

207 PARKING

1. General Comments

Parking had always caused some problems and will continue to do so regardless of what enforcement policy is advanced. First of all, in Breckenridge we are working with two laws when dealing with parking violations. Although City Ordinance 264 adopts Minnesota Statutes Chapter 169 by reference, there is a need to be specific when issuing a citation for a parking violation. When citing for a parking violation the ordinance or the statute must be indicated since the bail schedule differs depending on the law involved. In almost all cases the bail or fine will be \$10.00.

2. Violations (issuing citations)

- A. Citations issued for state statutes shall be considered proper regardless of postings of signs, etc. It is assumed that all drivers in the state are aware of the state laws.
- B. When violations of city ordinances are noted in areas that are not posted when signs telling of the restriction then the officer should not issue the citation. (except snow removal and street cleaning ordinances).
- C. Citations shall not be issued for parking in an area painted yellow except when that area is restricted to parking by ordinance or statute and is painted in lieu of erecting a sign. (The center of the axel of the front or rear wheel, as the case may be should not be in that zone).
- D. Officers issuing citations for violations involving parking over a time limit must mark the vehicles in such a way that they can testify that the vehicle in question did not move during the time period indicated. Chalking tires would be an acceptable method of showing the vehicle was not moved during the time in question.
- E. Citations for parking ordinances dealing with the two hour time limit are generally a low priority because of the availability of free parking close to the downtown area.
- F. Use your own judgement before issuing a UTT for parking violations. The citations will not in most cases solve the problem. Informing the driver may be the best alternative. Warning a driver of a parking violation may be one alternative if the violation is not an immediate problem. The warning could be verbal or in writing. (Police Tow).

3. Enforcement

- A. Parking statutes and or ordinance should be enforced when there is a clear violation or potential hazard. Situations where complaints are received for parking violations should be investigated and appropriate action taken under proper ordinance or statute unless complainant has another agreeable recommendation.
- B. Parking enforcement in the residential areas generally deals with street cleaning and snow removal and with truck parking. Since snow removal and street cleaning are normally short notice situations it is not always possible to have the time to ticket and tow the vehicles in violation. .
- C. Snow removal: Should the officer(s) on duty learn that the Street Department is going to be cleaning streets then citations should be issued and vehicles be towed. This department will attempt to notify the general public via radio and newspaper when the ordinance above will be enforced. This will generally be after the first major snow storm requiring the streets to be bladed. Prior to the first snow it is recommended that warnings be issued to remind drivers of the ordinance. It may be advisable to issue warnings on nights when snow removal is not planned. This policy will be acceptable when the person who has a problem calls the department in advance and advises the department of his problem. The officer on duty will use his judgement and discretion in granting a one night waiver providing it is understood that the vehicle may have to be moved in an emergency and a phone number is obtained where he can be reached. All such waivers should be documented on an Information ICR.
- D. Street cleaning (sweeping): Normally this activity is scheduled by the Street Department. As suggested in B. above residential areas may be done on an irregular basis. However, in the business areas cleaning is regularly done on Monday-Wednesday-Friday before 0600 hours. The cleaning of the business area may require enforcement as follows: Under conditions and times described in Ordinance 264, Article VI, Sec. 6 vehicles may be cited. However, they do not need to be towed. The area described as the business are for this purpose will include 5th Street from Mendenhall to Wisconsin Avenues, Minnesota Avenue from the bridge to 8th Street, Nebraska Avenue from 4th to 6th Streets, and the 1st block North on 4th and

6th Streets.

- E. Parking lots: Enforcement of parking lot Ordinance 264, Article IV. (23 hour parking), will be primarily for the purpose of cleaning and maintenance.
- F. Areas in the city that are called parking lots are in some cases not recognized as such for the purpose of enforcing our ordinance. Some parking areas are located on private property, some on public property and the ones we are concerned about are located on city property or property leased or owned by the city and designated as parking lots.
- G. City parking areas that are owned or leased by the city are public property and used for parking. Some public property is not, however, city property. Also some city properties that are used for parking are not in fact designated as parking lots.
- H. There will be occasions when we will be called to these parking areas and requested to take enforcement action of some kind. It is important to be able to identify these areas so that the proper action, according to the ordinance, can be taken. Designated “parking lots” are as follows:
 - BN property South of Minnesota Avenue from 5th to 6th Street to the tracks
 - City property North of City Hall, Block 197, Lot 11
 - City property East of the alley behind Altstatt’s, Block 242, Lots 13 & 14
 - City property West of Senior Citizens Center, Block 127, Lots 9, 10, & 11
 - City leased property East of Wilkin Bar, Block 242, Lots 1, 2, & 3
 - City property, Block 196, Lots 3, 4, 5, & 6
- I. Cases where there is a parking violation on private property may be resolved under the impoundment procedures provided in city ordinance or under parking ordinances where parking without permission is charged. These cases require extreme care and should be approached delicately. It is recommended that owners of private parking lots post appropriate signs limiting parking before any enforcement action is taken. If no signs are posted, advise the property owner that he must notify the car owner to remove his vehicle (or offer to do this for the property owner).

4. Administration

- A. We will cite the owner of the vehicle unless we know someone else committed the violation.
- B. We will use the Uniform Traffic Ticket in all parking violation cases.

- C. All parking violations will be handled the same way as other traffic matters except as explained in this procedure.
- D. Officers will complete the UTT and include as much of the information requested on the UTT as possible. Include court appearance date as you would with all UTT's.
- E. In the event the driver is not present you must give the ticket to the vehicle in violation. Place it in such a manner that you feel reasonably sure the next driver is going to notice it. Under the wiper or in the vehicle is acceptable. Perhaps you should place it so that other officers can see it to avoid doubling up.
- F. Should an impoundment or tow be required then that procedure should be followed. (See Impound and Tow Policy).
- G. The other copies of the UTT will be returned to the office and processed as indicated.
- H. The officer may have requested a 10-28 registration check at the time he issued the citation, in which case it may be on the UTT. If not, the check must be run and the UTT completed at the office with regard to registration identification. In some cases the officer may know that the new owner is not the registered owner as the computer would indicate. If this is the case this notation should be indicated on the UTT. (This may eliminate sending two or more cards or letters).
- I. An ICR will be completed for each UTT issued as well as a roster card. Since the UTT may go to court before the bail is posted the ICR will be the only information we have on the UTT being issued.
- J. Although all bail on parking cases will go to court with other traffic matter, the UTT may be kept at the LEC for a couple of extra days to allow persons to pay bail and perhaps the impound or towing fees. This will most often occur when large quantities of UTT's were issued for snow removal.
- K. Should a person appear with a UTT and it is learned that the wrong name is on the UTT the dispatcher or court officer should change the name on the UTT and both the roster card and ICR.
- L. If the court appearance date has passed without response then a letter or card will be sent to the registered owner of the vehicle explaining that a citation was issued and apparently ignored. Also what action will be necessary to resolve the matter will be indicated. If the registered owner provides information indicating that he is not the legal owner he will then be asked to provide information necessary to contact the new owner. A notation on every action taken will be made on the ICR

and roster card. The records keeping personnel must communicate with the court officer or monitor the roster cards carefully to know what action must be taken.

- M. If there is no response after the first letter or card is sent on the violation a second letter is sent. If after the second letter or three different violations are noted against the same vehicle and still no response is obtained, the matter will be referred to the City Attorney and a warrant requested.