

ORDINANCE NO. 2016-1

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE 1994-1 OF THE CITY OF COOPERSTOWN, NORTH DAKOTA RELATING TO STOPPING AND PARKING, IMPOUNDING VEHICLES AND PROVIDING A PENALTY FOR A VIOLATION THEREOF.

BE IT ORDAINED, by the City Council of the City of Cooperstown, State of North Dakota:

SECTION 1: REPEALED, REPLACED AND ENACTMENT.

Ordinance No. 1994-1 of the City of Cooperstown, North Dakota is hereby repealed and replaced and enacted to read as follows:

SECTION 2: PARKING IN EXCESS OF SEVENTY-TWO HOURS.

Except as otherwise provided by ordinance or as posted no vehicle shall be left standing upon any of the streets, avenues, highways, public ways, boulevards, public property or alleys of the City of Cooperstown for a longer period than seventy-two (72) hours. When said seventy-two (72) hours shall have elapsed and said vehicle shall not have been moved for a distance of more than one (1) block or three hundred (300) feet, whichever is less, then said vehicle shall be construed to have remained stationary.

SECTION 3: IMPOUNDING VEHICLES.

- A. Members of the sheriff's department or designated official are hereby authorized to remove a vehicle from a street, avenue, highway, public ways, boulevards, public property or alleys to the nearest garage or other place of safety, or to a garage designated or maintained by this city under the circumstances hereinafter enumerated.
1. When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tube or tunnel where such vehicle constitutes an obstruction to traffic.
  2. When a vehicle upon a street is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.

3. When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.
  4. When any vehicle is found upon a street, highway, alley, park, or other public grounds of the City in violation of any provision of this chapter regulating the stopping, standing, or parking of vehicles.
  5. When any vehicle is parked upon a boulevard, or sidewalk.
  6. When any vehicle is found upon a street, highway, alley, park or other public grounds whose registered owner has failed to answer a traffic citation or letter informing him of a violation relating to restrictions on stopping, or standing, or parking of vehicles upon a street, highway, alley, park or other public grounds of the city involving said vehicle.
  7. When any vehicle is parked or left unattended upon a street, highway, alley, park or other public grounds as to impede snow removal or street cleaning when official signs are erected or other official notice has been given as authorized by ordinance.
- B. Whenever an officer or designated official removes a vehicle from a street as authorized in this section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefore and of the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.
- C. Whenever an officer or designated official removes a vehicle from a street under this section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, then and in that event the officer shall immediately send or cause to be sent written report of such removal by mail to the State Department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and

place from which it was removed, the reasons for such removal and name of the garage or place where the vehicle is stored.

- D. Any vehicles removed pursuant to the provisions of this section shall be held until the costs and expenses of such removal and storage together with any and all fines or penalties imposed for the violations of this Ordinance are paid.

#### SECTION 4: PENALTIES.

- A. Each owner or operator of a vehicle who received a parking violation notice may pay to the City of Cooperstown at the office of the City Auditor, PO Box 712, Cooperstown, North Dakota 58425 as a penalty for and in full satisfaction of such violation the following amounts:

- 1. Overtime parking (both on-street and off-street) and all other parking violations except where the penalty is otherwise provided:
  - a. If paid with-in five (5) days of date ticket was issued the sum of ten dollars (\$10.00).
  - b. If paid after five (5) days and within ten (10) days, the sum of twenty-five dollars (\$25.00).

- B. Unless otherwise provided herein, any person who shall violate any of the provisions of this ordinance, and any person who aids, abets or assists therein, shall, upon conviction thereof by the Administrative Board of the City, be subject to a penalty not to exceed five hundred dollars (\$500.00), in the discretion of the said Administrative Board, for each such offense or violation; provided, that where a specific fine or penalty is prescribed in this ordinance, that fine or penalty shall control.


#### SECTION 5: CONFLICTS.


All ordinances and parts of ordinances in conflict herewith are hereby repealed insofar as the conflicting portion thereof are concerned.

#### SECTION 6: EFFECTIVE DATE.

This ordinance shall be in effect from and after its final adoption and publication of its title and penalty clause in the manner provided by law.

ATTEST:

  
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NANCY LUNDE, City Auditor

  
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PAUL PAINTNER, Mayor

First Reading February 1, 2016  
Second Reading March 7, 2016  
Final Passage & Adoption March 7, 2016  
Publication: March 25, 2016