

# Handbook for Minnesota Cities

## Chapter 11: City Regulatory Functions

HANDBOOK CHAPTER

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### City Regulatory Functions

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Authority to regulate various activities in the city comes from state law. Learn about the activities most commonly regulated and licensed by cities such as lawful gambling, speed limits, traffic violations, parking regulations, utilities, curfew, loitering, open burning, noise, obscenity, and others.

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## RELEVANT LINKS:

Minn. Stat. § 357.021, subd. 6 (f).  
Minn. Stat. § 169.999, subd. 6.

49 C.F.R. § 384.226.  
Minn. Stat. § 171.163.

Minn. Stat. § 169.06.

Minnesota Department of Transportation: [Minnesota Manual on Uniform Traffic Control Devices](#) (MN MUTCD).

Minn. Stat. § 169.04.

Minn. Stat. § 169.06.

Minn. Stat. § 169.04 (b).

Minn. Stat. § 169.04.  
Minn. Stat. § 459.14, subd. 6.

- Violates the speed limit by less than 10 miles per hour.
- Fails to obey a stop line.
- Operates a vehicle with a cracked windshield or other specific equipment violations.

Administrative citations are not subject to the state surcharge on other traffic violations.

An administrative citation may not be issued to the holder of a commercial driver's license, or the driver of a commercial vehicle in which the administrative violation was committed.

## V. Signs on city streets

The Department of Transportation produces the Minnesota Manual on Uniform Traffic Control Devices (MN MUTCD) that contains uniform descriptions and specifications for all signs and traffic control devices.

Cities can get this manual and information about highway signs online or from the Department of Transportation or from the district highway engineer.

The council may, at its discretion, designate through-streets in the city and provide for the installation of stop signs wherever it thinks necessary. Cities can also regulate turns at busy intersections, such as U-turns or left-hand turns, or post certain streets as one-way streets. Whenever a city imposes a special regulation or speed limit, it should post a sign indicating the regulation at the starting point of the regulation and anywhere else it determines necessary to assist the enforcement of the regulation. Several types of regulations are not valid until proper signs have been posted. Cities cannot put up signs on trunk highways without the approval of the Transportation commissioner.

## VI. Parking regulations

Any city action regulating parking on streets in the city must be done by ordinance. This includes rates, fees, charges, taxes for on-street parking, and penalties for violating such regulations, and prohibitions in the ordinance, too. A city ordinance may provide that the presence of a vehicle in or upon any public street, alley, or highway in the city stopped, standing, or parked in violation of such ordinance, shall be prima facie evidence (or evidence sufficient to prove) that the person in whose name such vehicle is registered as owner committed or authorized the commission of such violation.

## RELEVANT LINKS:

LMC Research Department  
at [research@lmc.org](mailto:research@lmc.org) or 651-  
281-1200 or 800-925-1122.

[Minn. Stat. ch. 168B.](#)

[Minn. Stat. § 168B.035,  
subd. 2.](#)

[Minn. Stat. § 168B.035,  
subd. 3.](#)

Common city parking regulations include: winter parking restrictions to allow for snowplowing, time limits, and truck parking restrictions—especially in residential districts.

The League has sample parking ordinances cities can use as guides for developing their own regulations.

State law recognizes city authority to order vehicles towed if found in violation of local parking ordinances.

Cities may authorize a private towing company to do the actual towing, but a city may not order a vehicle towed from public property unless a peace officer or parking enforcement officer has prepared, in addition to the parking citation, a written towing report describing the motor vehicle and the reasons for towing.

A city, acting as a towing authority, may not tow a motor vehicle because the vehicle:

- Has expired registration tabs that have been expired for less than 90 days.
- Is at a parking meter on which the time has expired and the vehicle has fewer than five unpaid parking tickets.
- Is identified for violation by a red light or speed safety camera.

However, a towing authority may tow a motor vehicle, notwithstanding the above restrictions, if:

- The vehicle is parked in violation of snow emergency regulations.
- The vehicle is parked in a rush-hour restricted parking area.
- The vehicle is blocking a driveway, alley, or fire hydrant.
- The vehicle is parked in a bus lane or at a bus stop during hours when parking is prohibited.
- The vehicle is parked within 30 feet of a stop sign and visually blocking the stop sign.
- The vehicle is parked in a disability transfer zone or disability parking space without a disability parking certificate or disability license plates.
- The vehicle is parked in an area that has been posted for temporary restricted parking at least 12 hours in advance (in a home rule charter or statutory city having a population under 50,000) or at least 24 hours in advance (in a statutory city over 50,000 population).
- The vehicle is parked within the right-of-way of a controlled-access highway or within the traveled portion of a public street when travel is allowed there.



## RELEVANT LINKS:

[Minn. Stat. § 412.321, subd. 2.](#)

[Minn. Stat. § 412.321.](#)  
[Minn. Stat. ch. 452 \(general\).](#)  
[Minn. Stat. § 452.25-26.](#)  
[Minn. Stat. § 452.26.](#)  
[Minn. Stat. ch. 453.](#)  
[Minn. Stat. ch. 453A.](#)

- The vehicle is unlawfully parked in a zone that is restricted by posted signs to use by fire, police, public safety, or emergency vehicles.
- The vehicle is unlawfully parked on property at the Minneapolis-St. Paul International Airport owned by the Metropolitan Airports Commission.
- A law enforcement official has probable cause to believe that the vehicle is stolen, or that the vehicle constitutes or contains evidence of a crime, and impoundment is reasonably necessary to obtain or preserve the evidence.
- The driver, operator, or person in physical control of the vehicle is taken into custody and the vehicle is impounded for safekeeping.
- A law enforcement official has probable cause to believe that the owner, operator, or person in physical control of the vehicle has failed to respond to five or more citations for parking or traffic offenses.
- The vehicle is unlawfully parked in a zone that is restricted by posted signs to use by taxicabs.
- The vehicle is unlawfully parked and prevents egress by a lawfully parked vehicle.
- On a school day and during prohibited hours, the vehicle is parked in a school zone where an official sign prohibits parking.
- The vehicle is a junk, abandoned, or unauthorized vehicle, as defined in state law.

## VII. Utilities

Cities may exercise either of two different kinds of utility regulation: through city ownership of the utility, or through the regulation of privately owned and operated utilities.

### A. City-owned municipal utilities

Before a city can establish a municipal utility (except water) the voters must approve the venture at a general or special election. A five-eighths majority of those voting on the question is necessary for approval. The ballot question must state whether the city will construct, purchase, or lease the utility and the estimated maximum amount it will cost.

#### 1. Operation, rates, and payments

Cities may own and operate any water works, gas, telephone, light, power, or heat plant for supplying its own needs or supplying utility service to private customers, or both. A municipal gas agency or any municipal utility may enter into a joint venture to provide gas utility service.

## Breezy Point – Traffic Code

### **§ 70.045 MOTORIZED VEHICLES PROHIBITED ON PEDESTRIAN TRAILS, SIDEWALKS AND DESIGNATED WALKWAYS.**

(A) It is unlawful for any person to drive or operate a motorized vehicle, except a wheelchair powered by electricity and occupied by a disabled person, on any public sidewalk or public property designated for use as a pedestrian walkway or bicycle trail, except when crossing the same for ingress and egress through a curb cut to property lying on the other side thereof.

(B) It is unlawful for any person to drive or operate a motorized vehicle on any designated trails marked or signed as no motorized vehicles allowed except for maintenance activities as authorized by the city.

(C) Emergency vehicles are exempt from these provisions in emergency situations.

(Ord. 09-04-06, passed 9-5-2006; Ord. 12-02-06, passed 12-4-2006; Ord. 11-06, 3<sup>rd</sup> Series, passed 5-02-2011) Penalty, see § 70.999

## ***PARKING***

### **§ 70.060 PRESUMPTION.**

As to any vehicle parking in violation of this chapter when the driver thereof is not present, it shall be presumed that the owner parked the same, or that the driver was acting as the agent of the owner.

(Prior Code, § 6.40)

### **§ 70.061 GENERAL PARKING PROHIBITIONS.**

It is unlawful for any person to stop, stand or park a vehicle except when necessary to avoid conflict with other traffic or in compliance with the specific directions of a police officer or traffic control device in any of the following places:

(A) On a sidewalk;

## Streets, Traffic and Parking Regulations

(B) In front of a public or private driveway;

(C) Within an intersection;

(D) Within ten feet of a fire hydrant;

(E) On a crosswalk;

(F) Within 20 feet of a crosswalk at any intersection;

(G) In a sign-posted "Fire Lane";

(H) Within 30 feet upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a roadway;

(I) Within 50 feet of the nearest rail of a railroad crossing;

(J) 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 the entrance when properly sign-posted;

(K) Alongside or opposite any street excavation or obstruction when the stopping, standing or parking would obstruct traffic;

(L) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(M) Upon any bridge or other elevated structure upon a street;

(N) At any place where official signs prohibit or restrict stopping, parking or both;

(O) In any alley, except for loading or unloading and then only so long as reasonably necessary for the loading and unloading to or from adjacent premises; or

(P) On any boulevard which has been curbed.

(Prior Code, § 6.41) Penalty, see § 70.999