

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. 19-04

**AN ORDINANCE AMENDING SECTIONS 72.05 AND 92.02 OF THE WEST ST. PAUL
CITY CODE REGARDING TEMPORARY PARKING SIGNS**

The City of West Saint Paul does ordain:

SECTION 1. West St. Paul City Code Section 72.05 relating to parking restrictions is hereby amended as follows:

§ 72.05 GENERAL PARKING RESTRICTIONS.

(A) *No parking, stopping, standing, bus stop zones; other special zones.*

(1) *No obstruction of mailboxes.* It is unlawful to park any vehicle in such a way as to obstruct a mailbox. The parking of a vehicle within ten feet of a mailbox is an obstruction of the mailbox and a violation of this section.

(2) *Special parking zones and other special signs.* Upon receipt of an application from an interested resident or upon the City Engineer's own determination, the City Engineer may designate certain streets or portions of streets as "no parking", "no stopping", "no standing" or "bus stop" zones, or other special zones that require the installation of a special sign. The City Engineer shall base such determination on the following criteria:

(a) There is a specific reason for the request that is clearly in the public interest; or

(b) There is an unexpected activity or entry into the roadway that might occur; or

(c) There is a potential traffic issue that may be addressed with the special sign or parking zone in order to protect the public health, safety and welfare; or

(d) Other criteria are met for the basis of the justification for the sign as identified in the most recent *Minnesota Manual on Uniform Traffic Control Devices*, published by the Minnesota Department of Transportation.

(3) 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 may stop or park a vehicle in an established no stopping, no standing or bus stop zone.

(4) If a special sign zone approved under § 72.05(A)(2) is based on an application from an interested resident, the city may periodically request that the requester affirm or certify the continued necessity for the sign.

(5) If a special sign application is denied, the requester may appeal the denial by serving a written request for a hearing upon the City Clerk within five days of receipt of the written notice. The appeal shall be heard by the City Manager or his or her designee.

(6) The costs of any special sign approved under § 72.05(A)(2) must be borne by the requester, which is set forth in the city's fee schedule. The requester must also pay for the replacement of damaged, stolen or deteriorating signs.

(B) *Time limit parking zones.* The Council may, by resolution, designate certain areas where the right to park is limited during specified hours. No person may park a vehicle in any limited parking zone for a longer period than so specified on a posted sign.

(C) *Permit parking zones.* No person may park a vehicle in a permit parking zone without first obtaining and displaying the proper permit.

(1) Petitioned Permit Parking Zones

- (a) In order to establish a **permanent** permit parking zone, 70% of the residents and/or businesses who have an address within the proposed permit parking zone must sign and file a written petition with the City Clerk containing the following information:
1. The specific streets, blocks or area that should be included in the permit parking zone, with a map depicting the proposed permit parking zone;
 2. The hours during which the parking permit should be enforced;
 3. The necessity for the permit parking zone; and
 4. The printed names, addresses and signatures of 70% of the property owners or adult occupants of properties within the proposed permit parking zone. For purposes of calculating 70% only one signature shall be counted per property or per legal address.
- (b) *Council consideration.* Upon receipt of a valid petition, the city shall notify all property owners and occupants, if known, within the proposed permit parking zone, as well as those property owners within 350 feet of the proposed permit parking zone of the date and time that the petition will be considered by the Council. After a hearing, the Council may approve, modify or deny the permit parking zone in order to protect the health, safety and welfare of the citizens of the city. If approved, a permit parking zone establishing the boundaries of the zone and hours of enforcement will be adopted by City Council resolution.
- (c) *Permanent parking permits.* Upon application to the Police Department, owners and occupants who reside at a property address that is within an approved permit parking zone, may be issued a parking permit. The applicant must identify the vehicles to which the parking permit will be permanently affixed by make, model and license plate number, and pay the appropriate fee. The vehicles must register to the same property address for which the parking permit is being requested. Employees who park work vehicles at their residence may provide proof of residency at that address and proof of employment as sufficient documentation for a permanent parking permit. The parking permits shall be valid as long as the owner or occupant resides at the property that is

within the permit parking zone.

- (d) *Temporary parking permits in Permanent Parking Zones*. Owners and occupants who reside at a property address that is in the permit parking zone may apply for a temporary parking permit on behalf of their guests. The applicant must identify the dates for which the temporary parking permit is requested, and pay the appropriate fee. The dates shall be listed on the temporary parking permit, which must be prominently displayed in the vehicle.
- (e) The Council may establish appropriate fees by City Council resolution to recover the costs associated with consideration and implementation of a permit parking zone.

(2) Temporary Permit Parking Only Zones or Temporary No-Parking Zones. For the temporary placement of obstructions in the right of way, such as a temporary outdoor storage container (pursuant to City Code section 92.02 (D)) or for parking for an event of limited duration requiring an unusual amount of on-street parking, property owners or tenants may apply for temporary permit parking signs or temporary no-parking signs pursuant to this section.

(a) Applications shall be reviewed and may be approved by the police department according to the following process:

1. Written applications must be submitted to the police department at least ten (10) days prior to the dates requested and it must be completed by the property owner or tenant who is requesting temporary signs for right-of-way that is immediately adjacent to the applicant's property. If the temporary signs are to be located on property that is not immediately adjacent to the applicant's property, the applicant must provide written permission of the property owners who abut the right-of-way being requested.
2. A minimum of two (2) signs will be required. The city shall require additional signs for every 20 feet of right-of-way needed for the permit parking or no-parking zone, as determined by the city.
3. The applicant shall pay for the costs of the signs as set forth in the city's fee schedule, and payment must be submitted prior to installation of the signs.
4. The temporary signs shall only be posted during the dates of the event as indicated on the application, which shall not exceed two (2) weeks.

(b) The city shall install and remove the signs.

(c) No applications under this section shall be approved between December 1 through February 28.

(d) All owners of vehicles parking in a temporary permit parking zone shall comply with snow emergency declarations and move their vehicles accordingly.

- (e) All owners of vehicles parking in a temporary permit parking zone shall prominently display the permit sticker issued by the city.
- (f) The city reserves the right to deny or revoke any temporary permit parking or no-parking requests to protect the health, safety and welfare of the public.
- (g) Vehicles parked in violation of this section shall be subject to removal by the city.

(D) *Prima facie violation.* The presence of any motor vehicle on any street when standing or parked in violation of this section is prima facie evidence that the registered owner of the vehicle committed or authorized the commission of the violation.

SECTION 2. West St. Paul City Code Section 92.02(D) relating to temporary outdoor storage containers is hereby amended as follows:

§ 92.02 GARBAGE AND RUBBISH.

(D) *Temporary outdoor storage containers.* **TEMPORARY OUTDOOR STORAGE CONTAINERS** include, but are not limited to, portable on-demand storage units and roll-off dumpsters. All temporary outdoor storage containers placed in a residential zoning district or on residential property shall be regulated by this section.

(1) *Permit.* No temporary outdoor storage containers may be placed in a residential zoning district or on residential property without a permit pursuant to Chapter 32. No more than two portable on-demand storage units and one roll-off dumpster will be permitted on a lot at one time. Staff reserves the right to restrict the number of temporary storage containers per lot to protect the general health, safety and welfare of the public. Either the residential property owner upon whose property the container will be placed or the company placing the temporary storage container may apply for a permit. The permit holder will be responsible for complying with the terms of this section.

(2) *Location.* Temporary outdoor storage containers shall be placed in private driveways whenever possible. However, all temporary outdoor storage containers must comply with the following requirements:

- (a) They shall not obstruct any public sidewalk;
- (b) They shall not be located within 30 feet of an intersection;
- (c) They shall be located at least six feet from any residential building;
- (d) They shall be located at least ten feet from any property line, unless located in a driveway or on a street;
- (e) With the exception of new construction sites, they must be placed on a concrete or asphalt type surface. Wood planking or plywood shall be placed under the wheels or “feet” of the container;

- (f) If located in a street or alley, then the following requirements apply:
1. Flashers or reflective tape are required on or around the container;
 2. The applicant must obtain an obstruction permit pursuant to City Code 32.16 (A)(14); and
 3. The applicant may apply for a temporary no-parking permit pursuant to City Code section 72.05(C)(2) if additional right-of-way is needed for the delivery or removal of the temporary outdoor storage container.

(3) *Length of time.* Temporary outdoor storage containers shall not be located on an individual lot, parcel or site for more than 30 days during any 12 month period. Additional 30 day extensions may be granted by the city if the container is issued in conjunction with a valid building permit for up to a total of 90 days annually for single-family residential and up to a total of 180 days annually for multi-family residential.

(4) Any damage to public property, such as the street, curb or sidewalk as a result of the placement of the temporary storage container is the responsibility of the permit holder. Damage to public property is deemed to be a public nuisance and will result in emergency abatement procedures being followed pursuant to § 94.15(E) and the costs being assessed against the property pursuant to § 94.20(B).

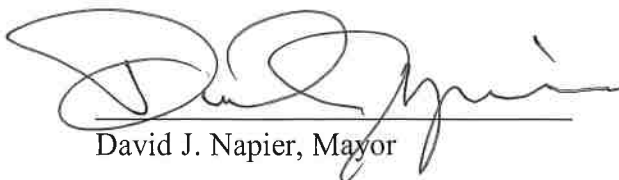
(5) *Other.* Temporary outdoor storage containers shall be constructed in such a manner that its contents will be adequately contained and the container shall be maintained in good repair.

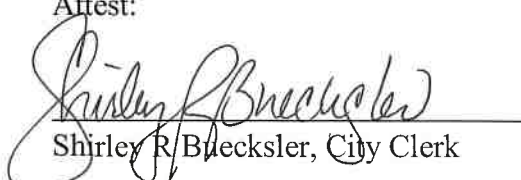
SECTION 3. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The City is providing a process for residents to apply for a temporary no-parking zone or temporary permit parking only in the street for special events when additional on-street parking is desired or for the occasional obstruction in the right-of-way for a temporary outdoor storage container, such as a dumpster. Residents would be required to apply for the temporary signs and pay for the installation costs. The police department would issue the permits and arrange for installation of the signs.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul, Minnesota, this 25th day of March 2019.


David J. Napier, Mayor

Attest:

Shirley R. Buecksler, City Clerk