

**LAGRAND TOWNSHIP
DOUGLAS COUNTY, MINNESOTA
Ordinance No. 2018-10A**

**AN ORDINANCE REGULATING PARKING AND PROVIDING
FOR THE TOWING OF VEHICLES FROM TOWN ROADS**

The Board of Supervisors of the Town of LaGrand ordains:

Section 100. Authority. The Town Board of LaGrand Township, Douglas County, Minnesota hereby adopts this ordinance pursuant to Minnesota Statutes, chapter 168B, Minnesota Statutes, sections 169.04; 168B.035; 365.10, subdivision 17, and such other law as may apply to regulate the parking of vehicles on town roads and to provide for the towing of vehicles from town roads in certain situation as described herein.

Section 200. Definitions. Subdivision 1. For the purposes of this Ordinance the following terms shall have the meaning given them in this section.

- (a) Abandoned Vehicle. “Abandoned vehicle” means a motor vehicle or trailer located on a town road that lacks vital component parts or is in an inoperable condition such that it has no substantial potential for further use consistent with it usual functions.
- (b) Parking Enforcement Officer. “Parking enforcement officer” means a duly elected supervisor of the Town board. Law enforcement officers shall have all the powers of a parking enforcement officer under this ordinance.
- (c) Towing Company. “Towing company” means a person engaged in the business of towing or recovering vehicles by means of a crane, hoist, tow bar, tow line, or dolly.
- (d) Town. “Town” means LaGrand Township, Douglas County, Minnesota.
- (e) Town Board. “Town board” means the board of supervisors of LaGrand Township, Douglas County, Minnesota.
- (f) Town Road. “Town road” means the entire width between the boundary lines of any way or place under the town’s jurisdiction or dedicated to the public by plat within the town when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic. Unless expressly indicated otherwise in this ordinance, town road includes all portions of the right-of-way including, without limitation, the travelled surface, shoulders, ditches, and the remainder of the easement area regardless of whether it is regularly brushed, mowed, or otherwise maintained by the town.
- (g) Motor Vehicle or Vehicle. “Motor vehicle” or “vehicle” has the meaning given motor vehicle in Minnesota Statutes, section 169.011, subdivision 42.

- (h) Trailer. “Trailer” means a device with wheels that is towed by a motor vehicle and is used to carry property or passengers. The term includes, but is not limited to, boat trailers, snowmobile trailers, motorcycle trailers, towable icehouses, and towable campers.

Section 300. Purpose. The purpose of this ordinance is to protect the health, safety, and welfare of the public and of those traveling on town roads by prohibiting parking and the placement of objects on town roads, and providing for the towing of vehicles and trailers determined to be in violation of this ordinance. The prohibitions and regulations contained herein are in addition to, and are intended to supplement, state law. To the extent this ordinance may be less strict than applicable federal, state, or local laws, rules, regulations, or ordinances, the stricter provision shall apply. This ordinance applies only to town roads with LaGrand Township and should not be construed to authorize or apply to the towing of vehicles or trailers from private property. Vehicle towers must be licensed by Douglas County (“County”) and nothing herein prohibits a vehicle tower from responding to a proper request to tow a vehicle or trailer.

Section 400. Parking Prohibited. No person shall park a vehicle or trailer, whether attended or unattended, on a town road, unless loading or unloading of the vehicle or trailer is actively taking place.

Section 500. Placing Objects Prohibited. It shall be unlawful to place or leave any object or property on any portion of the travelled surface or shoulder of a town road. The town may cause any object or property placed or left in violation of this subdivision to be immediately removed and the person who caused or allowed the object or property to be placed or left within the town road shall be responsible for fully reimbursing the town for the removal costs. All such costs, including any collection costs and related professional fees, constitute a service charge the Town may collect pursuant to Minnesota Statutes, sections 366.012 or 514.67 if they are not paid in full.

Section 600. Abandoned Vehicles. It shall be unlawful to park, store, leave, or to allow the parking, storage, or leaving of an abandoned vehicle on a town road. Abandoned vehicles create an unsightly condition tending to reduce property values, interfere with the maintenance and safe use of town roads, and constitute an attractive nuisance creating a hazard to the health, safety and welfare of minors.

Section 700. Towing and Impoundment Authorized. The town may tow and have impounded a vehicle or trailer parked or abandoned in violation of this ordinance as provided in this section.

Subdivision 1. Parking Enforcement Officers. The duly elected supervisors of the town board are individually designated parking enforcement officers for the purposes of this ordinance and shall have all powers provided such officers under this ordinance, Minnesota Statutes, section 168B.035, and are authorized to act on behalf of the Town, as a towing authority, for the purposes of Minnesota Statutes, Chapter 168B.

Subd. 2. Designating a Towing Company. The Town board may designate one or more towing companies, licensed by the County, that a parking enforcement officer may contact to tow a vehicle or trailer in accordance with this ordinance. If one or more towing companies are designated, a parking enforcement officer shall use a designated company to the extent reasonably possible under the circumstances. The Town board may enter into such agreements with the towing companies as it deems necessary to provide for the timely towing and storage of vehicles and trailers. A towing company towing or impounding a vehicle or trailer pursuant to this ordinance shall be responsible for impounding and properly storing and safekeeping the vehicle or trailer and its contents. Any towing company towing a vehicle or trailer upon order of the Town shall comply with all applicable federal, state, and local laws, rules, regulations, and ordinances in the towing, storage, and sale or other disposal of the vehicles and trailers it tows.

Section 800. Procedure for Towing Vehicles and Trailers. A parking enforcement officer shall comply with the following procedures before ordering a vehicle or trailer towed pursuant to this ordinance.

Subdivision 1. Citation and Towing Report. A parking enforcement officer shall issue a citation and towing report (“Report”) regarding the vehicle or trailer in violating of this ordinance. The Report shall describe the vehicle or trailer, the license plate number, and the reasons for towing. The citation and towing report may be on the same form. The parking enforcement officer and the tow driver shall both sign the Report.

Subd. 2. Towing. A parking enforcement officer may order the immediate towing of a vehicle or trailer, upon the issuance of a Report, if its parked in violation of this ordinance or any other law that allows the immediate towing of a vehicle.

Subd. 3. Notice. Within five days of towing a vehicle or trailer, the town or the towing company shall send or otherwise deliver written notice of the towing to the owner and any lienholders of the vehicle. If the town provides the notice, it shall provide a copy of the notice to the towing company and if the towing company provides the notice it shall provide a copy of the notice to the town. If the owner and all lienholders cannot be identified, the notice required by this paragraph shall be published at least once in the town’s official newspaper. The notice shall include the following information:

- (a) The date the vehicle or trailer was towed;
- (b) The place the vehicle or trailer was towed from;
- (c) The year, make, model, and vehicle identification number of the vehicle or trailer, if such information can be reasonably obtained, and the place where the vehicle or trailer is being held;
- (d) Information about the right to reclaim the vehicle or trailer and who to contact; and

- (e) The failure to reclaim the vehicle or trailer constitutes a waiver by them of any right, title, and interest in the vehicle or trailer and its contents and consent to the transfer of title to and disposal or sale of both.

Section 900. Retrieving Impounded Vehicles. An owner shall contact the towing company directly in order to reclaim a vehicle or trailer towed and impounded pursuant to this ordinance. The towing company may charge the reasonable costs of services provided in the towing, storage, and inspection of the vehicle or trailer before releasing the vehicle. The towing company shall be responsible for requiring sufficient proof of ownership before releasing a vehicle, trailer, or their contents. A registered owner of a vehicle or trailer may retrieve the contents of a vehicle or trailer without charge and without retrieving the vehicles or trailer when authorized to do so pursuant to Minnesota Statutes, section 168B.07, subdivision 3.

Section 1000. Disposal of Unclaimed Vehicles. The towing company shall be solely responsible for complying with any applicable laws and properly disposing of the unclaimed vehicles and trailers impounded pursuant to this ordinance in accordance with the authority provided to impound lots under law to sell or otherwise dispose of impounded vehicles and trailers.

Section 1100. Penalty. Violation of this ordinance is a petty misdemeanor and the cost of prosecution may be added to the penalty imposed. A vehicle or trailer found in violation of this ordinance is subject to towing, impoundment, and sale or other disposal as provided herein and as may otherwise be authorized by law. The town may take such actions as allowed it under law to enforce this ordinance and to recover the costs, including collection costs, incurred related to the enforcement, towing, impoundment, and disposal of vehicles and trailers including, but not limited to, placing a lien on a vehicle or trailer, placing a lien on the vehicle or trailer owner's property under Minnesota Statutes, section 514.67, or certifying the costs, which are hereby declared to constitute a service charge, against the vehicle or trailer owner's property under Minnesota Statutes, section 366.012.

Section 1200. Repealer. This ordinance supersedes and replaces Ordinance No. 10 and any other ordinances previously adopted to regulate parking in the town, all of which are hereby repealed.

Section 1300. Effective Date. This ordinance shall be effective on the first day of publication after its adoption.

Adopted this 15th day of October, 2018.

BY THE TOWN BOARD:

Town Chairperson

Attest: _____
Town Clerk