

CHAPTER 33.

MOTOR VEHICLES AND TRAFFIC.

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Article I. In General.²

Sec. 33-1. Definitions.³

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Authorized emergency vehicle. Any of the following vehicles when equipped and identified according to law:

- (a) A vehicle of a fire department;
- (b) A publicly-owned police vehicle or a privately-owned vehicle used by a police officer for police work under agreement, expressed or implied, with the local authority to which he is responsible;
- (c) An ambulance, whether publicly or privately owned;
- (d) An emergency vehicle of a municipal department or a public service corporation.

Bicycle. Every device propelled by human power upon which any person may ride, having two tandem wheels, either of which is over 14 inches in diameter, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels.

Bus. Every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

Business district. The territory contiguous to and including a highway when 50 percent or more of the frontage thereon for a distance of 300 feet or more is occupied by buildings in use for business.

Chief. The chief of police of the city.

Congested district. The district lying between the westerly line of Mesaba Avenue and the easterly line of Eighth Avenue East, both inclusive, and the northerly line of the Northern Pacific Railway right-of-way immediately south of Michigan Street and the northerly line of Second Street and that part of Lake Avenue lying between the northerly line of Buchanan Street and the northerly line of Second Street.

Crosswalk.

- (a) That portion of a roadway ordinarily included within the prolongation or connection of the lateral lines of sidewalks at intersections;
- (b) Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Double parking. The stopping or standing of a vehicle upon a public highway outside of another vehicle which is parked at the curb.

Driver. Every person who drives or is in actual physical control of a vehicle.

Intersection.

(a) The area embraced within the prolongation or connection of the lateral curb lines or, if none, then the lateral boundary lines of the roadways of two highways which join one another at or approximately at right angles or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;

(b) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Motor vehicle. Every vehicle which is self-propelled and not deriving its power from overhead wires.

Motor vehicle dealer. Any person engaged in the business of manufacturing or selling new and unused motor vehicles or used motor vehicles or both, having an established place of business for the sale, trade and display of such motor vehicles and having in his possession motor vehicles for the purpose of sale or trade.

²For state law authorizing city to regulate traffic, see M.S.A., ' ' 169.03, 169.04.

³For state law definitions, see M.S.A., ' 169.01.

Owner. A person who holds the legal title of a vehicle or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner.

Parkette. A person authorized by the city to issue traffic summonses for parking violations.

Parking. The standing of a vehicle, whether occupied or not, upon a highway, other than temporarily for the purpose of and while actually engaged in loading or unloading or in obedience to traffic regulations or traffic signs or signals.

Police officer. Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private road or driveway. Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Railroad. A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.

Residence district. The territory contiguous to and including a highway not comprising a business district, when the property on such highway for a distance of 300 feet or more is in the main improved with residences or residences and buildings in use for business.

Road tractor. Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight of a vehicle or load so drawn.

Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel. In the event a highway includes two or more separate roadways, the term "roadway" shall refer to any such roadway separately but not to all such roadways collectively.

Safety zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or so marked or indicated by adequate signs as to be plainly visible at all times.

Semitrailer. Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Sidewalk. That portion of a street between the curb lines or the lateral lines of a roadway and the adjacent property lines intended for the use of pedestrians.

Sign. Any device bearing printed instructions which advise the public of any traffic regulations.

Snow emergency routes. Those streets established as such in accordance with the provisions of this Chapter.

Snow tires. Any tires mounted on drive wheels of motor vehicles which are especially designed to give and actually provide effective traction on snow, mud or ice-covered streets by means of extra heavy duty treads with special high traction patterns.

Street or highway. The entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

Through highway. Every highway or portion thereof at the entrances to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected.

Traffic. Pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances, either singly or together, while using any highway for purposes of travel.

Traffic control signal. Any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed.

Trailer. Every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Truck. Every motor vehicle designed, used or maintained primarily for the transportation of property.

Truck tractor. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

(Ord. No. 6838, 6-12-1950, ' 1; Ord. No. 7049, 6-4-1956; Ord. No. 7245, 6-27-1960, ' 1; Ord. No. 7539, 10-10-1966, ' 1; Ord. No. 8028, 12-3-1973, ' 1; Ord. No. 8152, 6-16-1975, ' 12.)

Sec. 33-2. Applicability of chapter--generally.

The provisions of this Chapter relating to the operation of vehicles refer to the operation of vehicles upon highways and upon highways and streets situated on property owned, leased or occupied by the regents of the University of Minnesota, Duluth branch, and in or upon any park or parking area or other public ground of the city, except where a different place is specifically referred to in a given Section.

The provisions of this Chapter applicable to the drivers of vehicles upon the highways shall apply to the drivers of all vehicles owned or operated by the United States, this state or any county, city, town, district or any other political subdivision of the state, subject to such specific exceptions as are set forth in this Chapter with reference to authorized emergency vehicles. (Ord. No. 6838, 6-12-1950, ' ' 2, 4; Ord. No. 7049, 6-4-1956.)

Sec. 33-3. Same--Persons and equipment working on highways.

The provisions of this Chapter shall not apply to persons, motor vehicles and other equipment while actually engaged in work upon the roadway of a highway, but shall apply to such persons and vehicles when traveling to or from such work. (Ord. No. 6838, 6-12-1950, ' 4; Ord. No. 8028, 12-3-1973, ' 2.)

Sec. 33-4. Repealed by Ordinance No. 8028, 12-3-1973, ' 2.

Sec. 33-5. Same--Bicycles, inline skates, rollerskates, skateboards and animals.

Every person riding a bicycle, inline skates, rollerskates, skateboard or an animal or driving any animal drawing a vehicle upon a roadway shall be subject to the provisions of this Chapter applicable to the driver of a vehicle, except those provisions which by their nature can have no application. (Ord. No. 6838, 6-12-1950, ' 4; Ord. No. 9978, 6-15-2009, ' 1.)

Sec. 33-6. Police to direct traffic.

It shall be the duty of the police division to enforce the provisions of this Chapter. Officers of the police division are hereby authorized to direct all traffic, either in person or by means of visible or audible signal, in conformance with the provisions of this Chapter and Minnesota Statutes, Chapter 169; provided, that in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the police or fire divisions may direct traffic, as conditions may require, notwithstanding the provisions of this Chapter.

No person shall wilfully fail or refuse to comply with any lawful order or direction of any peace officer invested by law with authority to direct, control or regulate traffic. (Ord. No. 6838, 6-12-1950, ' ' 3, 5; Ord. No. 8028, 12-3-1973, ' 3.)

Sec. 33-7. Authorized emergency vehicles.⁴

No driver of any authorized emergency vehicle shall assume any special privilege under this Chapter, except when such vehicle is operated in response to any emergency call or in the immediate pursuit of an actual or suspected violator of the law. (Ord. No. 6838, 6-12-1950, ' 4; Ord. No. 8028, 12-3-1973, ' 4.)

⁴As to authorized emergency vehicles on Aerial Lift Bridge, see ' 26-34 of this Code.

Sec. 33-8. Physicians or ambulance drivers on emergency calls.

If a licensed physician or private ambulance driver, while driving a motor vehicle in response to any emergency call, is stopped for driving such vehicle at a speed greater than is reasonable and proper, he shall, upon giving his name, address and the registration number of his vehicle, be permitted to proceed in the vehicle to his destination. Thereafter, such proceedings shall be had as would have been proper had he not been a physician or ambulance driver. (Ord. No. 6838, 6-12-1950, ' 35.)

Sec. 33-9. Operation of motor vehicles on bicycle lanes; prohibited; exceptions.

No person shall operate a motor vehicle within a designated bicycle lane established pursuant to Section 9-17 of this Code except in an emergency situation or when such person is in the process of entering or leaving a legal parking area or driveway. Motor vehicles shall, when crossing a bicycle lane, yield the right-of-way to bicycles, operating within such bicycle lane. (Ord. No. 8152, 6-16-1975, ' 13.)

Sec. 33-10. Operation of motor vehicles on bicycle paths; prohibited.

No person shall operate a motor vehicle within a designated bicycle path established pursuant to Section 9-17 of this Code. (Ord. No. 8152, 6-16-1975, ' 14.)

Sec. 33-11. Vehicle registration.

No person shall park a motor vehicle on any street unless said vehicle is both registered and has its license plates displayed in accordance with the laws of this state. (Ord. No. 8158, 6-30-1975, ' 1.)

Sec. 33-12. Inattentive driving.

No person shall be so engaged or occupied while driving a motor vehicle as to interfere with the safe driving of such vehicle. (Ord. No. 8814, 11-17-1986, ' 1.)

Sec. 33-13. Unreasonable acceleration prohibited.

No person shall accelerate a motor vehicle, either from rest or while moving, in an unnecessary and unreasonable manner on any highway or public or private parking lot. Vehicular acceleration that results in unreasonable squealing or screeching sounds emitted by tires, or the throwing of sand or gravel by the tires, or the front wheel or wheels of the vehicle to lose contact with the highway or parking lot surface, shall be considered prima facie evidence that such acceleration was unnecessary and unreasonable. (Ord. No. 9257, 6-5-1995, ' 1.)

Secs. 33-14 to 33-16. Repealed by Ordinance No. 8028, 12-3-1973, ' 13.

Sec. 33-17. One way traffic.

The city council may, by resolution, establish and provide for one way traffic upon any street or avenue in the city. (Ord. No. 6838, 6-12-1950, ' 30; Ord. No. 7060; Ord. No. 8028, 12-3-1973, ' 5.)

Sec. 33-18. Egress onto designated roads--prohibited.

(a) The city council may, by resolution, designate streets, or portions thereof, or either side thereof, onto which no vehicular egress will be permitted from private roads or driveways upon finding that other streets adequate to provide egress from all affected properties lie adjacent to such properties and that the public safety and convenience will be materially enhanced thereby;

(b) The director of public service of the city shall cause signs to be posted at every private road or driveway providing access to affected property indicating that egress therefrom onto the designated street is not permitted. No person shall egress or attempt to egress onto a designated street in violation of such a sign. (Ord. No. 8493, 12-17-1979, ' 1.)

Sec. 33-19. Bus only lanes.

The city council is hereby authorized to establish and designate, by resolution, lanes of streets having four or more lanes, including parking lanes, as ~~bus only~~ lanes during specified times and on specified days. During such times when such designation is in effect, such lanes shall be available for use only to buses owned and operated by the Duluth transit authority, buses being used to transport primary and secondary school students when being so used and other buses licensed by the state of Minnesota or the government of the United States of America to transport members of the public upon payment of a fare while so engaged. In order to be effective the city shall be required to post signs in a manner complying with the *Minnesota Manual on Uniform Traffic Control Devices* notifying the public of the designation and of the hours and days when such designation is in effect. (Repealed by Ord. No. 8028, 12-3-1973, ' 13; added by Ord. No. 10019, 3-8-2010, ' 1.)

Secs. 33-20 to 33-39. Repealed by Ordinance No. 8028, 12-3-1973, ' 13.

Sec. 33-40. Establishment of safety zones, lanes of traffic, etc.⁵

To assist in the direction and control of traffic, to improve safe driving conditions at any intersection or dangerous location, and to warn pedestrians or drivers of motor vehicles of dangerous conditions or hazards, the traffic engineer of the city may establish safety zones, lanes of traffic, stop intersections and no U-turn intersections, and install stop signs, warning signs, signals, no U-turn signs, pavement markings or other devices. (Ord. No. 6838, 6-12-1950, ' 125; Ord. No. 6865; Ord. No. 8028, 12-3-1973, ' 6.)

Sec. 33-41. School police.

The administrative assistant shall appoint special student police, who shall be designated as school student police and shall serve without compensation. The school student police shall be appointed from the student body of the public and parochial schools of the city. Such school student police shall be equipped with badges marked "school police" and are duly authorized to regulate the traffic of all kinds at such intersections as shall be assigned by the police department of the city. Such school student police shall be subordinate to and shall obey all orders of the officer in charge of school student police of the city.

No driver of any vehicle shall fail to stop his vehicle when directed so to do by school student police. No driver of any vehicle shall again place such vehicle in motion until directed so to do by such school student police. (Ord. No. 6838, 6-12-1950, ' 127; Ord. No. 8028, 12-3-1973, ' 7.)

Sec. 33-42. Through highways.⁶

The city council may, by resolution, designate and establish certain streets and avenues within the city as through highways. (Ord. No. 6838, 6-12-1950, ' 128.)

Secs. 33-42.1 to 33-43. Repealed by Ordinance No. 8028, 23-3-73, ' 2.

⁵For state law prohibiting driving through safety zones, see M.S.A., ' 169.25. As to authority of city to establish stop intersections, control traffic with traffic control signals, etc., see M.S.A., ' 169.04.

⁶For state law authorizing city to designate through highways, see M.S.A., ' 169.04.

Sec. 33-44. Spirit Mountain traffic and parking regulations.

(a) The Spirit Mountain recreation area authority is hereby empowered to regulate, limit and direct parking and traffic on property within said area or under the control of said authority and to designate agents to implement and enforce the same; except that such power shall not extend to that street known as Skyline Parkway;

(b) No person shall cause, permit or allow any vehicle registered in the name of or operated by such person to be parked in violation of any parking regulation or direction authorized by [Sub]section (a) hereof: nor shall any person fail to obey an authorized traffic direction given to him by an agent designated pursuant to [Sub]section (a) hereof;

(c) Violation of this Section shall be a petty misdemeanor;

(d) The provisions of Section 33-45 of the Duluth City Code, 1959, as amended, shall be applicable to violations of this Section and any police officer or agent designated pursuant to [Sub]section (a) hereof may issue summonses for such violations;

(e) Agents of said authority designated pursuant to Subsection (a) hereof shall exercise the authority granted by this Section only when wearing some piece of clothing or bearing some device or marking to identify his authority. (Ord. No. 8178, 10-27-1975, ' 1.)

Sec. 33-45. Summons for violations.

(a) In lieu of taking the person into custody for a violation of the provisions of this Chapter or Minnesota Statutes, chapters 168, 169 or 171, a police officer or parkette may serve a written notice, hereinafter referred to as a summons, upon such person to appear before the county court or the traffic violations bureau established by such court at a time and place fixed in the summons; provided, however, that no person upon whom a summons has been served in the manner provided for in this Section, for a violation of the provisions of this Chapter or Minnesota Statutes, chapters 168, 169 or 171, shall fail to appear at the time and place fixed in the summons;

(b) The summons as provided for in this Section shall be made out on a form in triplicate, which shall indicate in addition to the information heretofore called for in this Section, the time, date and nature of violation; and in the case of a motor vehicle, the motor vehicle license number;

(c) (1) The police officer or parkette serving the summons provided for in this Section shall deliver one copy of such summons to the person violating any of the provisions of this Chapter or affix the copy in a prominent place on or within the vehicle. If the summons is for a nonmoving traffic violation, the other two copies shall be delivered by the police officer or parkette to the traffic violations bureau and if the summons is for a moving traffic violation the other two copies of the summons shall be delivered to the chief of police for processing before the county court;

(2) The triplicate summons form hereinbefore referred to shall be identified by a separate serial number for each summons;

(d) It shall be unlawful for any person to remove a summons from one vehicle and place such summons in or upon another vehicle; nor shall any person wilfully alter, deface or destroy any such summons. The provisions hereof shall not forbid the proper city officers, when duly authorized to dispose of any summons, after processing, as provided in this Chapter. (Ord. No. 6838, 6-12-1950, ' 130; Ord. No. 7039, 1-23-1956; Ord. No. 7077, 1-14-1957, ' 7; Ord. No. 7244, 6-27-1960, ' 2; Ord. No. 7245, 6-27-1960, ' 2; Ord. No. 8028, 12-3-1973, ' 8.)

Sec. 33-46. Penalties.

(a) Violations of the provisions of Articles VII and VIII of this Chapter shall be punished as set forth in this Section;

(b) Violations of the following Sections or subsections shall be punishable by a fine of not less than that set in accordance with Section 31-8 of this Code:

(1) Section 33-84, time limit parking;

(c) Violations of the following Sections or subsections shall be punishable by a fine of not less than that set in accordance with Section 31-8 of this Code:

- (1) Section 33-82(a)(4), parking too close to a fire hydrant;
- (2) Section 33-111(g), aggravated parking meter violation;
- (3) Section 33-95, government area parking violations except meters;
- (4) Section 33-97(a), no parking zone violations;
- (5) Section 33-97.8, alternate side parking violations;
- (6) Section 33-87(a), truck zone violations;
- (7) Section 33-87(b), loading zone violations;
- (8) Section 33-82(a)(1), parking on a sidewalk;
- (9) Section 33-82(a)(2), parking in front of a driveway;
- (10) Section 33-82(a)(3), parking within an intersection;
- (11) Section 33-82(a)(5), parking on a crosswalk;
- (12) Section 33-82(a)(6), parking within 20 feet of an intersection crosswalk;
- (13) Section 33-82(a)(7), parking within 30 feet of a stop sign or traffic control device;
- (14) Section 33-82(a)(8), parking within seven feet of an alley or driveway;
- (15) Section 33-82(a)(9), parking within 50 feet of a railroad crossing;
- (16) Section 33-82(a)(10), illegal parking near a fire station;
- (17) Section 33-82(a)(11), illegal parking near street obstruction;
- (18) Section 33-82(a)(12), double parking;
- (19) Section 33-82(a)(13), parking on a bridge or in a tunnel;
- (20) Section 33-82(a)(14), no stopping zones;
- (21) Section 33-82(a)(15), parking on boulevards;
- (22) Section 33-83, illegal alley parking;
- (23) Section 33-85, 24 hour parking limit;
- (24) Section 33-93, facing wrong way;
- (25) Section 33-93, parking parallel to curb;
- (26) Section 33-90, parked with for sale sign;
- (27) Section 33-92, failure to set parking brake or turn wheels to the curb;
- (28) Section 33-94, angle parking violation;
- (29) Sections 33-124 through 33-130, dealing with residential permit parking;
- (30) Any other parking offense in violation of any section contained in Article VII of

Chapter 33;

- (31) Section 33-109, overtime parking at a parking meter;
- (32) Section 33-106(a), improper parking at a single meter;
- (33) Section 33-106(b), improper parking at a tandem meter;

(d) Violations of the following Sections or subsections shall be punishable by a fine of not less than that set in accordance with Section 31-8 of this Code:

- (1) Section 33-88, parking in a taxi stand;
- (2) Section 33-82(a)(16), parking in a fire lane;
- (3) Sections 33-97.1 through 33-97.7, snow emergency violations;
- (4) Section 33-91, leaving keys in the ignition;
- (5) Section 33-87(d), unattached semi trailer parked on street;

(e) Violations of the following sections or subsections shall be punishable by a fine of not less than that set in accordance with Section 31-8 of this Code:

- (1) Section 33-88, parking in a bus stop;

(f) Violations of the following sections or subsections shall be punishable by a fine of not less than that set in accordance with Section 31-8 of this Code:

- (1) Section 33-89, improper roadway clearance. (Ord. No. 9107, 11-16-1992, § 1; Ord. No. 9113, 12-21-1992, § 1; Ord. No. 9281, 11-20-1995, § 1; Ord. No. 9498, 7-9-2001, § 1; Ord. No. 9588, 2-24-2003, § 1; Ord. No. 10155, 5-29-2012, § 12.)

Sec. 33-47. Repeal of prior ordinances; exceptions.

All ordinances or parts of ordinances in any way inconsistent with the provisions of this Chapter are hereby repealed; except, that all existing "through highways," loading zones, bus and taxicab zones,

no-parking zones, one-way streets, and all rules and regulations concerning the parking of vehicles heretofore established by resolution or ordinance are hereby continued in full force and effect until the city council, by resolution or ordinance, shall abolish, locate or relocate such zones. (Ord. No. 6838, 6-12-1950, ' 131; Ord. No. 8028, 12-3-1973, ' 9.)

Article II. Truck Routes.

Sec. 33-48. Definitions.

As used in this Article the following terms shall mean:

Director. The director of public works of the city.

Truck. Any vehicle designed for the transportation of cargo rather than passengers and having three or more axles, or having a licensed gross weight of 26,000 pounds or more. Emergency vehicles are excluded.

Truck route. Any street or highway, as designated herein, over and along which trucks within the city must operate. (Ord. No. 8389, 3-13-1978, ' 1; Ord. No. 9106, 11-16-1992, ' 1.)

Sec. 33-49. Routes established.

The city council may, by resolution, establish truck routes within the city and may add to or modify such routes from time to time. The director shall keep and maintain accurate maps showing the truck routes currently in effect and such maps shall be available to the public. (Ord. No. 8389, 3-13-1978, ' 1.)

Sec. 33-50. Marking of routes.

Truck routes shall be identified by appropriate signs erected and maintained by the director. Further, the director shall post at the city limits upon all main traffic routes entering the city, signs notifying users of highways that trucks are only permitted to be driven on marked truck routes. (Ord. No. 8389, 3-13-1978, ' 1.)

Sec. 33-51. Truck travel restricted.

When truck routes have been established and identified, no person shall drive a truck on any street or highway other than a designated truck route, except where it is necessary to traverse other streets or highways to get to a destination for the purpose of loading or unloading property, and then only by such deviation from the nearest truck route as is reasonably necessary; provided however, that no person shall, in driving a truck to or from a site where construction or demolition of any structure other than a one or two family dwelling or accessory building is taking place, use any street or highway other than a designated truck route, unless such street or highway has been designated by the director as a special temporary truck route for such project. Upon application by the owner of the site where such a project is taking place, or his agent, the director shall designate at least one temporary truck route for such project. (Ord. No. 8389, 3-13-1978, ' 1.)

Sec. 33-52. Exemptions.

The operation of trucks in connection with Western Lake Superior Sanitary District operations or with the repair, maintenance or construction of streets or highways, sidewalks or public utilities shall not be deemed to be covered by the provisions of this Article. (Ord. No. 8389, 3-13-1978, ' 1; Ord. No. 8868, 12-10-1987, ' 1.)

Sec. 33-53. Detours.

The operation of trucks upon any officially established detour in any case where such truck could be lawfully operated on the street for which such detour is established is permitted. (Ord. No. 8389, 3-13-1978, ' 1.)

Sec. 33-54. Conflict with other provisions.

No designation of a truck route which consists in whole or in part of any state, county or federal highway, shall be construed as permitting use of said route in violation of any order or rule of the agency having jurisdiction over such highway. (Ord. No. 8389, 3-13-1978, ' 1.)

Article III. Repealed.

Secs. 33-55 to 33-60. Repealed by Ordinance No. 8028, 12-3-1973, ' 13.

Secs. 33-61 to 33-62. Repealed by Ordinance No. 7872, 8-30-1971, ' 2.

Article IV. Traffic-control Devices.

Secs. 33-63 to 33-64. Repealed by Ordinance No. 8028, 12-3-1973, ' 13.

Sec. 33-64.1. Pedestrian control signals.

Whenever special pedestrian control signals exhibiting the words "walk" or "don't walk" are in place such signals shall indicate as follows:

(a) "Walk"--flashing or steady--pedestrians facing such signals may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles;

(b) "Don't walk"--flashing or steady--no pedestrian shall start to cross the roadway in the direction of such signals, but any pedestrian who has partially completed his crossing on the "walk" signal shall proceed to a sidewalk or safety island while the "don't walk" signal is showing. (Ord. No. 7932, 6-19-1972, ' 3.)

Sec. 33-64.2. Flashing signals.

When flashing red or yellow signals are used they shall require obedience by vehicular traffic as follows:

(a) When a circular red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign;

(b) When a red arrow lens is illuminated with rapid intermittent flashes, drivers of vehicles with the intention of making a movement indicated by the arrow shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign;

(c) When a circular yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past the signals only with caution;

(d) When a yellow arrow indication is illuminated with rapid intermittent flashes, drivers of vehicles with the intention of making a movement indicated by the arrow may proceed through the intersection or past the signals only with caution. (Ord. No. 7251, 10-3-1960, ' 1; Ord. No. 7932, 6-19-1972, ' 4.)

Secs. 33-65 to 33-66. Repealed by Ordinance No. 8028, 12-3-1973, ' 13.

Article V. Repealed.

Secs. 33-67 to 33-73. Repealed by Ordinance No. 8028, 12-3-1973, ' 13.

Article VI. Duluth Parking Commission.

Sec. 33-74. Establishment.

There is hereby established a commission which shall be known as the Duluth parking commission. (Added by Ord. No. 10128, 12-5-2011, ' 1.)

Sec. 33-75. Membership.

(a) The commission shall consist of seven members. No member shall serve more than two consecutive full three year terms on the commission plus any partial term pursuant to the provisions of this Article VI;

(1) One member shall be a city councilor appointed to a three year term, provided, however that such councilor shall serve only as long as they continue to hold such office or, unless removed from membership on the commission by the affirmative vote of a majority of the city councilors then serving on the city council, excluding the subject councilor;

(2) Of the remaining six members, two shall be appointed for a one year term, two shall be appointed for a two year term, and two shall be appointed to a three year term. Thereafter, all commissioners shall be appointed for three year terms;

(b) All members shall be residents of Duluth, shall be appointed by the mayor subject to council approval, except the councilor member who shall be appointed by the council president subject to council approval, and shall be chosen on the basis of their broad based ability to understand the variety of parking issues in the city, and provide appropriate solutions;

(c) When a vacancy occurs on the commission for any reason, such vacancy shall be filled for the unexpired term;

(d) If a commissioner shall be found to have failed or neglected to perform the duties of a commissioner, the mayor, with the approval of the city council, may remove such commissioner from office and the vacancy created shall be filled for the unexpired term;

(e) Commissioners shall serve without compensation. (Added by Ord. No. 10128, 12-5-2011, ' 1.)

Sec. 33-76. Commission organization.

(a) Within 30 days after all commissioners have been appointed, the commission shall meet and elect from among their membership a president and vice president. Thereafter, the commission shall meet at stated intervals fixed by resolution of the commission or at the call of any three members of the commission;

(b) The commissioners shall organize and adopt, and thereafter may amend, such bylaws, rules and regulations for the conduct and operation of the commission as the commission shall deem to be in the public interest and most likely to enhance, foster and promote the purposes of this Article VI. Four commissioners shall constitute a quorum for the transaction of business of the commission;

(c) The parking manager shall serve as an ex-officio non-voting member of the commission and shall act as secretary of the commission. (Added by Ord. No. 10128, 12-5-2011, ' 1. Ord. No. 10622, 5-28-2019 §1)

Sec. 33-77. Powers and duties.

The Duluth parking commission shall have the following powers and duties:

- (a) To provide strategic oversight and guidance to the operations of the city's parking operations and functions;
- (b) To investigate and study on and off street parking problems of broad significance occurring in the city of Duluth and to make recommendations to the administration and city council concerning the solution of such problems;
- (c) To facilitate the implementation of recommendations of earlier parking problem study groups if such recommendations have not been implemented but remain valid and desirable after the parking commission is formed;
- (d) To establish rates to be charged for parking meters and for city owned parking lots and ramps;
- (e) To establish the following parking rates and regulations for city street, for city parking meters and for city owned parking lots and ramps:
 - (1) Parking times and limits;
 - (2) Parking meter locations;
 - (3) Establishment of no parking, loading or drop-off zones;
 - (4) Establishment of seasonal parking regulations and times;
 - (5) Establishment of parking spaces for physically disabled persons;
- (f) To perform any functions, duties and/or studies concerning parking problems that it is requested to perform by the administration or the city council;
- (g) Work toward improving the availability, ease and perception of parking throughout the city;
- (h) To review and recommend to city administration the annual budgets for the city's parking operations. (Added by Ord. No. 10128, 12-5-2011, § 1; Ord. No. 10272, 12-16-2013, § 1.)

Sec. 33-78. City council review and veto.

Before any parking rates or parking regulations approved by the Duluth parking commission pursuant to Section 33-77 above shall take effect, a full, true and correct copy of the commission's resolution approving such rates or regulations shall be filed in the office of the city clerk and remain on file as a public document for at least one week before the holding of a regular meeting of the city council. It is hereby made the duty of the city clerk to report to the council at any regular meeting thereof concerning the filing of said resolution. The city council may, by resolution adopted by a majority vote of the council, veto the rates or regulations proposed by the Duluth parking commission. If the council votes to veto the proposed rates or regulations, the last approved shall continue in force and effect until modified in accordance with the provisions of this Article. If such proposal is not vetoed, the commission's proposed rates or regulations shall go into effect on the date specified in the commission's resolution or the date after such council meeting, whichever is later. (Added by Ord. No. 10128, 12-5-2011, ' 1.)

Secs. 33-79 to 33-81. Repealed by Ordinance No. 8028, 12-3-1973, ' 13.

Article VII. Stopping, Standing and Parking.⁷

Division 1. Generally.

Sec. 33-82. Prohibitions generally.⁸

- (a) No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the

⁷For requirement that vehicles stop before crossing Aerial Lift Bridge, see ' 26-52 of this Code.

⁸For similar state law, see M.S.A., ' 169.34.

following places:

- (1) On a sidewalk;
 - (2) In front of a public or private driveway;
 - (3) Within an intersection;
 - (4) Within ten feet of a fire hydrant;
 - (5) On a crosswalk;
 - (6) Within 20 feet of a crosswalk at an intersection;
 - (7) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;
 - (8) Within seven feet upon the approach to the entrance of any alley or private driveway;
 - (9) Within 50 feet of the nearest rail of a railroad crossing;
 - (10) Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of such entrance when properly signposted;
 - (11) Alongside or opposite any street excavation or obstruction when such stopping, standing or parking would obstruct traffic;
 - (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street (double parking);
 - (13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel when such parking or stopping is prohibited by official signs;
 - (14) At any place where official signs prohibit stopping;
 - (15) Between the curb line and property line or between the edge of the roadway and property line;
 - (16) On any area designated as a fire lane;
 - (17) Except as otherwise authorized, within a front yard area, as such area is defined by Section 50-1.77 of this Code;
- (b) No person shall move a vehicle not owned by such person into any prohibited area or away from a curb such distance as is unlawful;
- (c) No person shall, for the purpose of residing therein, leave or park a vehicle or motor vehicle on or within the limits of any highway or on any highway right-of-way.
- (d) No person shall stop or park a vehicle on a street or highway when directed or ordered to proceed by any peace officer invested by law with authority to direct, control or regulate traffic. (Ord. No. 6838, 6-12-1950, ' 60; Ord. No. 7049, 6-4-1956; Ord. No. 8104, 10-7-1974, ' 1; Ord. No. 8113, 11-12-1974, ' 1; Ord. No. 9617, 7-28-2003, ' 1. Ord. No. 10576, 7-9-2018, §1

Sec. 33-83. Parking in alleys.

Vehicles shall not park in public alleys longer than necessary to load and unload. When so parked, such vehicles shall stand as close as possible to the edge of such alley to permit other vehicles to pass. (Ord. No. 6838, 6-12-1950, ' 59.)

Sec. 33-84. Time limit parking.

The city council may, by resolution, designate and establish certain areas where parking time shall be limited during specified hours. The chief of police shall mark by appropriate signs all zones so established. During the hours specified on the sign, no person shall park a vehicle in any limited parking zone for a longer period than is specified on the signs marking such zones. (Ord. No. 6838, 6-12-1950, ' 61; Ord. No. 6852, 1-15-1951; Ord. No. 6865, 9-5-1951; Ord. No. 6956, 2-10-1954.)

Sec. 33-85. Parking more than 24 consecutive hours prohibited.

No vehicle shall be left standing or parked more than 24 consecutive hours on any street or highway within the city. (Ord. No. 6838, 6-12-1950, ' 61; Ord. No. 6852, 1-15-1951; Ord. No. 6865, 9-5-1951; Ord. No. 6956, 2-10-1954; Ord. No. 8136, 3-10-1975, ' 1; Ord. No. 8228, 4-12-1976, ' 1.)

Sec. 33-86. Parking in congested district.

No vehicle shall be left standing or parked in the congested district of the city for a period of more than two consecutive hours between the hours of 1:00 a.m. and 6:00 a.m. (Ord. No. 6838, 6-12-1950, ' 61; Ord. No. 6852, 1-15-1951; Ord. No. 6865, 9-5-1951; Ord. No. 6956, 2-10-1954.)

Sec. 33-87. Truck zones and loading zones; parking of semitrailers.⁹

The city council may, by resolution, establish spaces as loading zones or truck zones or discontinue use of spaces as loading zones or truck zones. The director of public service of the city shall have authority to establish spaces as loading zones or discontinue use of spaces as loading zones; provided, however, that such director shall submit a report to the council on the matter and the effective date of the establishment or discontinuance of a loading zone shall not be sooner than the day following the council meeting at which the council receives such report. The council may, by motion adopted at such meeting, disapprove the action of the director, in which case such action shall not become effective.

(a) Truck zones. Between the hours of 8:00 a.m. and 6:00 p.m. of any day except Sundays and the following legal holidays: New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day and Christmas Day or such other time as the city council may set forth in the resolution establishing such truck zone:

(1) No person shall stop, stand or park, for any purpose or for any length of time, any vehicle other than a truck in a truck zone which is properly marked by an official sign;

(2) No person shall stop, stand or park a truck in a truck zone which is properly marked by an official sign, except for the purpose of receiving or discharging passengers or freight, and then only for a period no longer than is necessary for the discharge or receipt of such passengers or freight.

If an area is established as a truck zone for special hours other than those specifically set forth in this paragraph, then the sign marking such truck zone shall set forth such special hours;

(b) Loading zones. Between the hours of 8:00 a.m. and 6:00 p.m. of any day, except Sundays and the following legal holidays: New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving Day and Christmas Day, or such other time as the city council or the director of public service shall determine in establishing such loading zone, no person shall stop, stand or park any vehicle in a loading zone which is properly marked by an official sign, except for the purpose of receiving or discharging passengers or freight, and then only for a period no longer than is necessary for the discharge or receipt of the passengers or freight. In no case shall a person with a vehicle other than a truck use a loading zone for more than five minutes.

If an area is established as a loading zone for special hours other than those specifically set forth in this paragraph, then the sign marking such loading zones shall set forth such special hours;

(c) Application for loading or truck zones. Any person desiring that a loading zone or a truck zone be established, abutting the premises occupied by such person, shall make written application therefor to the city council in the case of truck zones and to the director of public service in the case of loading zones. If the city council or the director of public service grants the request, the proper city officer shall bill the applicant for the estimated cost of publishing any necessary resolution, of placing signs and of painting the curb. When payment of the amount is made to the city treasurer, the chief of police shall install the necessary signs and paint the curb;

(d) No person shall allow a semitrailer to stand or be parked unattached from a tractor unit for any length of time on any street or highway within the city. (Ord. No. 6838, 6-12-1950, ' 62; Ord. No. 6865, 9-5-1951; Ord. No. 7257, 11-28-1960, ' 1; Ord. No. 7374, 12-9-1963, ' 1; Ord. No. 7604, 11-20-1967, ' 1; Ord. No. 7991, 5-21-1973, ' 1; Ord. No. 8172, 9-29-1975, ' 1; Ord. No. 8238, 5-3-1976.)

Sec. 33-88. Bus stops and taxi stands.¹⁰

⁹For state law authorizing city to regulate standing and parking of vehicles, see M.S.A., ' 169.04.

The city council may, by resolution, locate and designate spaces in the city where buses shall stand or park.

(a) No driver of any vehicle, other than a bus shall stand or park in an officially designated bus stop, or shall any vehicle, other than a taxicab, stand or park in an officially designated taxicab stand; except, that the driver of any passenger vehicle may temporarily stop in any such bus stop or taxi stand for the purpose of and while actually engaged in the loading or unloading of passengers;

(b) No driver of any bus shall stand or park upon any street or avenue at any place other than at a bus stop. (Ord. No. 6838, 6-12-1950, ' 63; Ord. No. 8028, 12-3-1973, ' 10; Ord. No. 8378, 12-19-1977, ' 16.)

Sec. 33-88.1. Police business zones.

The city council may, by resolution, locate and establish police business zones.

(a) No person shall stop or park any vehicle in a police business zone unless he is stopping or parking the vehicle for the purpose of immediately thereafter conducting official business with the Duluth police department;

(b) No person shall park or stop any vehicle in a police business zone for any period of time longer than is necessary to complete his official business with the Duluth police department and in no instance shall any vehicle remain in a police business zone for more than 15 minutes. (Ord. No. 8312, 3-21-1977, ' 1.)

Sec. 33-88.2. Parking zones for physically disabled persons.

The parking commission may, by resolution, establish parking spaces for the exclusive use of physically disabled persons who have been issued a vehicle license plate, certificate, permit or insignia by the Minnesota department of public safety pursuant to Minnesota Statutes, Section 169.345, Subdivision 3, or Section 168.021. On streets where alternate side parking is in effect pursuant to Section 33-97.8 of this Chapter, the parking commission may provide for physically disabled parking spaces which are effective only when parking on that side of the street is allowed under alternate side parking regulations.. (Ord. No. 8429, 11-6-1978, § 1; Ord. No. 9090, 8-10-1992, § 1; Ord. No. 10272, 12-16-2013, § 2.)

Sec. 33-88.3. Handicapped parking at meters--time limits.

Pursuant to the authority of Minnesota Statutes, Section 169.345 Subd. 1 (2), the city council may, by resolution, establish one or more zones in which there is a limit on the maximum amount of time during which a vehicle displaying handicapped insignia parked at a metered parking space in that zone shall be exempt from paying the meter fee applicable to said space, provided that any such limitation shall be separately posted on official signs in conformance with the requirements of that Statute. (Ord. No. 9732, 6-27-2005, ' 1.)

Sec. 33-88.3.1. Long-term disability parking program--created.

(a) Program created. A long-term disability parking program is hereby created to govern the use of parking privileges granted under this Article to persons with disabilities and to accord additional privileges to such persons under the terms and conditions hereinafter set forth;

(b) Persons eligible. All persons to whom a certificate has been issued pursuant to Minnesota Statutes Section 169.345 shall be deemed to be a permittee under the program established by this Section and eligible to exercise the privileges granted hereunder and under applicable statutes, subject to the limitations herein contained;

(c) Metered parking. Notwithstanding the provision of Minnesota Statutes Section 169.345,

¹⁰As to taxicabs generally, see ' ' 47-16 to 47-38.3 of this Code.

subdivision 1(2), no permittee shall park for more than four hours at a parking meter which is otherwise limited to parking for not more than one hour, 90 minutes or two hours;

(d) Contract parking discount. At all city owned and operated parking ramps and parking lots at which monthly parking is offered to the general public on a contract basis, the city shall offer such parking to permittees with vehicles displaying appropriate certification at a cost of 50 percent of the cost at which such parking is offered to other members of the public and otherwise on the same basis at which such parking is offered to the general public. (Added by Ord. No. 10060, 11-8-2010, ' 1.)

Sec. 33-88.3.2. Special needs permit.

(a) Issuance. Upon proof of qualification therefore, the city=s human rights officer shall issue a special needs permit to persons meeting the qualifications set forth in paragraph (b) below, upon payment of a monthly fee established pursuant to Section 31-6 of this Code, which permit shall continue to be valid for as long as the permittee pays the monthly fee or until such time as permittee no longer so qualifies, whichever is sooner. Upon ceasing to so qualify, the permittee shall be obligated to return such permit to the human rights officer. In addition, if the human rights officer determines that a permittee no longer qualifies, the human rights officer may require the permittee to return such permit. Failure to so turn in such permit or to respond to the reasonable request of the human rights officer therefore shall be a misdemeanor;

(b) Eligibility. Any disabled person who meets the following qualifications shall be entitled to a special needs permit hereunder:

(1) Is a physically disabled person@ as defined in Minnesota Statutes Section 169.345, subd. 2(f);

(2) Is regularly employed for not less than 20 hours per week;

(3) Has provided a written certification by a physician, physician=s assistant, advanced practice registered nurse or chiropractor licensed to practice in the states of Minnesota or Wisconsin that unless such person is allowed to park on the street immediately adjacent to his or her place of employment, such person will be physically unable to continue such employment;

(c) Special needs permit parking. Upon display of the special needs permit on his or her vehicle, a holder of special needs permit shall be allowed to park in any legal parking space without payment of any additional fee and without any durational limit; provided, however, that the provisions of this subsection (c) shall not apply to the holder of a special needs permit parking at an on-street metered parking space if a city owned or operated parking lot or parking ramp is located within 100 feet of the main entrance to his or her place of employment. (Added by Ord. No. 10060, 11-8-2010, ' 2.)

Sec. 33-88.4. Clear area.

When a parking space for the physically disabled or handicapped has been established pursuant to Section 33-82.2 or other valid law, and one side of the parking space is along the curb or side of a road, then a clear zone is established along that side of the parking space to allow convenient access to a vehicle parked in the space. The clear zone shall be an area the length of the space and within six feet from the side of the road or the curb which forms one side of the parking space. No person or entity shall place or allow to remain in this clear zone any object that could inhibit convenient access to a vehicle, including, but not limited to, planters, garbage containers, coin operated newspaper vending machines, vending machines, bicycles, bicycle stands, sign standards, guard rails, chairs, tables, fences, equipment, machinery. Violation of this Section shall be punished by the same penalty provided for a violation of illegally parking in a parking zone established for the exclusive use of physically disabled persons. Each day of a continuing violation is a separate violation. (Ord. No. 9734, 7-11-2005, ' 1.)

Sec. 33-89. Clearance required for parked vehicles.

(a) Twenty foot clearance. Upon any highway outside of a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main-traveled part of the highway when it is practical to stop, park or so leave such vehicle off

such part of such highway, but, in every event, a clear and unobstructed width of at least 20 feet of such part of the highway opposite such standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle be available from a distance of 200 feet in each direction upon such highway;

(b) Twelve foot clearance. Upon any highway within a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main-traveled part of the highway unless a clear and unobstructed width of at least 12 feet of such part of the highway opposite such standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicle be available from a distance of 200 feet in each direction upon such highway.

Whenever any police officer shall find a vehicle standing upon a highway in violation of the provision of this Section, he is hereby authorized to move such vehicle or require the driver or person in charge of such vehicle to move such vehicle to a position permitted under this Section.

The provisions of this Section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such vehicle in such position. (Ord. No. 6838, 6-12-1950, ' 64.)

Sec. 33-90. Repealed by Ord. No. 10496, 3-27-2017, §1

Sec. 33-91. Keys to be removed from unattended vehicles.

Except for police officers and other public safety employees engaged in the performance of their official duties, no person shall leave a motor vehicle, except a truck which is engaged in loading or unloading, unattended on any street, alley, used car lot or unattended parking lot without first stopping the engine, locking the ignition and removing all ignition keys from the vehicle; provided, however, that any violation of these provisions shall not mitigate the offense of stealing such motor vehicle, nor shall such violation be used to effect a recovery in any civil action for theft of such motor vehicle, or the insurance thereon, or have any other bearing in any civil action.

Whenever any police officer of the city shall find any such motor vehicle standing in violation of the foregoing provisions, such police officer is authorized and directed to remove therefrom the keys left therein and to deliver the same to the officer in charge at police headquarters. (Ord. No. 6838, 6-12-1950, § 68; Ord. No. 7049; Ord. No. 7265, § 1.; Ord. No. 10396, 7/27/2015, § 1)

Sec. 33-92. Brakes on parked vehicles to be set.

Every person driving or in charge of a motor vehicle shall when, parking such vehicle, effectively set the brake thereon and turn the front wheels to the curb or side of the highway. (Ord. No. 6838, 6-12-1950, ' 68; Ord. No. 7049.)

Sec. 33-93. Parallel parking.¹¹

Except where angle parking is permitted in Section 33-94, every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked so that the length of such vehicle shall be parallel with and adjacent to the curb and within 12 inches thereof.

Every vehicle stopped or parked upon a roadway where there is no curb shall be so stopped or parked so that the length of such vehicle shall be parallel with and adjacent to the outside edge of the traveled portion of the highway or street.

Otherwise, upon all streets and highways, every vehicle stopped or parked shall be so stopped or parked parallel with and to the right of the paved or improved or main-traveled part of such street or highway.

However, where a street or highway is designated as a one-way thoroughfare, every vehicle shall be stopped or parked on the side of such thoroughfare as designated on signs located and erected on such one-way street or thoroughfare. (Ord. No. 6838, 6-12-1950, ' 69.)

¹¹For state law as to parallel parking, see M.S.A., ' 169.35.

Sec. 33-94. Angle parking.

The city council may, by resolution, designate, establish and provide a space on any street or avenue within the city for angle parking.

In all cases where angle parking is permitted, the vehicle shall be parked with the front bumper of such vehicle adjacent to the curb and with the vehicle placed as far forward in the parking spot as possible. Each resolution providing for angle parking shall designate the angle of the parking spaces and may impose limits on the length of vehicles parking in the spaces. (Ord. No. 6838, 6-12-1950, ' 70; Ord. No. 9296, 4-15-1996, ' 1.)

Sec. 33-95. Parking in governmental areas.

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or traffic control device, in, upon or along any tract or parcel of land owned or under the control of any governmental body, authority or agency, unless such stopping, standing or parking is permitted by official signs. (Ord. No. 6838, 6-12-1950, ' 71.)

Sec. 33-96. Suspension of parking regulations; designation of no parking zones in front of hotels, churches, etc.

The police department is hereby empowered to temporarily suspend the parking provisions of this Chapter on any street or avenue within the city on account of parades, street or utility repairs, snowplowing, snow removal or other extraordinary conditions, by placement of appropriate temporary signs on such street or avenue. All vehicles shall be removed from any street or avenue on which no parking signs have been placed pursuant to this Section within 15 hours after placement of such signs; provided, however, that whenever no parking signs are placed in a parking meter zone pursuant to this Section, all vehicles shall be removed from such zone within the maximum time permitted for parking in such zone. The police department is further empowered to designate no parking spaces in front of the main entrances of hotels, theatres, churches, depots, hospitals or other public places. (Ord. No. 6838, 6-12-1950, ' 72; Ord. No. 8136, 3-10-1975, ' 2.)

Sec. 33-97. No parking zones.

(a) The city council may, by resolution, designate and establish certain streets or avenues, or portions thereof, as no parking zones and may limit the hours in which the restrictions apply. Except as provided for in this Section, no vehicle shall be parked in an established no parking zone which is properly signposted by official no parking signs.

Nothing in this Section shall prohibit the temporary parking of vehicles in an established no parking zone when such parking is for the purpose of forming a funeral procession, nor shall anything in this Section prohibit the temporary parking of trucks between the hours of 7:00 a.m. and 2:00 p.m. for the purpose of loading and unloading;

(b) Between November 1 and May 31, inclusive in each year, no person shall park a vehicle on either side of the hereinafter designated streets or avenues of the city;

- (1) Sixth Avenue East from Ninth Street to 13th Street;
- (2) 19th Avenue East from Superior Street to Eighth Street;
- (3) 13th Street from Seventh Avenue East to Kenwood Avenue;
- (4) Kenwood Avenue from 13th Street to Skyline Parkway;
- (5) Fourth Street from Piedmont Avenue to 17th Avenue West. (Ord. No. 6838,

6-12-1950, ' 73; Ord. No. 6844, 11-27-1950; Ord. No. 6865, 9-5-1951; Ord. No. 7343, 2-11-1963, ' 1; Ord. No. 7498, 11-29-1965, ' 1; Ord. No. 7682, 12-16-1968, ' 1; Ord. No. 7880, 10-4-1971, ' 1.)

Sec. 33-97.1. Snow emergency routes--parking regulated.

(a) Whenever the director of public works, or his representative, determines that existing weather conditions or forecasted weather conditions require that traffic be expedited or snowplowing be carried out, he shall declare that a snow emergency exists in a manner prescribed in Section 97-5; such declaration made no later than 4:00 P.M. on any day and shall be effective at 9:00 P.M. on that day;

(b) Upon declaration of a snow emergency, said declaration shall be effective for all streets and avenues and portions thereof identified as snow emergency routes pursuant to section 33-97.2

(c) Once in existence, a snow emergency under this Article shall remain in effect until terminated by announcement of the director of public works, or his representative, in accordance with this Article;

(d) No person shall park or allow to remain parked, any vehicle on any portion of any public street or highway in violation of the snow emergency provisions of this Division when a snow emergency exists;

(e) Notwithstanding any other provision of this Chapter to the contrary, no person shall park or allow to remain parked any vehicle on any street designated a snow emergency route from 9:00 P.M. on the day of declaration of any snow emergency until 8:00 A.M. on the day following such declaration;

(Ord. No. 7539, 10-10-1966, ' 2; Ord. No. 8687, 1-16-1984, ' 1; Ord. No. 9854, 8-13-2007, ' 1; Ord. No. 9896, 3-10-2008, ' 1. Ord. No. 10661, §1, 11-12-2019)

Sec. 33-97.2. Same--Designated.

The city council may, by resolution, designate and establish streets or avenues, or portions thereof, as snow emergency routes to which the provisions of Sections 33-97.1 through 33.7.6 shall apply.

(Ord. No. 7539, 10-10-1966, ' 3; Ord. No. 7605, 11-20-1967, ' 1; Ord. No. 7726, 8-25-1969, ' 1; Ord. No. 7970, 2-12-1973, ' 1; Ord. No. 8134, 2-10-1975, ' 1; Ord. No. 9878, 11-26-2007, ' 1; Ord. No. 9896, 3-10-2008, ' 2. Ord. No. 10661, §2, 11-12-2019)

Sec. 33-97.3. Same--Operation of vehicles.

(a) No person operating a motor vehicle, when a snow emergency exists, shall allow such vehicle to become wholly or partly stalled because the drive wheels thereof are not equipped with tire chains or snow tires;

(b) No person operating a motor vehicle, when a snow emergency exists, shall allow such vehicle to become stalled because the motor fuel supply is exhausted or the battery has become inoperative;

(c) No person shall allow a motor vehicle owned by, operated by or under his or her control to be parked or otherwise left standing on any street or highway at a location where parking is prohibited during a time when parking at such location is prohibited by the snow emergency provisions of this Division. (Ord. No. 7539, 10-10-1966, ' 4; Ord. No. 9854, 8-13-2007, ' 2.)

Sec. 33-97.4. Same--Stalled vehicles.

Whenever a vehicle becomes stalled for any reason, whether or not in violation of this Article, when a snow emergency exists, the operator of such vehicle shall take immediate action to have the vehicle towed or otherwise removed so as not to be in violation of the snow emergency provisions of this Division. No person shall abandon or leave his vehicle in the roadway in violation of this Division when a snow emergency exists. (Ord. No. 7539, 10-10-1966, ' 5; Ord. No. 9854, 8-13-2007, ' 3.)

Sec. 33-97.5. Same--Declarations of director of public works.

(a) The director of public works, or his representative, shall cause each declaration made by him pursuant to this Article to be publicly announced by means of broadcasts or telecasts from stations with a normal operating range covering the city and by such other medium which the director deems to be appropriate, and he may cause each declaration to be further announced in newspapers of general circulation

when feasible. Each announcement shall describe the action taken by the director of public works, or his representative.

(b) The director of public works, or his representative, shall make or cause to be made a record of each time and date when any declaration is announced to the public in accordance with this Section. (Ord. No. 7539, 10-10-1966, ' 6; Ord. No. 8687, 1-16-1984, ' 2. Ord. No. 10661, §3, 11-12-2019)

Sec. 33-97.6. Same--Termination of snow emergency.

A snow emergency declared pursuant to this Division shall be effective until terminated pursuant to the time set forth in section 33-97.1 above or until terminated in whole or in part by the director of public works and utilities in the same manner as provided for the declaration of a snow emergency in section 33-97.5, except that such termination shall be effective immediately upon announcement thereof. (Ord. No. 7539, 10-10-1966, ' 7; Ord. No. 8687, 1-16-1984, ' 3. Ord. No. 10661, §4, 11-12-2019)

Sec. 33-97.7. Same--To be marked by signs.

On each street designated by sections 33-97.1 to 33-97.6 as a snow emergency route, permanent signs shall be erected on each side of the street or avenue at intervals not exceeding 1,500 feet, which signs shall bear the words "Snow Emergency Route." These signs shall be distinctive and uniform in appearance and shall be visible to persons traveling on the street or highway. (Ord. No. 7539, 10-10-1966, ' 8.)

Sec. 33-97.8. Alternate side parking.

(a) Except as provided in part (b) of this Section, all persons parking vehicles on streets and highways shall park such vehicles according to the following system:

Beginning 12:01 a.m. on November 1, 1973, and until the end of the week in which November 1, 1973, falls and during every second week thereafter, vehicles shall be parked on that side of the street or avenue which abuts premises, whether improved or unimproved, that are or may be identified with reference to odd numbered addresses.

During the week following the week in which November 1, 1973, falls and during every second week thereafter, vehicles shall be parked on that side of the street or avenue which abuts premises, whether improved or unimproved, that are or may be identified with reference to even numbered addresses.

Every Sunday between the hours 4:00 p.m. and 8:00 p.m. shall be a changeover period and the provisions of this Section shall not be in force during such time.

For purposes of this Section, the term "week" shall designate a period beginning and ending at 8:00 p.m. Sunday;

(b) Part (a) of this Section shall not be applicable to:

(1) Any space during the time that the space is regulated as a truck zone or a loading zone pursuant to Section 33-87 of this Chapter;

(2) Any space designated as a bus stop or a taxicab stand pursuant to Section 33-88 of this Chapter;

(3) Any police business zone established pursuant to Section 33-88.1 of this Chapter;

(4) That portion of any street or avenue designated as a no parking zone or space pursuant to sections 33-96 or 33-97 of this Chapter, except where expressly authorized in the resolution establishing the zone, and that portion of any street or avenue designated as a parking meter zone pursuant to Section 33-108 of this Chapter; and if a parking area on only one side of a street or avenue is so designated, the parking area on that portion of the street or avenue directly opposite the designated portion;

(5) Parking on any street in conformance with the requirements of this Division during a snow emergency declared pursuant to Section 33-97.1 above;

(6) That portion of any street or avenue which is designated as a no stopping or standing zone pursuant to Section 33-97.9 of this Chapter;

(c) The city council, by resolution, may exempt any street or highway from the provisions of part (a) of this Section for the period each year beginning at 12:01 a.m. June 1 and ending 11:59 p.m. October 31;

(d) The council may, by resolution, limit the hours of the day during which alternate side parking

applies to any street, avenue or any designated portion thereof. Any such limitation shall be noticed by official signs posted adjacent thereto designating the hours when alternate side parking is applicable and designating the area to which the limited applicability of alternate side parking is applicable. During times when alternate side parking is not applicable to any area so designated, other applicable parking limitations and restrictions shall apply. (Ord. No. 7539, 10-10-1966, ' 9; Ord. No. 7682, 12-16-1968, ' 2; Ord. No. 7726, 8-25-1969, ' 2; Ord. No. 7880, 10-4-1971, ' 2; Ord. No. 8056, 3-25-1974, ' 1; Ord. No. 8229, 4-12-1976, ' 1.; Ord. No. 8740, 9-23-1985, ' 1; Ord. No. 9388, 10-13-1998, ' 1; Ord. No. 9731, 6-27-2005, ' 1; Ord. No. 9854, 8-13-2007, ' 4.)

Sec. 33-97.9. No stopping or standing zones.

The city council may, by resolution, designate and establish certain streets or avenues, or portions thereof, as no stopping or standing zones and may limit the hours in which the restrictions apply. Except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control device, no person shall stop or park a vehicle in an established no stopping or standing zone which is properly posted with official no stopping or standing signs. (Ord. No. 7722, 8-4-1969, ' 1.)

Sec. 33-97.10. Parking of trailers and certain trucks in residential zones prohibited; exceptions.

No person shall park a truck with a net weight of more than 5,500 pounds or a gross weight limitation of more than 10,000 pounds or a semi-trailer, trailer, truck tractor or road tractor on a street in an area zoned "S" Suburban or "R-1-a," "R-1-b," "R-1-c," "R-2," "R-3," or "R-4" Residential under Chapter 50 of this Code, except for the purpose of loading or unloading passengers or freight and then only for a period no longer than is necessary for the loading or unloading of such passengers or freight; provided, however, that the provisions of this Section shall not apply to the parking of vehicles of public bodies or public utilities which are used for providing emergency repair service. (Ord. No. 7682, 12-16-1968; Ord. No. 8006, 8-27-1973, ' 1.)

Sec. 33-97.11. Parking camping trailers or recreational vehicles.

No person shall park, store or occupy any trailer or recreational vehicle in, on or upon any place or premises situated outside an approved and duly licensed trailer camp; but nothing contained in this ordinance shall prohibit the parking or storing of only one unoccupied trailer in a private garage, driveway or in a rear yard located anywhere within the city of Duluth, provided that no living quarters shall be maintained, for a period in excess of 35 consecutive days and 60 total days in any calendar year, nor any business carried on, or profession practiced in such trailer, during all of the time such trailer is so parked or stored. (Repealed by Ord. No. 7682, 12-16-1968; amended by Ord. No. 9674, 7-12-2004, § 2; Ord. No. 10245, 9-9-2013, § 1.)

Sec. 33-98. Vehicles may be towed--reclaimed.

Any police officer or other duly authorized person may remove and impound any vehicle when such vehicle is found standing in violation of state statutes or the provisions of this Chapter, when it is reasonably believed to be an unattended stolen vehicle or when the driver of such vehicle has been taken into custody with regard to any violation of this Code or state statute and such removal and impoundment is reasonably needed in the investigation of a crime. Such vehicle may be reclaimed by the duly identified owner thereof only upon payment of the removal, impounding and storage fees assessed against it. (Ord. No. 6758, 2-13-1947, ' 4; Ord. No. 6838, 6-12-1950, ' 75; Ord. No. 8764, 12-30-1985, ' 1.)

Sec. 33-99. Stop required when meeting school bus loading or unloading children.

The driver of a vehicle upon a street or highway, or upon private roadways of the Vintage Acres Mobile Home Park, the Zenith Terrace Mobile Home Park, or the Aspenwood apartment complex, when meeting or overtaking, from front or rear, any school bus which has stopped on the street or highway or private roadway designated herein for the purpose of receiving or discharging school children, shall stop the

vehicle at least 20 feet from the bus upon the extension of a stop signal arm and display of flashing red signals by the school bus driver and shall remain stopped until the school bus driver retracts the stop signal arm and extinguishes the flashing red signals. Appropriate signs shall be placed on the private premises described in this Section informing drivers that they must stop for school bus signals as required in this Section. (Ord. No. 6838, 6-12-1950, ' 28; Ord. No. 6865, 9-5-1951; Ord. No. 6953, 2-1-1954; Ord. No. 9074, 3-30-1992, ' 1.)

Sec. 33-100. Liability of owner of vehicle for parking, etc., violations.

If any vehicle is found upon a street or highway in violation of any provisions of this Chapter regulating the stopping, standing or parking of vehicles and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation. (Ord. No. 6838, 6-12-1950, ' 76.)

Division 2. Parking meters.

Sec. 33-101. Definitions.

For the purpose of this Division, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Fee. The payment in the amount established by the Duluth parking commission by resolution, subject to city council veto as set forth in Section 33-78, for the privilege of parking in a parking meter space and paid by means of lawful currency or coinage of the United States, by a token or tokens purchased from the city for that purpose or by means of a credit or debit card recognized by a parking meter for the purpose.

Operator. Every individual who shall operate a vehicle as the owner thereof, as the agent, employee or permittee of the owner or who is in actual physical control of a vehicle.

Parking monitor. A person authorized by the city to issue traffic summons for parking violations.

Park or parking. The standing of a vehicle, whether occupied or not, upon a street, other than temporarily for purpose of and while actually engaged in receiving or discharging passengers, loading or unloading merchandise, in obedience to traffic regulations, signs or signals or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle and the standing of any vehicle in any public parking lot.

Parking meter. Any device, not inconsistent with this Division, placed or erected for the authorization of and regulation of parking in any parking meter zone in exchange for the fee by authority of this Division.

Parking meter space. Any space within a parking meter zone which is duly designated for the parking of a single vehicle.

Parking meter zone. Any area on a street or in a public parking lot designated as such by resolution of the Duluth parking commission whereupon vehicular parking is authorized by a means of a parking meter.

Public parking lot. Any property in the city owned or operated by the city or any political subdivision of the state of Minnesota held out for use as vehicular parking upon the payment of fee.

Street. Any public street, avenue, road, alley, highway, lane, path or other public place located in the city and established for the use of vehicles.

Vehicle. Any device in, upon or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks. (Ord. No. 7077, 1-14-1957, ' 2; Ord. No. 7244, 6-27-1960, ' 1; Ord. No. 7469, 6-21-1965, ' 1; Ord. No. 8699, 7-9-1984, ' 1; Ord. No. 9966, 4-27-2009, ' 1; Ord. No. 10128, 12-5-2011, ' 2.)

Sec. 33-102. Installation.

The mayor or such officers or employees of the city as he or she may designate are hereby authorized to install or place parking meters in parking meter zones designated under the authority of this Division. Such parking meters shall be placed in reasonable proximity to all parking meter spaces and signs shall be erected to notify persons parking in parking meter spaces as to the location and identity of the

parking meter which authorizes and controls parking in said parking meter space. (Ord. No. 7077, 1-14-1957, ' 4; Ord. No. 9966, 4-27-2009, ' 2.)

Sec. 33-103. Traffic engineer responsible for control, maintenance, etc.

The traffic engineer or other officer named by the mayor shall be responsible for the regulation, control, operation, maintenance and use of parking meters. (Ord. No. 7077, 1-14-1957, ' 4; Ord. No. 7469, 6-21-1965, ' 2.)

Sec. 33-104. Specifications.

Each parking meter shall display a signal showing legal parking upon the deposit of the appropriate fee, for the period of time prescribed by this Division or shall, upon deposit of such fee, issue a receipt to the purchaser thereof displaying the date and time purchased and the period of time thereafter during which the purchaser is entitled to park his or her vehicle in a parking meter space in the zone in which the receipt was issued. Any such receipt shall authorize the parking of a vehicle in a parking meter space only if the receipt is visibly displayed on the windshield or on the dashboard of such vehicle adjacent to the driver's seat during the time period for which it is valid. (Ord. No. 7077, 1-14-1957, ' 4; Ord. No. 9306, 5-20-1996, ' 1; Ord. No. 9966, 4-27-2009, ' 3.)

Sec. 33-105. Parking meter spaces--marking.

The mayor or such officers or employees of the city as he may select are hereby authorized to mark all individual parking spaces in the parking zones designated in this Division, such parking spaces to be designated by lines painted or durably marked on the curbing or surface of the street. (Ord. No. 7077, 1-14-1957, ' 3.)

Sec. 33-106. Same--Manner of parking vehicles therein.

Any vehicle parked in any parking meter space shall be parked within the lines circumscribing said space or, if one side of such space is not demarcated by such line, by a line which would connect the ends of the lines demarcating end of the space most adjacent to the missing line. (Ord. No. 7077, 1-14-1957, ' 3; Ord. No. 7469, 6-21-1965, ' 3; Ord. No. 9966, 4-27-2009, ' 4.)

Sec. 33-107. Operation.

Except in a period of emergency determined by an officer of the fire or police division or in compliance with the directions of a police officer or traffic control sign or signal, when any vehicle shall be parked in any parking meter space, the operator of such vehicle shall, upon entering the parking meter space, immediately pay the fee therefore and, if a receipt is issued by the parking meter, shall display said receipt as provided for in Section 33-104. When required by the directions on the parking meter, the operator of such vehicle, after the deposit of the proper coins or tokens, shall also set in operation the timing mechanism on such meter in accordance with directions properly appearing thereon. Failure to so pay the fee, to display any receipt, or to set the timing mechanism in operation, when so required, shall constitute a violation of this Division. Upon the deposit of the fee, the display of any receipt as required by Section 33-104 and the setting of the timing mechanism in operation when so required, the metered parking space may be lawfully occupied by a vehicle during the period of time authorized under this; provided, that any person placing a vehicle in a parking meter space with regard to which a meter indicates that unused time has been left in the parking meter by a previous occupant of the space shall not be required to pay any additional fee so long as his occupancy of such space does not exceed the indicated unused parking time. Upon the expiration of such unused time, if such vehicle shall remain parked in any such parking meter space, such vehicle shall be considered as parking beyond the period of legal parking time, and such parking shall be deemed a violation of this Division. (Ord. No. 7077, 1-14-1957, ' 5; Ord. No. 9306, 5-20-1996, ' 2; Ord. No. 9966, 4-27-2009, ' 5.)

Sec. 33-108. Parking meter zones.

The Duluth parking commission may, by resolution subject to city council veto as set forth in Section 33-78, designate certain streets or public parking lots or portions thereof as parking meter zones and may establish time limits and rates for such parking meter zones, and the parking or standing of vehicles in parking meter spaces within such zones shall be lawful at the rates established. (Ord. No. 6152, 8-31-1938; Ord. No. 7077, 1-14-1957, ' 6; Ord. No. 7115, 11-13-1957; Ord. No. 7176, 9-29-1958; Ord. No. 7279, 6-5-1961, ' 1; Ord. No. 7310, 6-11-1962; Ord. No. 7352, 4-15-1963, ' 1; Ord. No. 7465, 6-7-1965, ' 1; Ord. No. 7497, 11-29-1965, ' 1; Ord. No. 7727, 8-25-1969, ' 1; Ord. No. 7750, 12-8-1969, ' 1; Ord. No. 9966, 4-27-2009, ' 6; Ord. No. 10128, 12-5-2011, ' 3.)

Sec. 33-109. Parking longer than maximum time specified prohibited.

No person shall cause a vehicle to occupy a parking meter space for a period of time longer than the maximum time limit established for such space. (Ord. No. 7077, 1-14-1957, ' 6; Ord. No. 7115, 11-13-1957; Ord. No. 7176, 9-29-1958; Ord. No. 9306, 5-20-1996, ' 3; Ord. No. 9966, 4-27-2009, ' 7.)

Sec. 33-110. Hours of operation.

Parking meters shall regulate parking in parking meter spaces and persons parking vehicles in parking meter spaces shall be required to pay the appropriate fee therefore on such days and during such hours as the Duluth parking commission shall establish by resolution, subject to city council veto as set forth in Section 33-78, for each parking meter zone. (Ord. No. 7077, 1-14-1957, ' 6; Ord. No. 7115, 11-13-1957; Ord. No. 7176, 9-29-1958; Ord. No. 7257, 11-28-1960, ' 2; Ord. No. 8836, 5-18-1987, ' 1; Ord. No. 9296, 4-15-1996, ' 2; Ord. No. 9966, 4-27-2009, ' 8; Ord. No. 10128, 12-5-2011, ' 4.)

Sec. 33-111. Prohibited acts.

It shall be unlawful and a violation of the provisions of this Division for any person:

- (a) To cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked beyond the period of legal parking time established for any metered parking space or to pay any fee for the purpose of parking beyond the maximum legal parking time for the particular parking meter space;
- (b) To park any vehicle across any line or marking of a parking meter space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings;
- (c) To deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this Division;
- (d) To deposit or cause to be deposited in any parking meter any slugs, device or metal substance or other substitute for lawful coins or tokens approved by written order of the chief of police;
- (e) To fail to comply with any of the provisions of this Division;
- (f) Any owner or operator of any vehicle who causes, allows or permits the vehicle to remain parked unlawfully at a parking meter for over two hours shall be guilty of a separate aggravated violation of this Division and shall be punished as provided in Section 33-46 of this Chapter. (Ord. No. 7077, 1-14-1957, ' 8; Ord. No. 9306, 5-20-1996, ' 4; Ord. No. 9498, 7-9-2001, ' 2; Ord. No. 9966, 4-27-2009, ' 9.)

Sec. 33-111.1. Exemption of taxicabs from regulations in certain zones.

The Duluth parking commission may, by resolution subject to city council veto as set forth in Section 33-78, exempt taxicabs from the parking meter regulations of this Division in certain zones of the city while such taxicabs are occupied by the licensed operators of such taxicabs and are available for business. Notwithstanding the provisions of Section 47-35 of the City Code, a taxicab is permitted to stand or park in a

metered parking space while in service in a zone where taxicabs are exempt from parking meter regulations. (Ord. No. 9117, 1-4-1993, ' 1; Ord. No. 10128, 12-5-2011, ' 5.)

Sec. 33-112. Division declared regulatory.

The fees required by this Division to be paid for the privilege of parking are hereby imposed as police regulations and inspection fees to cover the cost of inspection and regulation involved in the inspection, installation, operation, control and use of the parking spaces and parking meters described in this Division and involved in checking up and regulating the parking meter zones created by this Division. (Ord. No. 7077, 1-14-1957, ' 9; Ord. No. 9966, 4-27-2009, ' 10.)

Sec. 33-113. Applicability of division.

Nothing in this Division shall be construed as prohibiting the city from providing for bus stops, for taxicab stands and for other matters of similar nature, including the loading or unloading of trucks, vans or other commercial vehicles or otherwise limiting parking in parking meter zones. (Ord. No. 7077, 1-14-1957, ' 11.)

Division 3. Temporary suspension of parking regulations to facilitate snow removal.¹²

Sec. 33-114. Notices prohibiting parking--authority of director of public service.

Whenever the director of public service or his duly authorized agents shall find it necessary to plow, move or remove snow and ice from any of the streets, avenues, alleys or other public grounds or thoroughfares within the city, the director or his duly authorized agents shall have the authority and power to place notices in and upon such streets forbidding the leaving of motor vehicles or any other vehicles standing or parked, whether attended or unattended, from 1:30 a.m. to 6:30 a.m., inclusive. (Ord. No. 6758, ' 1; Ord. No. 6845.)

Sec. 33-115. Same--Form; location; time of posting.

Notices prohibiting parking, when directed to be placed as required by Section 33-114, shall contain substantially the following language: "Snow Removal. No parking from 1:30 a.m. to 6:30 a.m., CITY OF DULUTH." Such notices shall be conspicuously displayed at the side of the street, avenue, alley or other public ground or portion thereof from which the director of public service or his duly authorized agents shall, before the placing of such notice, have found it necessary to plow, move or remove snow and ice. Such notices shall be placed not later than 4:00 p.m. on any day. (Ord. No. 6758, ' 2; Ord. No. 6845.)

Sec. 33-116. Impoundment of vehicles--authorized.

The director of public service and his duly authorized agents are hereby authorized and empowered to move or remove and impound any motor vehicle or other vehicle standing or parked, whether attended or unattended, in or upon any highway, public grounds or other public thoroughfare where parking has been forbidden by the placing of notices prescribed by this Division. He shall also have authority and power to move, remove and impound any motor vehicle or other vehicle creating or causing an obstruction to the plowing, moving or removal of snow and ice, whether such obstruction constitutes a violation of this Division or other provision of this Code or any other ordinance of the city. (Ord. No. 6758, ' 3; Ord. No. 6845.)

Sec. 33-117. Same--Contracts with garages, towing services, etc.

¹²As to snow removal generally, see Ch. 45, Art. VI of this Code.

Authority and power is hereby conferred upon the director of public service to make, execute and enter into arrangements, agreements or contracts with the owner of any parking lot, the owner of any garage or the owner of any automobile towing service for the removal, impounding and storage of any vehicle left in or upon any of the streets, avenues, alleys or other public grounds or thoroughfares of the city in violation of the terms of this Division. Such arrangements, agreements or contracts shall, before the execution thereof, be subject to the approval of the city council. Any agreement, arrangement or contract made and entered into by and on behalf of the city, as provided in this Section, may contain provisions that the city shall indemnify and save harmless any person performing services for the city in pursuance of such arrangement, agreement or contract against claims made or to be made by any person whose vehicle may be moved, impounded or stored for violation of this Division. (Ord. No. 6758, ' 5.)

Sec. 33-118. Same--Redemption by owner.

Whenever a vehicle has been moved, removed, impounded or stored, as provided in this Division, such vehicle shall not thereafter be released, restored or delivered to the owner thereof until he shall have established his ownership therein and shall have paid to the city or to any other person thereunto lawfully entitled the costs and expenses involved and incurred by the city or any duly authorized agent thereof in connection with the moving, removing, impounding or storage of such vehicle. (Ord. No. 6758, ' 6.)

**Division 4. Special parking regulations to attract
tourist and convention business.**

Sec. 33-119. Issuance of courtesy permits or cards authorized.

As an aid in attracting or drawing tourist or convention business to and within the city, the department of public safety is authorized, in the manner provided in this Division, to issue a courtesy permit or a courtesy card, as the case may be, permitting any tourist or any delegate to a convention to park his passenger automobile in any metered or unmetered area within or upon any of the public highways of the city which are not marked by paint or sign forbidding the parking of motor vehicles. (Ord. No. 7166, ' 1.)

Sec. 33-120. Courtesy permits.

The courtesy permit referred to in Section 33-119 shall be in the form of a sticker, if issued to a delegate attending a convention, and shall be good for not more than 72 hours from the time of its issue. The recipient thereof shall affix the same on the inner side of the windshield, in the extreme lower left corner (driver's side) of the automobile. When so affixed, such sticker shall not be removed, altered or defaced during the time when such passenger automobile is parked as authorized by this Chapter. (Ord. No. 7166, ' 2.)

Sec. 33-121. Courtesy cards.

A courtesy card may be issued by any duly authorized agent of the department of public safety, in lieu of a summons for a parking violation, when the automobile so parked bears a license other than a Minnesota license. Such courtesy card shall be placed in or upon such automobile in the same manner as a notice of summons in the case of any parking violation. The form of such courtesy card shall be prescribed by the department of public safety. (Ord. No. 7166, ' 2.)

Sec. 33-122. Obtaining courtesy permit through false representations.

Whoever shall obtain a courtesy permit by false representations, whether orally made or in writing, or whoever shall knowingly or intentionally deface or alter a permit after its issuance, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 1-7. (Ord. No. 7166, ' 4.)

Sec. 33-123. Applicability of division.

Except as otherwise specifically set forth in this Division, all existing traffic regulations of the city shall remain in full force and effect. (Ord. No. 7166, ' 3.)

Article VIII. Resident Permit Parking Zones.

Sec. 33-124. Parking prohibited in resident permit parking zones; exceptions.

No person shall park a motor vehicle in any area designated as a resident permit parking zone, while such zone is limited to parking by permit only, unless:

(a) A valid resident's permit, issued pursuant to this Article is displayed in or on the vehicle as required by this Article; or

(b) The vehicle is a commercial service or commercial delivery vehicle which is then being used for service or delivery to a residence which abuts the zone and the exterior of the vehicle displays painted or embossed lettering or insignia which identifies the commercial person by whom or which the vehicle is being used for such service or delivery; or

(c) A valid visitor's permit, issued pursuant to this Article is displayed in or on the vehicle as required by this Article, but only while the person who parked the vehicle is visiting the resident in the zone from whom the visitor's permit was assigned. (Ord. No. 8724, 2-11-1985, ' 2; Ord. No. 8741, 9-23-1985, ' 1.)

Sec. 33-125. Designation of resident permit parking zones; preliminary resolution and hearing; signing.

Only the city council may designate any area of any street or highway as a resident permit parking zone, which it may do by resolution, and by such resolution it may specify the time during which any such designation shall be effective. The director of public works shall place appropriate signs in any area so designated, which signs shall indicate that such area is a resident permit parking zone and shall indicate the time during which such designation is effective. Any resolution to so designate shall be effective only if prior to such resolution the council has by resolution:

(a) Indicated that it will hold a public hearing regarding whether to so designate;

(b) Indicated the date, time and place of such hearing;

(c) Directed the city clerk to mail notice of such hearing addressed to "occupant" at each address abutting that portion of the street or highway to be so designated. (Ord. 8724, 2-11-1985, ' 2; Ord. No. 8741, 9-23-1985, ' 2; Ord. No. 8990, 7-9-1990, ' 1.)

Sec. 33-126. Types and numbers of permits available; eligibility criteria; fees.

Any resident of any property which abuts any portion of any street or highway which portion is included in any resident permit parking zone, who is not less than 16 years old, may apply to the city clerk for resident's permits and/or visitor's permits for such zone. For any such resident to be eligible for such permits such resident must specify the address at which such resident is residing and must verify that such residence is the resident's permanent or usual place of abode. For any such eligible resident to be eligible for resident's permits, such resident must specify and verify for each vehicle for which such a permit is sought, the name of the manufacturer of such vehicle, the model year of such vehicle, and the license plate number assigned to such vehicle, and that the resident has a bona fide possessory interest in each such vehicle, as an owner, purchaser or lessee. Any such eligible resident may obtain a resident's permit for each such vehicle in which the resident has such a bona fide possessory interest, provided that a total of no more than three resident permits shall be issued to the inhabitants of any one dwelling unit as such term is defined in Chapter 29A. Any such eligible resident may obtain one regular visitor's permit, provided that a total of no more than two regular visitor's permits shall be issued to the inhabitants of any one "dwelling unit" as such term is defined in Chapter 29A, and may obtain any number of special visitor's permits. Notwithstanding the provisions above, the city clerk may issue resident permits or regular visitor's permits in excess of the above, and may issue regular visitor's permits to nonresidential building occupants in the zone, but only upon the joint recommendation of the police department, traffic engineer and parking commission. The police department, traffic engineer and parking commission shall fully investigate any application for additional regular visitor's permits before making a positive or negative recommendation to the city clerk. Notwithstanding the provisions of this Section, the Duluth City Council may, by resolution, authorize the city clerk to issue additional regular visitor's permits to nonresidential building occupants in the zone subject to any terms and conditions the city council deems appropriate.

Any such eligible resident may obtain a replacement for any resident's permit or regular visitor's permit obtained by such resident and verified by such resident as having been lost or destroyed; and permit so replaced shall then be invalid.

The city council may, by resolution, prescribe a fee for any permit issued pursuant to this Article.. (Ord. No. 8724, 2-11-1985, ' 2; Ord. No. 8741, 9-23-1985, ' 3; Ord. No. 8990, 7-9-1990, ' 2; Ord. No. 9000, 10-1-1990, ' 1; Ord. No. 9536, 6-10-2002, ' 1; Ord. No. 9740, 8-8-2005, ' 1.)

Sec. 33-127. Periods and conditions of validity for permits.

Any resident's permit and any regular visitor's permit issued pursuant to this Article shall be valid only for the permit year for which it is issued; any such permit year begins with the beginning of July 1 and ends with the beginning of the next following July 1. Any special visitor's permit issued pursuant to this Article shall be valid only for the time requested by the applicant and so specified on such permit by the city clerk; however, any such special visitor's permit shall be valid only within one week from the time that it is issued by the city clerk, and for not more than a period of 24 hours during such week. Any permit issued pursuant to this Article shall be valid only while the property of the address of the resident to whom the permit is assigned is the permanent or usual place of abode of such resident. Any resident's permit issued pursuant to this Article shall be valid only for the vehicle for which it was obtained and only while the resident who obtained the permit maintains a bona fide possessory interest in the vehicle as an owner, purchaser or lessee. (Ord. No. 8724, 2-11-1985, ' 2; Ord. No. 8741, 9-23-1985, ' 4.)

Sec. 33-128. Information required on permits.

Each resident's permit issued pursuant to this Article shall manifest the following information:

- (a) That it is a city of Duluth resident's parking zone permit;
- (b) The permit year;
- (c) The name of the manufacturer, the model year and the license plate number of the vehicle to which it is assigned;
- (d) A permit number assigned by the city clerk.

Each regular visitor's permit issued pursuant to this Article shall manifest the following information:

- (a) That it is a city of Duluth resident's parking zone regular visitor's parking permit;
- (b) The permit year;
- (c) The address of the eligible resident to whom the permit is assigned;
- (d) A permit number assigned by the city clerk;
- (e) A replacement permit shall also manifest that it is a replacement.

Each special visitor's permit issued pursuant to this Article shall manifest the following information:

- (a) That it is a city of Duluth resident's parking zone special visitor's parking permit;
- (b) The time for which the permit is valid;
- (c) The address of the eligible resident to whom the permit is assigned;
- (d) A permit number assigned by the city clerk. (Ord. No. 8724, 2-11-1985, ' 2; Ord. No. 8741, 9-23-1985, ' 5.)

Sec. 33-129. Vicinity of effectiveness of permits; required location of display on vehicle.

Any permit issued pursuant to this Article shall be valid only within 500 feet of the property of the address of the resident to which the permit is assigned. For any such permit to be effective, such permit must be displayed on or immediately behind the lower left corner of either the windshield or the rear window of the vehicle for which the permit is being used, and the permit must be readily visible from the exterior of the vehicle at the location where the permit is so displayed. If the vehicle has no windshield or rear window, the permit must be otherwise displayed on the vehicle so as to be readily visible. (Ord. No. 8724, 2-11-1985, ' 2; Ord. No. 8741, 9-23-1985, ' 6; Ord. No. 9740, 8-8-2005, ' 2.)

Sec. 33-130. Behavior prohibited in connection with obtaining or using permits.

No person shall:

- (a) Make any false statement in connection with his or her application for any permit authorized by this Article;
- (b) Sell, rent or lend any permit issued pursuant to this Article. (Ord. No. 8724, 2-11-1985, ' 2; Ord. No. 9740, 8-8-2005, ' 3.)

Secs. 33-131 to 33-170. Repealed by Ordinance No. 8028, 12-3-1973, ' 13.

Article IX. Size, Weight and Load of Vehicles.

Secs. 33-171 to 33-182. Repealed by Ordinance No. 8028, 12-3-1973, ' 13.

Sec. 33-183. Seasonal load restrictions.¹³

The director of public service, with respect to highways under his jurisdiction, may prohibit the operation of vehicles upon any such highways and streets or impose restrictions as to the weight of vehicles to be operated upon any such highway whenever any such highway, by reason of deterioration, rain, snow, or other climatic conditions, will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

The director of public service, in enacting any such prohibition or restriction, shall erect or cause to be erected and maintained signs plainly indicating the prohibition or restriction at each end of that portion of any highway affected thereby. The prohibition or restriction shall not be effective unless and until such signs are erected and maintained. (Ord. No. 6838, 6-12-1950, ' 116.)

¹³For state law authorizing city to impose seasonal load restriction, see M.S.A., ' 169.87.

Sec. 33-184. Special permits--authorized.¹⁴

The director of public service may, in his discretion, upon application in writing, and good cause being shown therefor, issue a special permit in writing, authorizing the applicant to move a vehicle or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified in Minnesota Statutes, Chapter 169, or otherwise not in conformity with provisions of Minnesota Statutes, Chapter 169, upon any highway in the city. No such permit shall be issued for the movement of over-width, over-length mobile homes to persons other than mobile home dealers for movement of new units owned by the mobile home dealer, without such person first presenting a statement from the county auditor and treasurer where the unit is presently located, stating all personal and real property taxes have been paid. This statement must be dated within 30 days of the contemplated move.

The application for any such permit shall specifically describe the vehicle and load to be moved, the particular highways for which permit to so use is requested and the time of the trip for which such permit is requested. (Ord. No. 6838, 6-12-1950, ' 115; Ord. No. 8028, 12-3-1973, ' 11.)

Sec. 33-185. Same--Issuance or withholding; bond may be required.

The director of public service is authorized to issue or withhold a special permit at his discretion or, if such permit is issued, to limit or prescribe conditions of operation of such vehicles, when necessary to assure against undue damage to the road foundations, surfaces or structures, and may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure. (Ord. No. 6838, 6-12-1950, ' 115.)

Sec. 33-186. Same--Display and inspection.

Every special permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of the director of public service. No person shall violate any of the terms or conditions of such special permit. (Ord. No. 6838, 6-12-1950, ' 115.)

Sec. 33-186.1. Same--Fees.

To cover administrative costs in issuing such special permits, the director of public works and utilities, with respect to highways under his jurisdiction, may charge a fee, which shall be set in accordance with Section 31-6(a) of this Code, for each such permit issued, except a seasonal transportation permit to contractors who move their own construction machinery and equipment for their own use, the fee for a seasonal permit shall be set in accordance with Section 31-6(a) of this Code. (Ord. No. 7764, 2-2-1970, ' 1; Ord. No. 9611, 7-28-2003, ' 32.)

Sec. 33-187. Repealed by Ordinance No. 8028, 12-3-1973, ' 13.

Article X. Accidents.¹⁵

Secs. 33-188 to 33-192. Repealed by Ordinance No. 8028, 12-3-1973, ' 13.

Sec. 33-193. Reports--by driver--accident resulting in \$100 property damage.

The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of \$100 or more shall promptly forward a written report to the police department of the city on forms furnished by and available at such department. These forms shall contain all

¹⁴For state law authorizing city to issue special permits, see M.S.A., ' 169.86.

¹⁵For state law as to accidents generally, see M.S.A., ' ' 169.09, 169.10.

the information required therein unless not available. (Ord. No. 6838, 6-12-1950, ' 16; Ord. No. 7441, 2-8-1965, ' 1; Ord. No. 8028, 12-3-1973, ' 12.)

Sec. 33-194. Repealed by Ordinance No. 8028, 12-3-1973, ' 13.

Sec. 33-195. Same--coroner.

Every coroner or other official performing like functions shall report in writing to the local department the death of any person as a result of an accident involving a motor vehicle and the circumstances of such accident. Such report shall be made within five days after such death. (Ord. No. 6838, 6-12-1950, ' 16.)

Sec. 33-196. Same--To be confidential and without prejudice to person reporting.

All required accident reports and supplemental reports shall be without prejudice to the individual so reporting and shall be for the confidential use of the department for accident prevention purposes. (Ord. No. 6838, 6-12-1950, ' 16.)

Sec. 33-197. Repealed by Ordinance No. 8028, 12-3-1973, ' 13.

Sec. 33-198. Applicability of article.

The provisions of this Article shall apply upon highways and elsewhere throughout the city. (Ord. No. 6838, 6-12-1950, ' 2; Ord. No. 7049, 6-4-1956.)

Article XI. Repealed.

Secs. 33-199 to 33-205. Repealed by Ordinance No. 8028, 12-3-1973, ' 13.

Article XII. Motor Vehicle Testing Stations.¹⁶

Sec. 33-206. Testing station defined.

A testing station is hereby defined to be a testing and inspection lane on any public highway within the city installed by the police division of the city by painted marks or lines where the brakes and lights of motor vehicles using public highways within the city may be tested and inspected. (Ord. No. 6665, ' 1.)

Sec. 33-207. Established; locations.

There is hereby established three motor vehicle testing stations, one on London Road between Ninth and Tenth Avenues East, one on Garfield Avenue from the 400 block to the 600 block and one on Carlton Street between Superior Street and Grand Avenue. (Ord. No. 6665, ' 2.)

Sec. 33-208. Authority to inspect vehicles.

The police division of the city may test and inspect any motor vehicle at any testing station to determine the efficiency of its brakes and lights, whenever such vehicle is using any highway in the city, at the place where any testing station is located. (Ord. No. 6665, ' 10.)

¹⁶For state law authorizing city to establish, etc., motor vehicle testing stations, see M.S.A., ' 169.78.

Sec. 33-209. Notice to have vehicle inspected.

Whenever the owner of any motor vehicle or his agent is given a notice, in writing, by the police division of the city, requiring him to cause the attendance of such motor vehicle at any such testing station for the purpose of having such motor vehicle tested and inspected, he shall comply with the requirements of such notice and the provisions of this Article. The police division shall test and inspect such vehicle to determine the efficiency of its brakes and lights.

Such written notice shall be served upon such owner or his agent, either personally or by registered mail, and, in either case, such notice shall specify a date not less than ten days nor more than 20 days from the date of the mailing or personal service of such notice, and the time on such date when the motor vehicle involved shall be produced at the testing station described in the notice. (Ord. No. 6665, ' ' 3, 9.)

Sec. 33-210. Issuance and display of inspection certificates.

The police division of the city shall issue an inspection certificate to the owner of any motor vehicle or his agent who may be entitled thereto after test and inspection of such vehicle. The person to whom such certificate is so issued shall immediately display the same on the windshield of such motor vehicle, in the lower right hand corner thereof, in such manner as not to obstruct the view of the driver of such vehicle. No such certificate shall be issued or attached to any vehicle until and unless such vehicle shall, upon such inspection, be found to comply with the terms of the state law. (Ord. No. 6665, ' ' 5, 8.)

Sec. 33-211. Order to repair brakes and lights found inefficient.

If, upon test and inspection made of any motor vehicle, the brakes or lights thereof are found by the police division to be inefficient, the police division shall issue to the owner of such vehicle, his agent or the driver thereof a written order requiring the owner of such vehicle or his agent to cause the brakes and lights of such motor vehicle to be adjusted so that they shall be efficient within 48 hours thereafter.

Proof satisfactory to the police division of compliance with the provisions of this Section shall be submitted to the police division by the owner of such vehicle or his agent within such 48 hour period, whereupon the police division shall issue to the owner of such vehicle an inspection certificate. (Ord. No. 6665, ' 4.)

Sec. 33-212. Operation of uninspected or unsafe vehicles prohibited.

No person shall operate or permit or suffer to be operated on public highways within the city any motor vehicle which shall not have been submitted for inspection at the required time specified in the notice given to the owner of such motor vehicle or his agent, any motor vehicle which shall be found, upon any test and inspection thereof, to be in a faulty or unsafe condition, or any motor vehicle in violation of this Code or law of the state and then having a proper inspection certificate properly displayed thereon. (Ord. No. 6665, ' 6.)

Sec. 33-213. Inspection standards to conform to state law.

In making any inspections or tests authorized by this Article, no additional or different mechanical requirements than those provided by state law shall be imposed by the police division upon or against any motor vehicle or the owner thereof or his agent in order to entitle such vehicle to an inspection certificate. (Ord. No. 6665, ' 7.)

Article XIII. Motor Vehicle Dealers.

Sec. 33-214. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Dealer in motor vehicles. Any person engaged in the business of buying, selling or both or displaying or offering for sale motor vehicles as a principal business or occupation or as an adjunct or incident to any other business or profession.

Motor vehicle. Such term shall include both new and used automobiles, trucks and similar motor vehicles. (Ord. No. 7088, ' 1.)

Sec. 33-215. License--required.

No persons shall engage in the business of a dealer in motor vehicles without first having obtained a license to do so. No license shall be issued to any person or dealer in new or used motor vehicles who does not have a valid license from the state, as provided in Minnesota Statutes Annotated, Section 168.27. (Ord. No. 7088, ' ' 2, 3; Ord. No. 8022, 11-12-1973, ' 1.)

Sec. 33-216. Same--Application.

The application for a license under this Article shall be signed and verified by the applicant. Such application shall state the name, business address, age, home address of the applicant, the business and residence addresses for the five years prior and whether a registered voter of the city. If a partnership, the application shall supply the names of all the partners and, if a corporation, the names of all the officers thereof. Such applications shall be verified by one of the partners or officers. If the applicant is the sole owner of the business, the application shall contain a statement that the applicant is the sole owner of the business and no persons other than those named in the application have any interest in the management and control of the business. (Ord. No. 7088, 3-28-1957, ' 3.)

Sec. 33-217. Same--Fees.

The annual fee for a license required by this Article for the first place of business owned and operated by the licensee shall be set in accordance with Section 31-6(a) of this Code and the annual license fee for the second and subsequent number of places of business operated by one licensee shall be set in accordance with Section 31-6(a) of this Code for each place of business more than one operated by the same person, which amount shall accompany the application to the city clerk. (Ord. No. 7088, 3-28-1957, ' 5; Ord. No. 8551, 11-24-1980, ' 16; Ord. No. 9118, 1-11-1993, ' 25; Ord. No. 9611, 7-28-2003, ' 33.)

Sec. 33-218. Same--Expiration date; prorating of fee.

Licenses issued under this Article shall expire on the 30th day of April next succeeding the date of issuance. If the license is issued for a time less than the full license period, the license fee shall be prorated. (Ord. No. 7088, 3-28-1957, ' 5.)

Sec. 33-219. Same--Separate license for each place of business; transferability.

A license issued under this Article shall authorize the licensee to carry on such business only at the place designated therein. No such license shall be issued unless the applicant therefor has an established place of business. Licenses may be issued, upon the payment of the required fees, to one applicant to carry on such business at more than one place of business, but separate licenses shall be issued for each of such places of business. Licenses shall be transferable with the consent of the administrative assistant from one location to another, but not from one person to another. (Ord. No. 7088, 3-28-1957, ' 4.)

Sec. 33-220. Same--Revocation.

Any license issued under this Article may be revoked at any time by the city council upon cause shown and after a hearing thereon. Notice of such hearing shall be mailed to the licensee at such licensee's place of business at least ten days before the day of such hearing. In addition to any and all other penalties which may be imposed by this Code, any violation of the terms of this Article shall be grounds for revocation of the dealer's licenses. (Ord. No. 7088, 3-28-1957, ' ' 3, 6.)

Article XIV. Off Street Parking Facilities.

Sec. 33-221. Authority to designate.

The Duluth parking commission may from time to time, by resolution subject to city council veto as set forth in Section 33-78, designate and set aside property owned or leased by the city for off street parking. (Ord. No. 7613, 12-26-1967, ' 1; Ord. No. 10128, 12-5-2011, ' 6.)

Sec. 33-222. Maintenance, etc., of facilities.

The traffic engineer, or other officer, named by the mayor, shall be responsible for the regulation, control, operation and maintenance of such off street parking facilities.

Such officer shall establish rules and regulations for the use and operation of such facilities, which regulations shall be effective 15 days after filing with the city clerk and upon posting such regulations prominently on the site of such facilities. Such regulations may be, from time to time, amended by such officer, such amended regulations to take effect 15 days after filing with the city clerk and upon posting such regulations prominently on the site of such facilities. (Ord. No. 7613, 12-26-1967, ' 1.)

Sec. 33-223. Prohibited acts.

It shall be unlawful and a violation of the provisions of this Article for any person:

(a) To cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked overtime or beyond the period of legal parking time established for any metered parking space or to deposit in any meter any coin for the purpose of parking beyond the maximum legal parking time for the particular parking meter space;

(b) To permit any vehicle to remain or be placed in any parking space adjacent to any parking meter while such meter is displaying a signal indicating that the vehicle occupying such parking space has already been parked beyond the period prescribed for such parking space;

(c) To park any vehicle across any line or marking of a parking meter space or in such position that the vehicle shall not be entirely within the area designated by such lines or markings;

(d) To deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this Article;

(e) To deposit or cause to be deposited in any parking meter any slugs, device or metal substance or other substitute for lawful coins;

(f) To fail to comply with any of the regulations established for the use of such facilities under this Article. (Ord. No. 7613, 12-26-1967, ' 1.)

Article XV. Snowmobile Regulations.

Sec. 33-224. "Snowmobile" defined.

Snowmobile. Means a self-propelled track-driven vehicle designed for travel on snow or ice, steered by skis or runners. (Ord. No. 7815, 10-13-1970, ' 1; Ord. No. 8895, 5-31-1988, ' 2.)

Sec. 33-225. Applicability of chapter to operation of snowmobiles.

(a) All provisions of this Chapter and Minnesota Statutes, Chapter 169, shall apply to the operation of snowmobiles upon streets and highways, except for those relating to required equipment, those relating to drivers' licenses, and those which by their nature have no application;

(b) No person shall operate a snowmobile on any trunk, county state aid or county highway in Duluth except as is permitted by state law. (Ord. No. 7815, 10-13-1970, ' 1; Ord. No. 8895, 5-31-1988, ' 3.)

Sec. 33-226. Operation by person under the age of 14 prohibited.

No person under the age of 14 shall operate a snowmobile upon any street or make a crossing of any street while operating a snowmobile. No owner of a snowmobile shall permit such snowmobile to be operated contrary to the provisions of this Section. (Ord. No. 7815, 10-13-1970, ' 1.)

Sec. 33-227. Safety certificate, etc., required of persons between ages of 14 and 18.

No person between the ages of 14 and 18 shall operate a snowmobile upon any street or make a crossing of any street while operating a snowmobile, unless such person has in his immediate possession either a valid snowmobile safety certificate which has been issued to him by the commissioner of conservation of the state of Minnesota or a receipt signed by an authorized snowmobile safety instructor showing that such person has completed the snowmobile safety training course required for issuance of a safety certificate by the commissioner of conservation.

No owner of a snowmobile shall permit such snowmobile to be operated contrary to the provisions of this Section. (Ord. No. 7815, 10-13-1970, ' 1.)

Sec. 33-228. Stopping and yielding right-of-way at all intersections required.

Notwithstanding the provisions of Section 33-225 and this Chapter, every person operating a snowmobile upon a street shall come to a complete stop before entering any intersection and shall yield the right-of-way to all oncoming traffic which constitutes an immediate hazard. (Ord. No. 7815, 10-13-1970, ' 1.)

Sec. 33-229. Curfew.

No person shall operate a snowmobile on any street between the hours of 11:00 p.m. and 6:00 a.m. beginning Sunday night and ending Friday morning, or between the hours of 1:00 a.m. and 6:00 a.m. on Saturday and Sunday. (Ord. No. 7815, 10-13-1970, ' 1; Ord. No. 7903, 1-13-1972, ' 1.)

Sec. 33-230. Operation upon sidewalk prohibited.

No person shall operate a snowmobile upon or along any public sidewalk or make a crossing of any public sidewalk while operating a snowmobile except at such places where a driveway or crossing has been provided according to law. (Ord. No. 7815, 10-13-1970, ' 1.)

snowmobile except when such person or object is situated upon a conveyance which is attached to such snowmobile by means of a rigid hitch. (Ord. No. 7815, 10-13-1970, ' 1.)

Sec. 33-232. Speed limit.

No person shall operate a snowmobile on any street at a speed in excess of 20 miles per hour. (Ord. No. 7903, 1-13-1972, ' 2.)

Sec. 33-233. Lights.

No person shall operate a snowmobile on any street unless at the time of such operation the headlamp of such snowmobile is on. (Ord. No. 7903, 1-13-1972, ' 3.)

Sec. 33-234. Pennant flag.

No person shall operate a snowmobile on any street unless such snowmobile is equipped with a pennant flag of red or blaze material, of a size not less than 12 inches by 12 inches by nine inches, at a height of not less than six feet from the ground level. (Ord. No. 7903, 1-13-1972, ' 4.)

Sec. 33-235. Safety helmets.

No person shall operate or ride upon a snowmobile, or ride upon a sled or other conveyance being towed by a snowmobile on any street, without wearing a crash helmet meeting the specifications and requirements set forth in Section 7460.0300, Minnesota Rules, 1987. (Ord. No. 7903, 1-13-1972, ' 5; Ord. No. 8895, 5-31-1988, ' 4.)

Sec. 33-236. Registration.

No person shall own, operate or transport any snowmobile within the city of Duluth, unless such snowmobile has been registered in accordance with Minnesota state law and the registration number affixed to such snowmobile as required by Minnesota state law, except snowmobiles in transit by a manufacturer, distributor or dealer. (Ord. No. 7903, 1-13-1972, ' 6.)

Sec. 33-237. Owner's responsibility.

A person registered as owner of a snowmobile may be fined an amount not to exceed that set in accordance with Section 31-8 of this Code if a snowmobile bearing his or her registration number is operated contrary to the provisions of this Code. The registered owner may not be so fined if:

- (a) The snowmobile was reported as stolen to the Duluth police department at the time of the alleged unlawful act; or if
- (b) The registered owner demonstrates that the snowmobile either was stolen or was not in use at the time of the alleged unlawful act; or if
- (c) The registered owner furnishes to law enforcement officers, upon request, the identity of the person in actual physical control of the snowmobile at the time of such violation.

The provisions of this Section do not apply to any person who rents or leases a snowmobile if such person keeps a record of the name and address of the person or persons renting or leasing such snowmobile, the registration number thereof, the departure date and time, and the expected time of return thereof. Such record shall be preserved for at least six months, and shall be prima facie evidence that the person named therein was the operator thereof at the time it was operated contrary to the provisions of this Code. The provisions of this Section do not prohibit or limit the prosecution of a snowmobile operator for violating any of the provisions of this Code. (Ord. No. 7903, 1-13-1972, § 7; Ord. No. 9611, 7-28-2003, § 34; Ord. No. 10155, 5-29-2012, § 13.)

Sec. 33-238. Repealed by Ordinance No. 9611, 7-28-2003, ' 63.

Sec. 33-239. Special police.

The chief of police is hereby given authority to appoint special policemen who shall serve at no expense to the city, and who shall have the power to enforce all of the ordinances of the city of Duluth and the laws of the state of Minnesota relating to the ownership or operation of snowmobiles within the city of Duluth, and for such purpose such special policemen shall have the power of arrest and the power to issue

summonses pursuant to the provisions of Section 33-45 of the Duluth City Code, 1959. (Ord. No. 7954, 10-30-1972, ' 1.)

Article XVI. Commission on Traffic Safety.

Secs. 33-240 to 33-244. Repealed by Ordinance No. 8532, 8-4-1980, ' 2.

Article XVII. Wrecker Service.

Sec. 33-245. Definitions.

Except as is hereinafter provided, words and phrases shall have the meaning as ascribed to them by Article I of this Chapter:

Chief of police. The chief of police of the city of Duluth or such person or persons as he shall designate.

Accident. Any occurrence causing any damage to any motor vehicle which results from the motion of one or more vehicles.

Disabled vehicle. Any vehicle involved in an accident, any vehicle illegally standing or stopping when the owner or person in control of vehicle is not present and any vehicle when the owner or person in control of it is not able or is not permitted to drive, if peace officers at the scene determine that there is an apparent need to move such vehicle by wrecker.

Emergency wrecker service. The business of offering service to disabled vehicles and other vehicles by means of a motor vehicle at the request of the chief of police.

Wrecker rotation list. Any list of licensed wrecker services maintained by the chief of police as provided for in this Article.

Heavy duty wrecker. A wrecker for towing heavier vehicles which is constructed on a 2-1/2 ton or heavier chassis and which has a boom capacity of 32,000 pounds or greater, single or double line capacity.

Flat bed wrecker. A wrecker that tows vehicles on a flat bed carrier contained on the chassis of the wrecker.

Summoned or summoned by the chief of police. An act or acts of communication initiated by the chief of police or any member or employee of the Duluth police department for the purpose of obtaining emergency wrecker service for the benefit of the city, or for the benefit of any other person or legal entity.

Secured indoor storage. A vehicle storage area that is indoors, heated, segregated, and capable of being locked and secured so that a single vehicle stored therein can only be accessed, touched, or affected by a person controlled and authorized by the chief of police, and so an accurate record can be kept of each access to the vehicle, and so that evidence in or on the vehicle is not disturbed, tainted, or destroyed during storage. (Ord. No. 8764, 12-30-1985, ' 2; Ord. No. 9031, 6-17-1991, ' 1; Ord. No. 9678, 7-12-2004, ' 1.)

Sec. 33-246. License required.

No person shall provide or offer to provide emergency wrecker service within the city without being licensed in accordance with this Article, except that persons summoned by the owner or operator of a disabled vehicle or his agent need not be licensed. (Ord. No. 8764, 12-30-1985, ' 2; Ord. No. 9031, 6-17-1991, ' 2; referenced in Ord. No. 9678, 7-12-2004, ' 1.)

Sec. 33-247. License application; renewal; insurance.

(a) Any applicant desiring to engage in the business of an emergency wrecker service in the city shall file with the city clerk a written application upon a form provided by the city clerk. Such application shall contain the name and address of the principal place of business, the telephone number of the wrecker service, the number and types of wreckers to be operated, the license numbers of all vehicles to be used to provide emergency wrecker service, the name, address and telephone number of the true owner of the company concerned, the address of the storage lot where towed vehicles will be stored, the towing zone in

which the business will be operating, and any other information the city clerk or chief of police may require;

(b) Each applicant shall submit with the application proof of insurance coverage consisting of a public liability insurance policy and garage keeper's liability policy issued by an insurance company authorized to do business in the state of Minnesota naming the city as an additional insured and insuring the public from any loss or damage which may arise to any person or property by reason of the operation of a wrecker service or vehicle of such service and providing that the amount of recovery on each vehicle used in a wrecker service shall be limited to no less than the following sums:

(1) For damages arising out of bodily injuries to or death of one person in any one accident - \$300,000;

(2) For damages arising out of bodily injuries to or death of two or more persons in any one accident - \$750,000;

(3) For injury to or destruction of property in any one accident - \$750,000;

(4) Garage keeper's legal liability insurance - \$50,000;

(c) Every policy referred to in Subdivision (b) above shall contain an endorsement providing for 30 days' notice to the city clerk of the city of Duluth in the event of any material change or cancellation of such policy. (Ord. No. 8764, 12-30-1985, ' 2; Ord. No. 9031, 6-17-1991, ' ; Ord. No. 9678, 7-12-2004, ' 1.)

Sec. 33-248. Fees; issuance; investigation; lien waiver.

(a) Each application shall be referred by the city clerk to the chief of police for investigation of the applicant, the applicant's equipment, and the applicant's garage and storage facilities. After completion of the investigation, the chief of police shall report to the city clerk whether the applicant and the applicant's equipment and storage facilities are appropriate for the conduct of an emergency wrecker service business;

(b) The city clerk shall issue a license to all qualified applicants which shall expire on June 30 of each year. No license shall be assignable or transferable. No license shall be issued unless the requirements of this Article are met;

(c) The annual fee for emergency wrecker service license shall be set in accordance with Section 31-6(a) of this Code for each business;

(d) Each applicant shall accompany its application with current inspection certificates required by the state of Minnesota certifying that all wreckers to be used are in good operating condition;

(e) The fees specified are payable at the time of application and no refund of fees shall be made except that the annual license fee for the wrecker service shall be refunded if a license application or renewal application is rejected. No proration of fees shall be made;

(f) As a condition of the license, and a requirement of this ordinance, each licensee agrees that it shall not impose or exercise any right of possession or lien, including any right under MSA ' 514.18, or its successor, on any property that is not owned by the owner or possessor of the vehicle and is contents not attached to the vehicle when the licensee comes into possession of that property as a result of being summoned by the chief of police. (Ord. No. 8764, 12-30-1985, ' 2; Ord. No. 9031, 6-17-1991, ' 4; Ord. No. 9118, 1-11-1993, ' 26; Ord. No. 9447, 5-22-2000; ' 1; Ord. No. 9611, 7-28-2003, ' 35; Ord. No. 9678, 7-12-2004, ' 1.)

Secs. 33-249 to 33-250. Repealed by Ordinance No. 9031, 6-17-1991, ' 9; referenced in Ordinance No. 9678, 7-12-2004, ' 1.

Sec. 33-251. License--revocation, suspension and disapproval of application.

(a) The following shall be grounds for the chief of police to revoke, suspend or disapprove of the application for any license issued under the provisions of this Article:

(1) Filing false information on an application;

(2) Failing to inform the city clerk of changes in required information within ten days of such change;

(3) Failure to have an insurance policy as required in this Article in force;

(4) Charging more than the rates allowed under this Article, or having done so in the

past;

(5) Evading or attempting to evade the wrecker service fee limitations of this Article by providing services or performing acts not reasonably necessary under the circumstances;

(6) Violation by the licensee applicant or by any employee thereof of any provision of this Article;

(7) Use by the licensee of any trade name for his wrecker service other than the one registered with the city clerk or operating any wrecker service vehicle without the name of the proper wrecker service posted in the directed manner on such vehicle or with the name of another wrecker service appearing in place of the proper name;

(8) Two or more violations by a licensee or his employees of traffic laws of the city of Duluth or the state of Minnesota while furnishing wrecker services within one year;

(9) Soliciting business at the scene of an accident;

(10) Providing service which manifests a substantial lack of care or competence, or both, in the provision of wrecker service;

(11) Failure to respond to the scene of an accident at the request of the chief of police or failure to respond to the scene of an accident within 20 minutes of being summoned by the chief of police;

(12) Failure or refusal, when requested or summoned by the chief of police, to tow a disabled vehicle from a zone where the service is on the rotation list;

(13) Failure to clean up debris left at the scene of an accident when responding to the chief of police's request to tow a disabled vehicle at such scene;

(14) Failure to allow a rightful claimant of a towed vehicle to regain control of it within one hour of receipt of a request therefor, whether in person, in writing or by telephone, providing that appropriate payments are tendered;

(15) Failure to have or properly maintain any equipment or storage facilities, including secured indoor storage, required by this Article;

(16) A conviction of the licensee or its employee of any law or ordinance, other than a single traffic offense, arising out of or in conjunction with the licensed business of licensee. (Ord. No. 8764, 12-30-1985, ' 2; Ord. No. 9031, 6-17-1991, ' 5; Ord. No. 9678, 7-12-2004, ' 1; Ord. No. 9903, 4-14-2008, ' 1.)

Sec. 33-252. Repealed by Ordinance No. 9031, 6-17-1991, ' 9; referenced in Ord. No. 9678, 7-12-2004, ' 1.

Sec. 33-253. License--appeal.

(a) The owner or operator of an emergency wrecker service may appeal the denial of a license or the suspension or revocation of his license by filing notice with the city clerk within ten days of receipt of his notice of refusal in issue, suspension or revocation. The filing of such appeal shall stay a revocation or suspension until a hearing is held by the chief of police. The chief of police shall thereupon hold a hearing as soon as is reasonably possible and shall make a written determination of the propriety of such refusal, suspension or revocation, a copy of which shall be filed with the city clerk and a copy of which shall be sent to such owner or operator at the last address appearing on his license application;

(b) Within ten days of notice of an adverse decision by the chief of police, the owner or operator of such service may file a written appeal to the city council with the city clerk, which appeal shall state specific grounds for such appeal. The filing of such appeal shall stay a suspension or revocation until the council renders a decision on such appeal. The city council shall, within 30 days, grant a hearing to consider the action taken by the chief of police. As a result of such hearing the city council, by resolution, may sustain, reverse or modify the action appealed. Such decision of the city council shall be final. (Ord. No. 8764, 12-30-1985, ' 2; Ord. No. 9678, 7-12-2004, ' 1.)

Sec. 33-254. License--display.

Any license issued pursuant to this Article shall be posted and kept in a conspicuous place in the licensee's principal place of business. (Ord. No. 8764, 12-30-1985, ' 2; referenced in Ord. No. 9678, 7-12-2004, ' 1.)

Sec. 33-255. Repealed by Ordinance No. 9031, 6-17-1991, ' 9; referenced in Ordinance No. 9678, 7-12-2004, ' 1.

Sec. 33-256. Vehicle storage facilities, vehicle retention.

Each wrecker service shall provide sufficient off street parking in a secure fenced lot with secure, locked access to accommodate all vehicles to which they render and intend to render service. Each wrecker service shall have a facility that can provide secured indoor storage suitable for use by the police department for storage and processing of evidence of a crime so that it can be used in a court of law. No wrecker service shall permit vehicles to which they render or intend to render service to be parked on any street. Each wrecker service shall store vehicles at one storage lot or facility only and that storage lot or facility shall be located in the state of Minnesota within 15 miles from Duluth City Hall. Each storage lot shall provide reasonable security for vehicles, shall be maintained in an orderly manner and kept free of unnecessary debris, and shall be designed and surfaced for proper drainage so that the storage area is reasonably free of mud. If requested by the police, a vehicle shall be stored in a secured indoor storage facility in an enclosed building with heat, electricity and a concrete or paved floor. (Ord. No. 8764, 12-30-1985, ' 2; Ord. No. 9031, 6-17-1991, ' 6; Ord. No. 9447, 5-22-2000, ' 2; Ord. No. 9678, 7-12-2004, ' 1.)

Sec. 33-257. Wrecker vehicle equipment.

Any vehicle intended to be used for the offering of wrecker service shall be submitted to persons inspecting on behalf of the city to determine compliance with the following standards:

(a) Any vehicle intended to be used for providing emergency wrecker service, other than a flat bed wrecker or a heavy duty wrecker, shall comply with the following minimum requirements:

(1) Every such vehicle shall have a manufacturer-rated capacity of not less than one ton and be equipped with booster brakes;

(2) Each such vehicle shall be equipped with a power operated winch, 100 feet of winchline and boom with a factory-rated lifting capacity or tested capacity of not less than 8,000 pounds, single-line capacity;

(3) Each such vehicle shall carry as standard equipment a tow bar, towing dollies or a roll-back car hauler, safety chains, a fire extinguisher, a "state of the art" car door opener, a wrecking bar, a broom, a shovel, flares and a trash container;

(4) Each such vehicle and all of its equipment shall be in safe and good working condition;

(b) Any vehicle intended to be used as a heavy duty wrecker for providing emergency wrecker service shall be equipped as in Subdivision (a) above except:

(1) Each such vehicle shall have a manufacturer-rated capacity of not less than 2-1/2 tons;

(2) Each such vehicle shall be equipped with a power operated winch, winchline and boom with a factory-rated lifting capacity or tested capacity of not less than 32,000 pounds, single or double line capacity;

(3) No towing dollies need be carried;

(c) Any flat bed wrecker used for providing emergency wrecker service as in Subdivision (a) above except:

(1) The vehicle need not be equipped with a boom but shall be equipped with a snatchblock to facilitate the winching of vehicles;

(2) No towing dollies need be carried;

(d) Every vehicle proposed for use in offering wrecker services shall have the name and telephone number of the company owning such vehicle displayed in large, contrasting letters so as to be clearly visible upon both outside doors of such vehicle;

(e) Any vehicle proposed for use in offering wrecker services shall have emergency lights complying with standards of the state of Minnesota. (Ord. No. 8764, 12-30-1985, ' 2; Ord. No. 9031, 6-17-1991, ' 7; referenced in Ord. No. 9678, 7-12-2004, ' 1.)

Sec. 33-258. Repealed by Ordinance No. 9031, 6-17-1991, ' 9; referenced in Ordinance No. 9678, 7-12-2004, ' 1.

Sec. 33-259. Emergency wrecker service.

An emergency wrecker service shall provide the following minimum services:

(a) Such service shall provide services with a wrecker or wreckers which meet the requirements of sections 33-257(a) and (c) and, where relevant, Section 33-257(b) of this Article;

(b) Such service shall provide 24 hour a day, seven day a week service;

(c) Such service shall come at all times when summoned by the chief of police to remove a disabled vehicle and, when summoned, shall remove such vehicle on all occasions;

(d) Such service's vehicles shall arrive at the scene of a disabled vehicle when summoned by the chief of police within a reasonable time after being summoned, such time not to exceed 20 minutes;

(e) Such services shall, upon the request of any peace officer, store any vehicle in a secured indoor storage facility which is inside a building which is reasonably weatherproof and secure for as long as is necessary to complete any police investigation of such vehicle;

(f) If the chief of police directs that any vehicle be towed to any location other than a storage location normally used by the wrecker service providing such service, such wrecker service shall deposit such vehicle as directed; provided that if services provided pursuant to such direction would justify additional charges under this Article, the chief of police shall pay such charges;

(g) The city council may, from time to time, by resolution, set such fees for the following services when summoned by the chief of police:

(1) Towing of disabled vehicles from one location in the city to another, or to a lot maintained outside the city by the service; when the vehicle requires dollying or a flat bed wrecker or when a flat bed wrecker is required by the police;

(2) Towing a vehicle which requires heavy duty wrecker equipment from one location in the city to another, or to the service's lot maintained outside of the city, unless a higher rate is authorized by the chief because of special circumstances;

(3) Storage of towed vehicles, up to a maximum of 25 days;

(4) Operation of the wrecker's winch if the vehicle to be towed is off of the roadway and requires more than 20 feet of winching;

(h) Licensee shall, if requested, release towed vehicles to their rightful claimants 24 hours per day, seven days per week on at least an on-call basis;

(i) No fees shall be charged if a licensee tows a vehicle from one location to another for its own purposes;

(j) In the event that the chief of police deems it reasonably necessary in his sole discretion to use more than one wrecker vehicle to safely provide required emergency wrecker service to a disabled vehicle, he may authorize said use in which case the effected service may charge up to the maximum rates set forth above for each authorized wrecker vehicle used;

(k) When an emergency wrecker service is summoned by the chief of police and, as a result, performs services for a fee, the emergency wrecker service shall pay a fee, set by resolution, to the city of Duluth. (Ord. No. 8764, 12-30-1985, § 2; Ord. No. 8935, 4-3-1989, § 1; Ord. No. 9031, 6-17-1991, § 8; Ord. No. 9173, 12-13-1993, § 1; Ord. No. 9447, 5-22-2000, § 3; Ord. No. 9678, 7-12-2004, § 1; Ord. No. 10323, 7-21-2014, § 1.)

Sec. 33-260. Providing of fee schedule required.

Before requesting or receiving payment for services rendered, the licensee shall provide the person charged with a complete written schedule of maximum fees allowed to be charged under this Chapter. The chief of police must approve such schedule before it can be used. (Ord. No. 8764, 12-30-1985, ' 2; referenced in Ord. No. 9678, 7-12-2004, ' 1.)

Sec. 33-261. Wrecker rotation list.

(a) The chief of police shall call only emergency wrecker services as provided herein when the police department requires wrecker service in the course of duty;

(b) The chief of police is hereby empowered to partition the city into zones for the furnishing of emergency wrecker service and to establish a wrecker service rotation list for each such zone. Any licensed emergency wrecker service may have its name placed in the rotation list for each and any zone it desires. When emergency wrecker service is to be provided, the chief of police shall call the first service on the rotation list for the zone involved. When a service has been called, its name shall be placed last on the rotation list involved;

(c) The chief of police is further empowered to divide the city into zones for the provision of emergency wrecker service in those cases requiring the use of a heavy duty wrecker, and to establish a wrecker service rotation list for each such zone for use in such cases. Any licensed emergency wrecker service having a heavy duty wrecker may have its name placed on such rotation list for each and any zone it desires. When emergency wrecker service is to be provided by a heavy duty wrecker, the chief of police shall call the first service on the appropriate rotation list for the zone involved. When a service has been called its name shall be placed last on the rotation list involved;

(d) The chief of police shall keep records of all calls made for emergency wrecker services under the provisions of this Article which shall be public records;

(e) In case of emergency when the chief of police shall determine that the public convenience and necessity requires it, the chief of police may depart from the strict rotation of emergency wrecker lists for the duration of such emergency and call any licensed wrecker service or, in the case of a need for secured indoor storage, call the next wrecker service on the list which has a sufficient facility, at his discretion. A record of such departure together with the reason therefor shall be maintained with the record referred to in subparagraph (d) above. (Ord. No. 8764, 12-30-1985, ' 2; Ord. No. 9678, 7-12-2004, ' 1.)

Sec. 33-262. Exception to fees.

No emergency wrecker service summoned by the chief of police shall charge or receive any fee from any person or from the city where service is not actually provided. Any emergency wrecker service affected by this provision shall be placed first again on the appropriate wrecker call list. (Ord. No. 8764, 12-30-1985, ' 2; referenced in Ord. No. 9678, 7-12-2004, ' 1.)

Sec. 33-263. Driving wrecker to the scene of accident.

No person shall drive a wrecker, licensed or unlicensed, to the scene of an accident or collision on the streets of the city unless such person has been summoned to the scene by the chief of police or has been requested by the owner or operator of a disabled vehicle or his agent. (Ord. No. 8764, 12-30-1985, ' 2; Ord. No. 9678, 7-12-2004, ' 1.)

Sec. 33-264. Soliciting wrecker business at the scene of accident prohibited; presence at scene is evidence of violation.

No person shall solicit in any manner, directly or indirectly, on the streets of the city the business of towing any vehicle which is a disabled vehicle on the street regardless of whether the solicitation is for the purpose of soliciting the business of towing, removing, repairing, wrecking, storing, trading or purchasing such

vehicle. Proof of the presence of any person engaged in providing wrecker service or the presence of any wrecker or motor vehicle owned or operated by any person engaged in providing wrecker service business, either as owner, operator, employee or agent, on any street in the city at or near the scene of an accident which has not been called to the scene by the chief of police within one hour after the happening of an accident, shall be prima facie evidence of a solicitation in violation of this Section. (Ord. No. 8764, 12-30-1985, ' 2; referenced in Ord. No. 9678, 7-12-2004, ' 1.)