

CHAPTER 33 CITY POLICIES

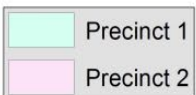
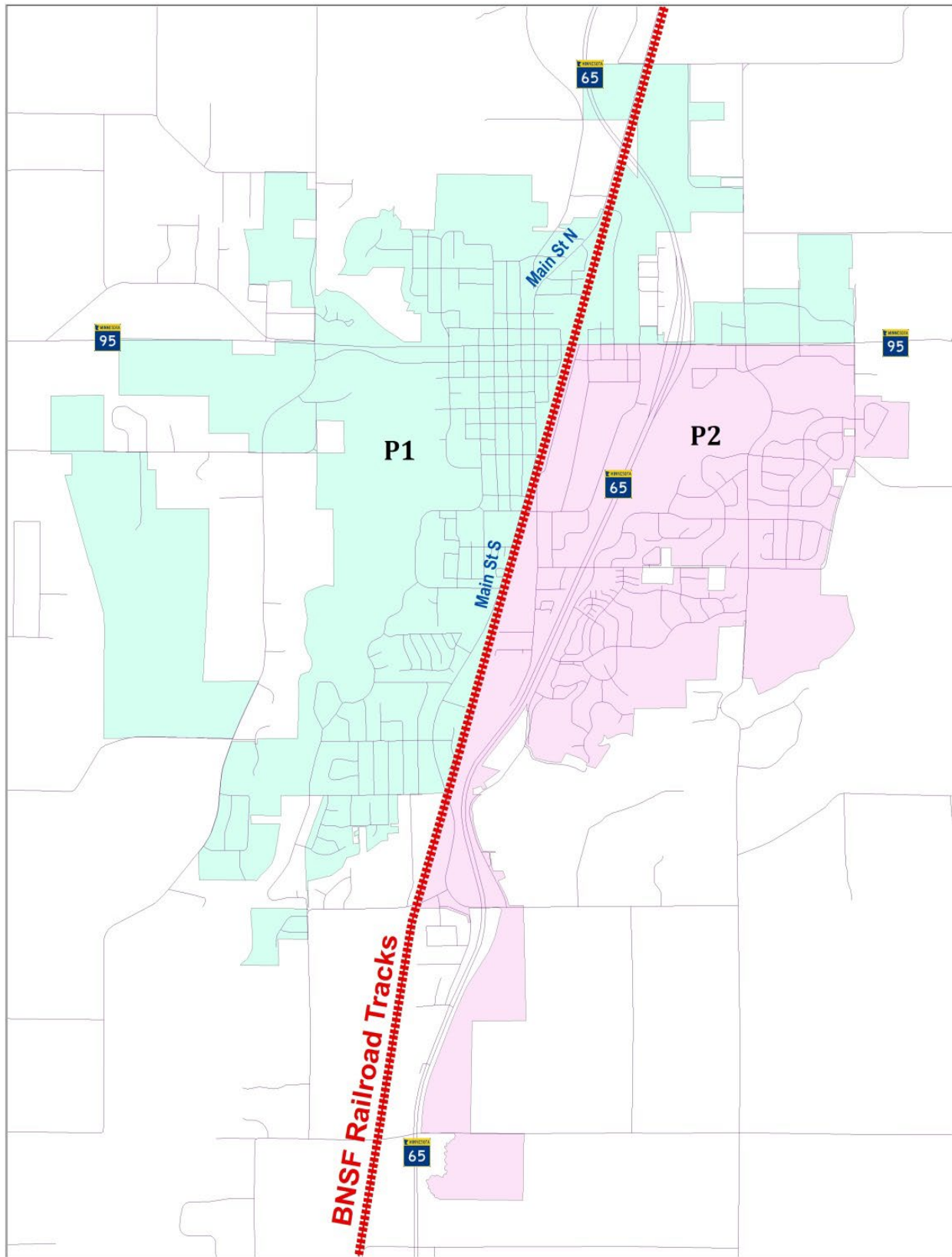
GENERAL PROVISIONS	20
§ 33.01 PRECINCT BOUNDARIES OF CITY	20
§ 33.02 POLLING PLACE	22
§ 33.03 ABSENTEE BALLOT BOARD ESTABLISHED	22
§ 33.04 DISPOSITION OF ABANDONED PROPERTY.....	22
§ 33.05 BACKGROUND CHECKS	22
ABANDONED VEHICLES	24
§ 33.15 FINDINGS AND PURPOSE	24
§ 33.16 DEFINITIONS.....	24
§ 33.17 VIOLATION TO ABANDON MOTOR VEHICLE.....	26
§ 33.18 AUTHORITY TO IMPOUND VEHICLES.....	26
§ 33.19 SALE; WAITING PERIODS.....	27
§ 33.20 NOTICE OF TAKING AND SALE	27
§ 33.21 RIGHT TO RECLAIM	28
§ 33.22 OPERATOR’S DEFICIENCY CLAIM; CONSENT TO SALE	28
§ 33.23 DISPOSITION BY IMPOUND LOT	29
§ 33.24 DISPOSAL AUTHORITY.....	29

GENERAL PROVISIONS

§ 33.01 PRECINCT BOUNDARIES OF CITY

(A) *Purpose.* M.S. Chapter 204B, as it may be amended from time to time, allows the governing body of each city to establish boundaries for election precincts in that city. The Cambridge City Council, governing body of the City of Cambridge, wishes to establish election precincts for the city as set forth below, consistent with M.S. Chapter 204B, as it may be amended from time to time.

(B) *Precinct boundaries.* The city shall have two precincts for election purposes as permitted by Minnesota law. The boundaries of the precincts shall be as divided on the following map:



City of Cambridge Precinct Map



(C) *Council member elected at large.* City Council members shall be elected on and at large to represent the two precincts established by this section.

(D) *Future annexations.* It is the intention of the Cambridge City Council to include any properties annexed in the future in the contiguous precinct as set forth by this section.

§ 33.02 POLLING PLACE

M.S. § 204B.16 allows the governing body of each municipality to designate a polling place for every precinct by ordinance. The Cambridge City Council, the governing body of the city, wishes to establish and designate the Cambridge City Hall, 300 3rd Avenue NE as the official polling place for Precincts 1 and 2 for City of Cambridge General and Special Elections.

§ 33.03 ABSENTEE BALLOT BOARD ESTABLISHED

An Absentee Ballot Board will be established pursuant to Minnesota Statutes §203B.05 as may be amended from time to time as required for municipal elections.

§ 33.04 DISPOSITION OF ABANDONED PROPERTY

(A) *Procedure.* Except for abandoned and junked vehicles, all property lawfully coming into possession of the city shall be disposed of as provided in this section which is adopted pursuant to M.S. § 471.195, as it may be amended from time to time.

(B) *Storage.* The department of the city acquiring possession of the property shall arrange for its storage. If city facilities are unavailable or inadequate, the department may arrange for storage at a privately-owned facility.

(C) *Claim by owner.* The owner may claim the property by exhibiting satisfactory proof of ownership and paying the city any storage or maintenance costs incurred by it. A receipt for the property shall be obtained upon release to the owner.

(D) *Sale.* If the property remains unclaimed in the possession of the city for 60 days, the property shall be sold to the highest bidder at a public auction, or on-line (Internet) auction site, or in any other manner authorized by law after ten days published notice setting forth the time and place of the sale and the property to be sold.

(E) *Disposition of proceeds.* The proceeds of the sale shall be placed in the City's general fund. If the former owner makes application and furnishes satisfactory proof of ownership within six months of the sale, the former owner shall be paid the proceeds of the sale of the property less the costs of storage and the proportionate part of the cost of published notice and other costs of the sale.

§ 33.05 BACKGROUND CHECKS

(A) PURPOSE: The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's Computerized Criminal History information for specified non-criminal purposes of background checks for licensing, employment and volunteer positions.

(B) CRIMINAL HISTORY BACKGROUND INVESTIGATIONS:

(1) The Cambridge Police Department is authorized, as the exclusive entity within the City, to do a criminal history background investigation on applicants for the following licenses and full-time employment, part-time employment and volunteer positions with the City:

(a) all licenses and positions that include work with children or vulnerable adults;

(b) all licenses and positions that include access to private or confidential data;

(c) all licenses and positions that require the operation of City-owned motorized vehicles, regardless of whether the vehicle is operated on public streets;

(d) all licenses and positions that include the physical handling or management of monies, securities, bonds or public funds;

(e) all licenses and positions that include the handling or dispensing of hazardous materials, pawn shops, tobacco products, alcoholic beverages, or equipment or instruments capable of transmitting infectious diseases;

(f) all other licenses and positions where City Code expressly requires it.

2) In conducting the criminal history background investigation, in order to screen applicants, the Cambridge Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be handled in accordance with state and federal Computerized Criminal History requirements. A summary of the results of the Computerized Criminal History data may be released by the Cambridge Police Department to the licensing or hiring authority, including the City Council, Mayor, the City Administrator, City Attorney, and other city staff involved in the licensing and hiring processes.

(3) Before the investigation is undertaken, the applicant must authorize the Cambridge Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information.

(4) Except for the licenses and positions set forth in Minnesota Statutes Section 364.09, the city will not reject an applicant on the basis of the applicant's prior conviction unless the crime is directly related to the license or position sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

(a) The grounds and reasons for the denial.

(b) The applicant complaint and grievance procedure set forth in Minnesota Statutes Section 364.06.

(c) The earliest date the applicant may reapply.

(d) That all competent evidence of rehabilitation will be considered upon reapplication.

ABANDONED VEHICLES

§ 33.15 FINDINGS AND PURPOSE

M.S. Chapter 168B, and Minn. Rules Chapter 7035, as they may be amended from time to time, are hereby adopted by reference. Sections 33.15 through 33.25 of this code are adopted under the authority of M.S. § 168B.09, Subd. 2, as it may be amended from time to time. If any of these provisions are less stringent than the provisions of M.S. § 168B or Minn. Rules Chapter 7035, as it may be amended from time to time, the statute or rule shall take precedence.

§ 33.16 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Abandoned Vehicle.

(1) A motor vehicle, as defined in M.S. § 168B.011 as it may be amended from time to time, that:

(a) Has remained illegally:

1. For a period of more than 48 hours on any property owned or controlled by a unit of government, or more than four hours on that property when it is properly posted; or

2. On private property for a period of time, as determined under § 33.18(B), without the consent of the person in control of the property; and

(b) Lacks vital component parts or is in an inoperable condition that it has no substantial potential for further use consistent with its usual functions, unless it is kept in an enclosed garage or storage building.

(2) A classic car or pioneer car, as defined in M.S. § 168B.10 as it may be amended from time to time, is not considered an abandoned vehicle.

(3) Vehicles on the premises of junk yards and automobile graveyards that are defined, maintained, and licensed in accordance with M.S. § 161.242 as it may be amended from time to time, or that are licensed and maintained in accordance with local laws and zoning regulations, are not considered abandoned vehicles.

(4) A vehicle being held for storage by agreement or being held under police authority or pursuant to a writ or court order is not considered abandoned, nor may it be processed as abandoned while the police hold, writ or court order is in effect.

Department. The Minnesota Department of Public Safety.

Impound. To take and hold a vehicle in legal custody. There are two types of impounds: public and nonpublic.

Impound Lot Operator or Operator. A person who engages in impounding or storing, usually temporarily, unauthorized or abandoned vehicles. **Operator** includes an operator of a public or nonpublic impound lot, regardless of whether tow truck service is provided.

Junk Vehicle. Pursuant to M.S. § 168B.011, subd. 3 is defined as a vehicle that:

- (1) Is three years old or older;
- (2) Is extensively damaged, with the damage including things as broken or missing wheels, motor, drive train or transmission;
- (3) Is apparently inoperable;
- (4) Does not have a valid, current registration plate; and
- (5) Has an approximate fair market value equal only to the approximate value of the scrap in it.

Motor Vehicle or Vehicle. Has the meaning given “motor vehicle” in M.S. § 169.011, as it may be amended from time to time.

Motor Vehicle Waste. Solid waste and liquid wastes derived in the operation of or in the recycling of a motor vehicle, including such things as tires and used motor oil, but excluding scrap metal.

MPCA or Agency. The Minnesota Pollution Control Agency.

Nonpublic Impound Lot. An impound lot that is not a public impound lot.

Public Impound Lot. An impound lot owned by or contracting with a unit of government under § 33.24.

Unauthorized Vehicle. A vehicle that is subject to removal and impoundment pursuant to § 33.18(B), or M.S. § 168B.035 or 168B.04, sub. 2 as it may be amended from time to time, but is not a junk vehicle or an abandoned vehicle.

Unit Of Government. Includes a state department or agency, a special purpose district, and a county, statutory or home rule charter city, or town.

Vital Component Parts. Those parts of a motor vehicle that are essential to the mechanical functioning of the vehicle, including such things as the motor, drive train and wheels.

§ 33.17 VIOLATION TO ABANDON MOTOR VEHICLE

Any person who abandons a motor vehicle on any public or private property, without the consent of the person in control of the property, is guilty of a misdemeanor.

Penalty, see § 10.99

§ 33.18 AUTHORITY TO IMPOUND VEHICLES

(A) *Abandoned or junk vehicles.* The City Administrator or his or her designee or any peace officer of the city may take into custody and impound any abandoned or junk vehicle if the vehicle is on public property. If the abandoned or junk vehicle is located on private property, the vehicle shall not be removed or impounded until the provisions of § 33.18(C) are complied with.

(B) *Unauthorized vehicles.* The City Administrator, or his or her designee or any peace officer of the city may take into custody and impound any unauthorized vehicle under M.S. § 168B.04 as it may be amended from time to time. A vehicle may also be impounded after it has been left unattended in one of the following public or private locations for the indicated period of time:

(1) In a public location not governed by M.S. § 168B.035 as it may be amended from time to time:

(a) On a highway and properly tagged by a peace officer, four hours;

(b) Located so as to constitute an accident or traffic hazard to the traveling public, as determined by a peace officer, immediately; or

(c) That is a parking facility or other public property owned or controlled by a unit of government, properly posted, four hours; or

(2) On private property, only with the express permission of the owner of the property, a resident or other person in control of the premises:

(a) That is single-family or duplex residential property, immediately;

- (b) That is private, nonresidential property, properly posted, immediately;
- (c) That is private, nonresidential property, not posted, 24 hours; or
- (d) That is any residential property, properly posted, immediately.

(3) If under division (B)(2) of this section, permission is not granted, then the city shall not remove and impound any vehicle until the procedure established in division (B)(2) of this section have been followed.

(C) If the vehicle is on private property, the City Administrator or his or her designee, Code Enforcement Officer, or any peace officer employed or whose services are contracted for by the city may take into custody and impound any abandoned or junk vehicle on private property only with the permission of the owner of the property, a resident, or other person in control of the premises. If permission is denied, the city may declare the existence of the abandoned or junk vehicle to be a nuisance and proceed to abate the nuisance as provided for in §§ 92.15 through 92.23. Once the abatement procedure has been completed, the city may apply for an order from a court of competent jurisdiction authorizing the removal and impoundment of the vehicle and, after the order has been granted, the city may then remove and impound the vehicle.

§ 33.19 SALE; WAITING PERIODS

(A) *Sale after 45 days.* An impounded vehicle is eligible for disposal or sale under § 33.23, 45 days after notice to the owner, if the vehicle is determined to be:

- (1) A junk vehicle, except that it may have a valid, current registration plate and still be eligible for disposal or sale under this subdivision; or
- (2) An abandoned vehicle.

(B) *Sale after 45 days.* An impounded vehicle is eligible for disposal or sale under § 33.23, 45 days after notice to the owner, if the vehicle is determined to be an unauthorized vehicle.

§ 33.20 NOTICE OF TAKING AND SALE

(A) *Contents; notice given within five days.* When an impounded vehicle is taken into custody, the city or impound lot operator taking it into custody shall give notice of the taking within five days. The notice shall:

- (1) Set forth the date and place of the taking; the year, make, model and serial number of the impounded motor vehicle if the information can be reasonably obtained; and the place where the vehicle is being held;
- (2) Inform the owner and any lienholders of their right to reclaim the vehicle under § 33.21; and

(3) State that failure of the owner or lienholders to exercise their right to reclaim the vehicle and contents within the appropriate time allowed under § 33.19 shall be deemed a waiver by them of all right, title and interest in the vehicle and contents and a consent to the transfer of title to and disposal or sale of the vehicle and contents pursuant to § 33.23.

(B) *Notice by mail or publication.* The notice shall be sent by mail to the registered owner, if any, of an impounded vehicle and to all readily identifiable lienholders of record. The Department makes this information available to impound lot operators for notification purposes. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice shall be published once in a newspaper of general circulation in the area where the motor vehicle was towed from or abandoned. Published notices may be grouped together for convenience and economy.

(C) *Unauthorized vehicles; notice.* If an unauthorized vehicle remains unclaimed after 30 days from the date the notice was sent under division (B) of this section, a second notice shall be sent by certified mail, return receipt requested, to the registered owner, if any, of the unauthorized vehicle and to all readily identifiable lienholders of record.

§ 33.21 RIGHT TO RECLAIM

(A) *Payment of charges.* The owner or any lienholder of an impounded vehicle shall have a right to reclaim the vehicle from the city or impound lot operator taking it into custody upon payment of all towing and storage charges resulting from taking the vehicle into custody within 15 or 45 days, as applicable under § 33.19, after the date of the notice required by § 33.20.

(B) *Lienholders.* Nothing in this chapter shall be construed to impair any lien of a garagekeeper under the laws of this state, or the right of a lienholder to foreclose. For the purposes of this section, **Garagekeeper** is an operator of a parking place or establishment, an operator of a motor vehicle storage facility, or an operator of an establishment for the servicing, repair or maintenance of motor vehicles.

§ 33.22 OPERATOR'S DEFICIENCY CLAIM; CONSENT TO SALE

(A) *Deficiency claim.* The nonpublic impound lot operator has a deficiency claim against the registered owner of the vehicle for the reasonable costs of services provided in the towing, storage and inspection of the vehicle minus the proceeds of the sale or auction. The claim for storage costs may not exceed the costs of:

- (1) Twenty-five days storage for a vehicle described in § 33.19(A); and
- (2) Fifty-five days storage for a vehicle described in § 33.19(B).

(B) *Implied consent to sale.* A registered owner who fails to claim the impounded vehicle within the applicable time period allowed under § 33.19 is deemed to waive any right to reclaim the vehicle and consents to the disposal or sale of the vehicle and its contents and transfer of title.

§ 33.23 DISPOSITION BY IMPOUND LOT

(A) *Auction or sale.*

(1) If an abandoned or unauthorized vehicle and contents taken into custody by the city or any impound lot is not reclaimed under § 33.21, it may be disposed of or sold at auction or sale when eligible pursuant to §§ 33.20 and 33.21.

(2) The purchaser shall be given a receipt in a form prescribed by the Registrar of Motor Vehicles which shall be sufficient title to dispose of the vehicle. The receipt shall also entitle the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. Before a vehicle is issued a new certificate of title, it must receive a motor vehicle safety check.

(B) *Unsold vehicles.* Abandoned or junk vehicles not sold by the city or public impound lots pursuant to division (A) of this section shall be disposed of in accordance with § 33.24.

(C) *Sale proceeds; public entities.* From the proceeds of a sale under this section by the city or public impound lot of an abandoned or unauthorized motor vehicle, the city shall reimburse itself for the cost of towing, preserving and storing the vehicle, and all administrative, notice and publication costs incurred in handling the vehicle pursuant to this chapter. Any remainder from the proceeds of a sale shall be held for the owner of the vehicle or entitled lienholder for 90 days and then shall be deposited in the city's general fund after the 90 days has passed.

(D) *Sale proceeds; nonpublic impound lots.* The operator of a nonpublic impound lot may retain any proceeds derived from a sale conducted under the authority of division (A) of this section. The operator may retain all proceeds from sale of any personal belongings and contents in the vehicle that were not claimed by the owner or the owner's agent before the sale, except that any suspected contraband or other items that likely would be subject to forfeiture in a criminal trial must be turned over to the appropriate law enforcement agency.

§ 33.24 DISPOSAL AUTHORITY

The city may contract with others or may utilize its own equipment and personnel for the inventory of impounded motor vehicles and abandoned scrap metal and may utilize its own equipment and personnel for the collection, storage and transportation of these vehicles and abandoned scrap metal.