

ORDINANCE NO. 102
CITY OF CALUMET

**AN ORDINANCE RELATING TO THE PARKING OF VEHICLES WITHIN THE
CITY OF CALUMET AND IMPOSING PENALTIES FOR VIOLATIONS.**

The City Council of Calumet Ordains:

Section 1: Time Limit Parking Zones. The City Council may, by resolution, designate certain areas where the right to park is limited during hours specified.

Section 2: All-night and All-day Parking. No vehicle shall, in any case, be parked upon any street in any one place for a longer continuous period than twelve (12) hours.

Section 3: It shall be unlawful to park or cause to be parked a vehicle of any kind on any Village of Calumet property including boulevards, parks, skating rinks and etc., without the express permission of the governing body of the village.

Section 4: Impoundment. The City may remove a vehicle from a street to a garage or other place of safety when the vehicle is left unattended and constitutes an obstruction to traffic or hinders snow removal or street improvement or maintenance operations. A person who is entitled to possession of an impounded vehicle shall have the right to a post-impoundment hearing to determine probable cause to impound the vehicle under this subdivision, if such person files a written demand for the hearing within five (5) days after impounding, excluding Saturdays, Sundays and legal holidays. The demand shall be made to the Clerk or Mayor of the City, who shall serve as the hearing officer for such purposes. The hearing shall be conducted within 24 hours of the written demand therefore, unless such person agrees to a later hearing. Not more than 72 hours after impoundment of a vehicle which has not been redeemed, the City Clerk shall mail a notice to the registered owner of the vehicle, if such may be secured through the license number, at the address provided by the motor vehicle agency of the state or providence in which the vehicle is registered. The notice shall contain the full particulars about the impoundment, the procedure for redemption, and the opportunity for a hearing to test the propriety of the impoundment. A similar notice shall be available at the Sheriff's Department and shall be conspicuously posted at the place of impoundment. If the hearing officer determines that there is no probable cause for the impoundment under the Ordinance, the City shall pay the towing and storage charges and the vehicle shall be released forthwith to the person entitled to the possession. In every other case, the vehicle shall be released only when the fees for towing and storage are paid by the person recovering possession.

Section 5: The presence of any motor vehicle on any street when standing or parked in violation of this Ordinance is prima facie evidence that the registered owner of the vehicle committed or authorized the commission of the violation.

Section 6: Winter Parking Restrictions. No motor vehicle shall be parked on any public street until it is plowed when there has been an accumulation of two (2") or more inches of snow. The Maintenance Department shall determine whether there has been snowfall which requires parking restrictions. In addition, there shall be no parking on Gary Street during the hours of 2 a.m. to 7 a.m. November 15th – April 15th of each year.

Section 7: Prohibition on Snow Removal from Private Property. In addition to the above restrictions no person shall remove snow from private property and deposit the same on any public street, parking lot, sidewalk or boulevard. Any snow deposited may be removed by the City and the cost of such removal shall be charged to the person in violation of this Ordinance.

Section 8: Prohibition of Blocking City Sidewalks During Snow Removal. No person may park or block a City sidewalk during snow removal or at any other time. If the sidewalks are blocked the persons are subject of having the vehicles towed at the owner's expense.

Section 9: Penalties. Any person violating any provision of this Ordinance is guilty of a petty misdemeanor and upon conviction shall be punished by a fine.

Section 10: This Ordinance replaces Ordinance 48, Ordinance 99 and any other Ordinance that is inconsistent with this Ordinance.

Section 11: If a section, part of a section, sentence, clause or phrase of this Ordinance shall be held to be unconstitutional or invalid, the remaining provisions hereof shall nevertheless remain in full force and effect.

Section 12: Administrative Penalties. The following provisions are supplemental to all other provisions of this Ordinance:

- (a) **Purpose:** Administrative offense procedures established pursuant to this Ordinance are intended to provide the public and the City with an informal, cost effective, and expeditious alternative to traditional petty misdemeanor charges for violations of this Ordinance filed with the Itasca County District Court. The procedures are intended to be voluntary on the part of those who have been charged with administrative offenses. At any time prior to the payment of the administrative penalty as is provided for hereafter, the individual may withdraw from participation in the procedures in which event the City may bring petty misdemeanor charges in Itasca County District Court in accordance with the law. Likewise, the City, in its discretion, may choose not to initiate an administrative offense and may bring petty misdemeanor charges in the first instance in Itasca County District Court. In the event a party participates in the administrative offense procedures but does not pay the monetary penalty which may be imposed, the City will seek to collect the costs of the administrative offense

procedures as part of a subsequent sentence in Itasca County District Court in the event the party is charged and is adjudicated guilty of the petty misdemeanor violation.

- (b) **Administrative Offense Defined:** An administrative offense is a violation of a provision of this Ordinance and is subject to administrative penalties set forth in the schedule of offenses and penalties established by resolution.
- (c) **Notice:** Any community service officer, law enforcement officer, or any other person employed by the City, and having authority to enforce this Ordinance, shall, upon determining that there has been a violation, notify the violator. Said notice shall set forth the nature, date and time of violation, the name of the official issuing the notice, and the amount of the scheduled penalty.
- (d) **Payment:** Once such notice is given, the alleged violator may, within seven (7) days of the time of issuance of the notice, pay the amount set forth on the schedule of penalties for the violation, or may request that the matter be referred to the County District Court in writing, as is provided for hereafter. The penalty may be paid in person or by mail, and payment shall be deemed to be an admission of the violation.
- (e) **Referral to Itasca County District Court:** Any person contesting an administrative offense pursuant to this subsection may, within seven (7) days of the time of issuance of the notice, request that the matter be referred to the County District Court to be processed through the usual rules of Criminal Court.
- (f) **Failure of Party to Pay Penalty:** In the event a party charged with an administrative offense fails to pay the penalty, a petty misdemeanor charge may be brought against the alleged violator in accordance with this Ordinance and other applicable statutes and rules.
- (g) **Disposition of Penalties:** All penalties collected pursuant to this subsection shall be paid to the City Treasurer/Clerk and may be deposited in the City's general fund.
- (h) **Offenses and Penalties:** Administrative penalties for violation of this Ordinance, may be established by resolution of the City Council from time to time. Copies of such resolutions shall be maintained in the office of the City Clerk.
- (i) **Subsequent Offenses:** In the event a party is charged with a subsequent administrative offense within a twelve (12) month period of paying an administrative penalty for the same or

substantially similar offense, the subsequent administrative penalty shall be increased by 100% percent above the previous administrative penalty except as may otherwise be stated by resolution.

Section 13. Effective Date. This Ordinance becomes effective from and after its passage and publication.

Passed by the Council this 15th day of MAY, 2012.

CITY OF CALUMET

BY: John Tuorila
JOHN TUORILA
Its: Mayor

ATTEST:

BY: Dalyce Mackey
DALYCE MACKEY
Its: Clerk

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