

# CITY OF BROOKLYN

## CENTER

Notice is hereby given that a public hearing will be held on the 13th day of November, 2018, at 7:00 p.m. or as soon thereafter as the matter may be heard at City Hall, 6301 Shingle Creek Parkway, to consider an ordinance related to parking.

Auxiliary aids for handicapped persons are available upon request at least 96 hours in advance. Please notify the City Clerk at 763-569-3306 to make arrangements.

### **ORDINANCE NO. 2018-15**

### **AN ORDINANCE AMENDING CHAPTERS 19 AND 27 OF THE BROOKLYN CENTER CITY CODE REGARDING PARKING**

THE CITY OF BROOKLYN CENTER DOES ORDAIN:

Article I. Brooklyn Center City Code, Chapter 19, Section 19-103 is amended as follows:

Section 19-103. PUBLIC NUISANCES FURTHER DEFINED. It is hereby declared to be a public nuisance to permit, maintain, or harbor any of the following:

1. Diseased animals, fish or fowl, wild or domestic, whether confined or running at large.

2. Carcasses of animals, fish or fowl, wild or domestic, not buried or destroyed within 24 hours after death.

3. Garbage not stored in rodent free and fly-tight containers, or; garbage stored so as to emit foul and disagreeable odors, or; garbage stored so as to constitute a hazard to public health.

4. Accumulations of rubbish as defined herein.

5. The dumping of any effluent, garbage, rubbish, wastewater, or other noxious substance upon public or private property.

6. Any open well, pit, excavation, structure, barrier or other obstruction which endangers public health, safety or welfare.

7. The pollution of any public or private well or cistern, any public stream, lake, canal, or body of water by effluent, garbage, rubbish or other noxious substance.

8. Any noxious weeds, or any other vegetation which endangers public health, safety or welfare or which is contraband within the meaning of state or federal laws.

9. The emitting or production of dense smoke, foul odor, noise, noxious fumes, gases, soot, cinders or sparks in quantities which unreasonably annoy, injure, or endanger the safety, health, morals, comfort, or repose of any number of members of the public.

10. The public exposure of persons having a contagious disease or condition which endangers public health, safety or welfare.

11. Accumulation of junk, disused furniture, appliances, machinery, automobiles and parts thereof or any matter which may become a harborage for rats, snakes or vermin, which creates a visual blight, or which may be conducive to fire, or which endangers the comfort, repose, health, safety or welfare of the public.

12. The parking and/or storage of construction equipment, farm vehicles and equipment, or a commercial vehicle with a length greater than 21 feet, or a height greater than 8 feet, or a gross vehicle weight greater than 9,000 pounds, continuously for more than two hours on any property within a residential zoning district or being lawfully used for residential purposes or on any public street adjacent to such properties. Such equipment and vehicles shall include, but are not limited to, the following: dump trucks, construction trailers, back hoes, front-end loaders, bobcats, well drilling equipment, farm trucks, combines, thrashers, tractors, tow trucks, truck-tractors, step vans, cube vans and the like.

The prohibitions of this subdivision shall not apply to the following:

a) Any equipment or vehicle described above being used by a public utility, governmental agency, construction company, moving company or similar company which is actually being used to service a residence not belonging to or occupied by the operator of the vehicle.

b) Any equipment or vehicle described above which is actually making a pickup or delivery at the location where it is parked. Parking for any period of time beyond the time reasonably necessary to make such a pickup or delivery and in excess of the two hour limit shall be unlawful.

c) Any equipment or vehicle exceeding the above described length, height or weight limitations, but which is classified as recreation equipment as specified in Minnesota Statutes 168.011, Subdivision 25.

d) Any equipment or vehicle described above which is parked or stored on property zoned residential and being lawfully used as a church, school, cemetery, golf course, park, playground or publicly owned structure provided the equipment or vehicle is used by said use in the conduct of its normal affairs.

e) Any equipment or vehicle described above which is parked or stored on property which is zoned residential and the principal use is nonconforming within the meaning of Section 35-111 of the City Ordinances, provided such parking or storage is not increased or expanded after the effective date of this ordinance.

13. The outside parking and/or storage on vacant property of usable or unusable vehicles, trailers, watercraft, snowmobiles, recreational vehicles, all-terrain vehicles, construction vehicles and equipment, or similar vehicles, materials, supplies, equipment, ice fish houses, skateboard ramps, play houses or other nonpermanent structures except as may be permitted by the Zoning or Sign Ordinances.

14. The outside parking and/or storage on occupied residentially used property of usable or unusable vehicles, trailers, watercraft, snowmobiles, recreational vehicles, all terrain vehicles and similar vehicles, materials, supplies, equipment, ice fish houses, skateboard ramps, or other nonpermanent structures unless they comply with the following:

a) Vehicles, trailers and watercraft may be parked or stored outside in any yard provided, however, if they are parked or stored in the front yard area, or a yard area abutting a public street, they must be parked or stored on an authorized parking or driveway area or a paved or graveled extension of an authorized parking or driveway area and be in compliance with Section 19-1301 through 1305 of the City Ordinances. Authorized driveways and paved or graveled extensions thereof may not exceed 50% of the front yard or a yard area abutting a public street unless approved by the City Council as part of a plan approval for an apartment complex pursuant to Section 35-230 of the City Ordinances.

b) Materials, supplies, equipment other than construction or farm equipment, may be stored or located in any yard other than a front yard or a yard abutting a public street provided they are screened from public view by an opaque fence or wall at least six feet high or high enough to prevent these items from being seen from abutting property at ground level.

c) All vehicles, watercraft and other articles allowed to be stored outside in an approved manner on occupied residentially used property must be owned by a person who resides on the property. (Persons who are away at school or in the military service for periods of time, but still claim the property as their legal residence shall be considered residents on the property.)

d) The prohibitions of this section of the ordinance shall not apply to commonly accepted materials or equipment such as playground equipment, allowable accessory structures, flagpoles, air conditioner condensers, laundry drying equipment, arbors, trellises, properly stacked firewood and temporary storage of building materials for home improvement projects in process.

15. The overnight parking of a commercial vehicle in a parking lot open to the public. For the purposes of this prohibition, a "parking lot open to the public" is any parking lot that is accessible to the general public without the need for payment. A "commercial vehicle" means a truck-tractor, semi-trailer, or any other vehicle, other than a passenger vehicle, with a length greater than 21 feet, a height greater than 8 feet, or a gross vehicle weight greater than 9,000 pounds. The prohibition of this section shall not apply to any commercial vehicle that is parked or stored in a parking lot due to an ongoing legitimate business purpose on the property. A commercial vehicle parked in violation of this prohibition may be issued a parking citation and is subject to removal as provided in Section 27-121.

Article II. Brooklyn Center City Code, Chapter 27, Section 27-120 is amended as follows:

Section 27-120. PARKING RESTRICTED AND PROHIBITED.

1. No person in charge of any vehicle shall park or permit such vehicle to stand upon the roadway of any highway or street in the City of Brooklyn Center between the hours of 2 a.m. and 6 a.m., nor for more than six consecutive hours at any other time. No person in charge of any vehicle shall park or permit such vehicle to stand upon any alley in the City of Brooklyn Center at any time.

2. No person in charge of any vehicle shall park or permit such vehicle to stand upon any street, highway, parking lot or other area within the City of Brooklyn Center in violation of posted parking restrictions or traffic control devices.

3. No person in charge of any vehicle shall park or permit such vehicles or any part thereof, to stand upon a public sidewalk or upon the nonroadway area of any public street right of way.

4. The City Manager is authorized to establish and post parking restrictions for parking lots and other property owned by the City or its Economic Development Authority. Anyone parking a vehicle in violation of the posted restrictions is a violation of this code and the vehicle is subject to removal as provided in Section 27-121.

5. The Chief of Police or his/her designee may allow short-term exceptions to the above stated parking restrictions under certain circumstances if requests for such exceptions are submitted to the Police Department at least two hours prior to the time period for which the exception is requested, and if he/she determines that the granting of such exceptions will not create problems affecting the health and safety of the citizens or unduly affect traffic movements or street maintenance operations. Specific examples of events for which exceptions may be granted if all conditions are met include but are not limited to: a.) family gatherings for special events such as weddings, graduations, anniversaries, and funerals in residential areas. b.) civic events such as community celebrations and parades. c.) reconstruction or resurfacing of driveways. d.) out of state visitors with large R.V.'s.

Article III. Effective Date. This ordinance shall become effective after adoption and upon thirty days following its legal publication.

Adopted this 22nd day of October, 2018.

ATTEST: Barbara Suci  
City Clerk

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