed and the owner will be responsible for the actual costs of removal in addition to any penalties which may be imposed upon conviction of a violation of this section.

## **Section 915 – Size, weight and load limits**

### **915.01. Seasonal Weight Restrictions.**

Subdivision 1. The road authority 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 road authority shall post city roads with signs indicating the applicable weight limitations and make the information available through such other means as may be appropriate, including on the city's website.

*[Revised 04/20/2009; Ordinance 355][Amended 03/18/2013; Ordinance 409]*

Subd. 2. The restrictions imposed in subdivision 1 do not apply to municipal vehicles, emergency vehicles, garbage or recycling vehicles while on their collection routes, school buses or agricultural equipment servicing adjacent property. All such vehicles and equipment shall be limited to a weight of seven tons per axle during the period of seasonal weight limits.

### **915.03. Administrative regulation of roads.**

The road authority shall monitor the condition of all roads under the jurisdiction of the city. Whenever the road authority 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 director may regulate, restrict, or prohibit traffic on the road. The road authority 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 road authority 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.

*[Revised 04/20/2009; Ordinance 355] [Amended 03/18/2013; Ordinance 409]*

### **915.07. Permit to exceed weight limit.**

The road authority may, upon application and a showing of reasonable necessity, issue a permit for use of any road under the jurisdiction of the city by vehicles exceeding the load limit otherwise applicable to the road. The permit shall be issued only after approval by the road authority of the route to be traveled. The permit shall be issued upon the condition that the applicant assumes all responsibility for damages caused to any road by such excess load

and agrees to reimburse the city for all reasonable and necessary expenditures to repair and replace the road to its former condition. The permit shall be valid only over such road or segment thereof as is reasonably necessary to travel to and from the designated point of pick up or delivery. A decision by the road authority regarding a waiver may be appealed to the city council. The fee for the issuance of the permit shall be as specified in the city's fee ordinance.

*[Revised 04/20/2009; Ordinance 355] [Amended 03/18/2013; Ordinance 409]*

**915.07. Minnesota Statutes, Chapters 168, 169 and 171 adopted by reference.**

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.

*[Revised 04/20/2009; Ordinance 355] [Amended 03/18/2013; Ordinance 409]*

**915.09. Violations and liabilities for damages.**

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.

*[Revised 04/20/2009; Ordinance 355] [Amended 03/18/2013; Ordinance 409]*

## Section 920 – Recreational vehicles

### 920.01. Definitions.

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

*All-Terrain Vehicle or ATV* means any vehicle licensed by the Minnesota Department of Natural Resources as a Class I or Class II ATV.

[Added 11/02/2009; Ordinance 361][Revised 01/18/2011; Ordinance 390]  
[Revised 08/20/2018; Ordinance 454]

*Holiday* means New Year's Day, January 1; Martin Luther King's Birthday, the third Monday in January; Washington's and Lincoln's Birthday, the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4; Labor Day, the first Monday in September; Veterans Day, November 11; Thanksgiving Day, the fourth Thursday in November; and Christmas Day, December 25.

[Added 11/02/2009; Ordinance 361]

*Mini Truck* means a motor vehicle that has four wheels; is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less; has a total dry weight of 900 to 2,200 pounds; contains an enclosed cabin and a seat for the vehicle operator; commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle; and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in the Code of Federal Regulations, Title 49, sections 571.101 to 571.404, and successor requirements. A mini truck does not include: a neighborhood electric vehicle or a medium-speed electric vehicle; or a motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, Title 49, Section 571.500, as it may be amended from time to time.

[Revised 01/18/2011; Ordinance 390]

*Off-highway motorcycles* means motorized off-highway vehicles traveling on two wheels.

[Added 11/02/2009; Ordinance 361]

*Operate* means to ride in or on and control the operation of a vehicle.

[Revised 01/18/2011; Ordinance 390]

*Operator* means every person who operates or is in actual physical control of a vehicle.

[Revised 01/18/2011; Ordinance 390]

*Owner* means a person, other than a lien holder, having the property in or title to a vehicle and entitled to its use or possession.

[Revised 01/18/2011; Ordinance 390]

*Recreational vehicle* means a self-propelled vehicle, including an ATV, off-road motorcycle, snowmobile and any other vehicle designed for travel on snow or ice or natural terrain steered by wheels, skis or runners, or a vehicle designed for operation on a paved surface that is not licensed by the Minnesota Department of Public Safety or equivalent agency in another state for operation on public roads. Recreational vehicle shall not include motorized golf carts or mini trucks.

[Revised 11/02/2009; Ordinance 361] [Revised 01/18/2011; Ordinance 390]

[Revised 08/20/2018; Ordinance 454]

*Right-of-way* means the entire strip of land traversed by a highway or street in which the public owns the fee or an easement for roadway purposes.

*Roadway* means that portion of a highway improved, designed, or ordinarily used for vehicular travel, including the shoulder.

*Safety or deadman throttle* means a device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving track.

*Snowmobile* means a self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

*Street or highway* means the entire width between boundary lines of any way or place open to the use of the public, as a matter of right, for the purposes of vehicular traffic.

### **920.03. State Statutes Adopted.**

Minnesota Statutes, Sections 84.81 to 84.88 and Minnesota Statutes Chapter 169, except for those provisions of Chapter 169 relating to required equipment or provisions which by their nature have no application, are adopted by reference and are as much a part of this code as if fully set forth herein.

### **920.05. Application of Traffic Ordinances.**

All city traffic ordinances apply to the operation of recreational vehicles and mini trucks upon streets and highways.

[Revised 01/18/2011; Ordinance 390]

### **920.07. Operation generally.**

Except as otherwise specifically permitted and authorized, it is unlawful for



any person to operate a recreational vehicle or mini truck within the city:

- (a) On a public sidewalk or walkway provided or used for pedestrian travel;
- (b) On private property of another without lawful authority or consent of the owner or occupant;
- (c) On any publicly-owned lands, including but not limited to school grounds, park property, playgrounds, recreation areas and golf courses, except areas previously listed or authorized for such use by the proper public authority, in which case such use should be lawful and the recreational vehicle or mini truck must be driven in and out of such areas by the shortest route. Authorized operations areas in the city owned by the city will be designated by council resolution;  
*[Revised 11/02/2009; Ordinance 361] [Revised 01/18/2011; Ordinance 390] [Revised 04/09/2022; Ordinance 477]*
- (d) At any place, while under the influence of intoxicating liquor or narcotics or habit forming drugs;
- (e) At a rate of speed greater than reasonable or proper under all the surrounding circumstances;
- (f) At any place in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;
- (g) So as to tow any person or thing on a public street or highway except through use of a rigid tow bar attached to the rear of the vehicle; or  
*[Revised 01/18/2011; Ordinance 390] [Revised 04/09/2022; Ordinance 477]*
- (h) At a speed greater than ten miles an hour when within 100 feet of any lakeshore, fishermen, ice houses or skating rinks, nor will operation be permitted within 100 feet of any sliding area, nor where the operation would conflict with the lawful use of property or would endanger other persons or property.  
*[Revised 11/02/2009; Ordinance 361] [Revised 04/09/2022; Ordinance 477]*

## **920.09. Operation on streets and highways.**

### **Subdivision 1. Operation.**

No person may operate a recreational vehicle upon the roadway, shoulder or inside bank or slope of any street. Operation of a recreation vehicle in the ditch, extreme right-hand side of the road or within the right-of-way of any country road or state highway is permitted if authorized by

state law or county ordinance.

[Revised 11/02/2009; Ordinance 361] [Revised 01/18/2011; Ordinance 390]

### Subd. 2. Crossings.

A recreational vehicle or mini truck may make a direct crossing of a street or highway except an interstate highway or freeway, provided:

(a) The crossing is made at an angle of approximately ninety degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;

(b) The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;

[Revised 11/02/2009; Ordinance 361]

(c) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard;

(d) In crossing a divided street or highway, the crossing is made only at an intersection of such street or highway with another public street or highway; and

(e) If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

[Revised 01/18/2011; Ordinance 390]

### Subd. 3. Intersections.

No recreational vehicle shall enter any uncontrolled intersection without making a complete stop and the operator shall yield the right-of-way to any vehicles or pedestrians which constitute an immediate hazard.

[Revised 11/02/2009; Ordinance 361] [Revised 01/18/2011; Ordinance 390]

### Subd. 4. Operation of Snowmobiles.

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

[Revised 01/18/2011; Ordinance 390]

### Subd. 5. Operation of ATVs.

Notwithstanding anything in this section to the contrary, all terrain

vehicles may be operated within the road right-of-way as permitted through Agricultural Use Registration by the Minnesota Department of Natural Resources.

*[Added 11/02/2009; Ordinance 361] [Revised 01/18/2011; Ordinance 390]*

### **920.11. Recreational Vehicle Equipment.**

It is unlawful for any person to operate a recreational vehicle anywhere within the limits of the city unless it is equipped with the following:

(a) Standard mufflers which are properly attached and in constant operation, and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass, straight pipe or similar device on a recreational vehicle motor, and the exhaust system must not emit or produce a sharp popping or crackling sound;

*[Revised 11/02/2009; Ordinance 361]*

(b) Brakes adequate to control the movement of and to stop and hold the recreational vehicle under any conditions of operation;

(c) A safety throttle in operating condition;

*[Revised 11/02/2009; Ordinance 361]*

(d) At least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. Such head lamp must be so aimed that glaring rays are not projected into the eyes of an oncoming vehicle operator. It must also be equipped with at least one red tail lamp having a minimum candle power of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during the hours of darkness under normal atmospheric conditions. The equipment must be in operating condition when the vehicle is operated between the hours of one-half hour after sunset to one-half hour before sunrise or at times of reduced visibility; and

*[Revised 01/18/2011; Ordinance 390]*

(e) Reflective material at least 16 square inches on each side, forward of any handlebars, so as to reflect or beam light at a ninety-degree angle.

### **920.13. Operation by minors.**

#### Subdivision 1.

It is unlawful for any person under 14 years of age to operate a recreational vehicle on streets or highways or make a direct crossing of a

street or highway. A person 14 years of age or older, but less than 18 years of age, may operate a snowmobile or an all terrain vehicle on streets or highways as permitted under this section and make a direct crossing thereof only if the person has in his or her immediate possession a valid snowmobile safety certificate issued by the Commissioner of Conservation as provided in Section 84.86 of Minnesota Statutes or a valid all terrain vehicle safety certificate as provided for in Minnesota Rules Part 6102.0070.

*[Revised 11/02/2009; Ordinance 361] [Revised 01/18/2011; Ordinance 390]*

Subd. 2.

It is unlawful for the owner of a recreational vehicle to permit the recreational vehicle to be operated contrary to the provisions of this section.

*[Revised 01/18/2011; Ordinance 390]*

**920.15. Leaving Unattended.**

Every person leaving a recreational vehicle or a mini truck in a public place must lock the ignition, remove the key and take it with them.

*[Revised 01/18/2011; Ordinance 390]*

**920.17. Chasing Animals.**

It is unlawful to intentionally chase, run over or kill any animal, wild or domestic, with a recreational vehicle.

**920.19. Operation of recreational vehicles on private property.**

*[Added 11/02/2009; Ordinance 361] [Revised 04/09/2022; Ordinance 477]*

Subdivision 1. Operation.

It is unlawful for any person to operate a recreational vehicle on private property except in using said vehicle to depart or arrive from his or her residence, except under the following conditions:

*[Revised 04/09/2022; Ordinance 477]*

(a) Except as otherwise authorized by this section, no person shall operate a recreational vehicle between 9:00 p.m. and 8:00 a.m. the following day;  
*[Revised 01/18/2011; Ordinance 390][Amended 08/19/2013; Ordinance 412]*  
*[Revised 04/09/2022; Ordinance 477]*

(b) Recreational vehicles may only be operated for no more than two continuous hours per day per parcel. Riding time under this section may not be accumulated;

*[Revised 08/19/2013; Ordinance 412] [Revised 04/09/2022; Ordinance 477]*

- (c) Except as otherwise authorized by this section, recreational vehicles may only be operated on a parcel of 3 acres or larger;  
[Revised 08/19/2013; Ordinance 412] [Revised 04/09/2022; Ordinance 477]
- (d) No more than a total of three recreational vehicles may be operated on any parcel at one time;  
[Revised 01/18/2011; Ordinance 390] [Revised 04/09/2022; Ordinance 477]
- (e) Recreational vehicles may not be operated within 300 feet of the property line of any parcel without the permission of the residents of the other parcel unless they are being used in the course of conducting agricultural operations on the property; and  
[Revised 04/09/2022; Ordinance 477]
- (f) Recreational vehicles must be equipped with a muffling system which reduces the noise of operation of the motor to the minimum necessary for operation which must include a spark arrestor and a properly operating muffler with the following information imprinted by the manufacturer:  
*Meets U.S. EPA noise emission requirements of 80db(a). Approved U.S. Forest Service.*  
[Revised 04/09/2022; Ordinance 477]

Violation of this section regarding the use of recreational vehicles shall be a petty misdemeanor. Second and subsequent violations of this section within a 12-month period shall be a misdemeanor.  
[Revised 01/18/2011; Ordinance 390][Amended 08/19/2011; Ordinance 412][Revised 04/09/22; Ordinance 477]

## **920.20. Mini-Trucks**

[Revised 01/18/2011; Ordinance 390]

### Subdivision 1. Statutory Authorization.

The operation of mini trucks on city streets is authorized by Minnesota Statutes Section 169.045, subdivision 1.  
[Revised 01/18/2011; Ordinance 390]

### Subd. 2. Permit to Operate.

Mini trucks may be operated on all city streets upon obtaining a permit. Operation is limited to city streets unless otherwise authorized by state law or county ordinance, with the exception that the operator may cross any street or highway intersecting with a city street. The permit must be affixed to the rear of the vehicle in a location that is clearly visible at all times during operation of the vehicle. Proof of insurance must also be possessed during the operation on city streets.

[Revised 01/18/2011; Ordinance 390]

Subd. 3. Permit Application.

Every application for a permit shall be made to the city's Department of Public Safety by the owner of the mini-truck on a form supplied by the city. The permit application must contain all of the following information:

- (a) The name and address of the applicant;
- (b) Proof of insurance complying with Minnesota Statutes Section 65B.48, subdivision 5;
- (c) The model name, make and year and serial number of the vehicle;
- (d) Proof that the applicant holds a valid driver's license;
- (e) Verification by the applicant that he or she will only allow the mini truck to be operated by a licensed driver; and
- (f) Proof of ownership of the vehicle.

[Revised 01/18/2011; Ordinance 390]

Subd. 4. Permit Issuance.

No permit shall be granted or renewed by the city unless the mini truck has been inspected by the city's Department of Public Safety and meets the equipment requirements herein. The city shall grant or deny the permit within five business days of the date of application. Permits shall be valid for a period of one year and must be renewed annually. The fee for the permit shall be set by the city council as part of its annual fee schedule.

[Revised 01/18/2011; Ordinance 390]

Subd. 5. Required Equipment.

Mini trucks must be equipped with:

- (a) A rear-view mirror to provide the driver with adequate vision from behind as defined by Minnesota Statutes Section 169.70;
- (b) At least two headlamps;
- (c) At least two tail lamps;
- (c) Front and rear turn-signal lamps.

(e) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror;

(f) A windshield;

(g) A seat belt for the driver and front passenger;

(h) Operating brakes adequate to control the movement of and to stop and hold the vehicle under any conditions of operation;

(i) A parking brake; and

(j) Tires designed for use on paved roadways.

*[Revised 01/18/2011; Ordinance 390]*

#### Subd. 6. Occupants.

The number of occupants in the mini truck must not exceed the designated occupant load for the vehicle.

*[Revised 01/18/2011; Ordinance 390]*

#### Subd. 7. Application of traffic laws.

Every person operating a mini truck under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minnesota Statutes Chapter 169, except when these provisions cannot reasonably be applied to mini trucks.

*[Revised 01/18/2011; Ordinance 390]*

#### Subd. 8. Applicable state laws.

The provisions in Minnesota Statutes Chapter 171 are applicable to persons operating mini trucks.

*[Revised 01/18/2011; Ordinance 390]*

#### Subd. 9. Revocation of permit.

The Chief of Police may suspend or revoke a permit granted hereunder at any time upon a finding that the holder thereof has violated any of the provisions of this section or Minnesota Statutes Chapter 169, or if there is evidence that the permit holder cannot safely operate the mini truck on the designated roadways. A revocation or suspension of a permit by the Chief of Police may be appealed to the City Council.

*[Revised 01/18/2011; Ordinance 390]*

### **920.21. Penalties.**

*[Added 11/02/2009; Ordinance 361]*

Except for the penalty applicable to violation of section 920.19 regarding the use of recreational vehicles, violation of section 920 shall be a misdemeanor.

*[Revised 04/09/2022; Ordinance 477]*



## Section 925 – Abandoned and junk vehicles

### 925.01. Definitions.

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

*Abandoned vehicle* means any vehicle that has remained for a period of more than 48 hours on public property illegally or lacking vital component parts, or has remained for a period of more than 48 hours on private property without the consent of the person in control of such property or has been in an inoperable condition for more than 48 hours, such that it has no substantial potentially further use consistent with its usual functions, whether located on private or public property. It will also mean a motor vehicle voluntarily surrendered by its owner to and accepted by a unit of government or its agent. A classic car, as defined in this section, will not be considered an abandoned vehicle for purposes of this section.

*Classic car* means a classic or pioneer car as defined in Minnesota Statutes, section 168.10.

*Garage keeper* is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair, towing or maintenance of motor vehicles.

*Junk car* means any vehicle which is lacking in vital component parts or is not in an operable condition or which is partially dismantled, or which is used for sale of parts or as a source of repair or replacement parts for other vehicles, or which is kept for scrapping, dismantling or salvage of any kind, or which is not properly licensed for operation within the state.

*Property* means any real property within the city.

*Street or highway* means the entire platted dimensions of any public way within the city.

*Vehicle* means a machine propelled by other than human power and designed to transport persons or property or other machinery, and will include without limitation automobiles, trucks, trailers, motorcycles, tractors and snowmobiles and all self-propelled machinery.

*Vital component parts* means those parts of the vehicle which are essential to the proper function of the vehicle, including but not limited to the engine, drive train, wheels and chassis.

### **925.03. Exceptions.**

This section will not apply to:

- (a) Vehicles stored in enclosed buildings or vehicles necessary to the operation of a business enterprise when such business enterprise is operated in a lawful place and manner;
- (b) Vehicles under the control of the city or its agents.

### **925.05. Parking, abandonment prohibited.**

- (a) No person will park, keep, store or abandon any junk vehicle or junk car on public property, a public street, highway, roadway, public way, or alley in the city.
- (b) No person in charge or control of any property within the city, whether owner, tenant, occupant, lessee or otherwise will allow any partially dismantled inoperable wrecked, junked, dismantled or discarded vehicle to remain on such property longer than 96 hours.

### **925.07. Declaration of public nuisance.**

The accumulation and storage of abandoned, wrecked, junked, partially dismantled or inoperative motor vehicles on private or public property is found to create an unsightly condition tending to reduce the value of private property, to invite plundering, to create fire hazards and to constitute an unattractive nuisance creating hazard to the health and safety of the community. The accumulation and outside storage of such vehicles is further found to promote blight and deterioration in the community and to violate zoning regulations of the city in many instances. It is further found that such wrecked, junked, abandoned or partially dismantled or inoperative vehicles are in the nature of rubbish, litter and unsightly debris which adversely affect the health, safety and general welfare of the community. Therefore, the accumulation and storage of such vehicles on private or public property, except as hereinafter expressly permitted, is hereby declared to constitute a public nuisance which may be abated in the manner provided by this section or other ordinances of the city or other lawful actions as may be provided by state law.

### **925.09. Impoundment.**

Police or licensed peace officers are authorized to remove or order removed any vehicle within the city which appears to be in violation of this section or lost, stolen, unclaimed or in violation of city or state traffic regulations.

### **925.11. Immediate sale.**

When an abandoned vehicle or junked car is more than seven model years of age, is lacking vital component parts, and does not display a license plate currently valid in Minnesota or any other state or foreign country, it must immediately be eligible for sale at public auction pursuant to section 925.17 and will not be subject to the notification, reclamation, or title provisions of sections 925.01 to 925.19.

### **925.13. Notice.**

When an abandoned vehicle or junked car does not fall within the provisions of section 925.11, the city taking it into custody must give notice of the taking within ten days. The notice must:

- (a) Set forth the date and place of the taking, the year, make, model and serial number of the abandoned vehicle or junked car if such information can be reasonably obtained and the place where the abandoned vehicle or junked car is being held;
- (b) Inform the owner and any lienholders of their right to reclaim the abandoned vehicle or junked car under section 925.15; and
- (c) State that failure of the owner or lienholders to exercise their right to reclaim the abandoned vehicle or junked car and contents must be deemed a waiver by them of all right, title, and interest in the abandoned vehicle or junked car and contents and a consent to the sale of the abandoned vehicle or junked car and contents at a public auction pursuant to section 925.17.

The notice must be sent by mail to the registered owner, if any, of the abandoned vehicle or junked car and to all readily identifiable lienholders of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice must be published once in a newspaper of general circulation in the area where the vehicle was abandoned or junked. Published notices may be grouped together for convenience and economy.

### **925.15. Right to reclaim.**

- (a) The owner or any lienholder of an impounded vehicle will have a right to reclaim such vehicle from the city taking it into custody upon payment of all towing and storage charges resulting from taking the vehicle into custody within 15 days after the date of the notice required by section 925.13, unless falling under the exception to the requirement for notice under section 925.11.

(b) Nothing in this section will be construed to impair any lien of a garage keeper under the laws of this state, or the rights of lienholder to foreclose.

### **925.17. Public sale.**

If an abandoned vehicle or junked car and its contents taken into custody and not reclaimed under section 925.15, is sold at public auction or sale, it must be sold to the highest bidder following reasonable published notice of such auction or sale. The purchaser must be given a receipt in a form prescribed by the registrar or motor vehicles, which will be sufficient title to dispose of the vehicle. The receipt will also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before such a vehicle is issued a new certificate of title it must receive a motor vehicle safety check.

(a) Abandoned vehicles or junked cars not sold pursuant to clause (a) must be disposed of by the city in its discretion, including, but not limited to, sale for scrap.

(b) From the proceeds of a sale under this section of an abandoned vehicle or junked car, the city must reimburse itself for the cost of towing, preserving and storing the abandoned vehicle or junked car, and all administrative costs including notice and publication costs incurred in handling the abandoned vehicle or junked car pursuant to sections 925.01 to 925.19. Any remainder from the proceeds of a sale must be held for the owner of the abandoned vehicle or junked car or entitled lienholder for 90 days and then must be deposited in the treasury of the city.

### **925.19. Contracts and disposal.**

(a) The city may contract with any qualified person for collection, storage, incineration, volume reduction, transportation or other services necessary to prepare abandoned motor vehicles and other scrap metal for recycling or other methods of disposal.

(b) Where the city enters into a contract with a person duly licensed by the Minnesota Pollution Control Agency, the agency must review the contract to determine whether it conforms to the agency's plan for solid waste disposal. A contract that does so conform may be approved by the agency. Where a contract has been approved, the agency may reimburse the city for the costs incurred under the contract which have not been reimbursed.

(c) If the city utilizes its own equipment and personnel for disposal of the abandoned motor vehicle, it must be entitled to reimbursement for the cost

thereof along with its other costs as herein provided.