



Legislation Text

File #: 15-057-O, **Version:** 1

AN ORDINANCE AMENDING CHAPTER 33, SECTION 91, OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO UNATTENDED MOTOR VEHICLES.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1: That Chapter 33, Section 91, of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 33 91. Keys to be removed from unattended vehicles.

Except for police officers and other public safety employees engaged in the performance of their official duties, No person shall leave a motor vehicle, except a truck which is engaged in loading or unloading, unattended on any street, alley, used car lot or unattended parking lot without first stopping the engine, locking the ignition and removing all ignition keys from the vehicle; provided, however, that any violation of these provisions shall not mitigate the offense of stealing such motor vehicle, nor shall such violation be used to effect a recovery in any civil action for theft of such motor vehicle, or the insurance thereon, or have any other bearing in any civil action.

Whenever any police officer of the city shall find any such motor vehicle standing in violation of the foregoing provisions, such police officer is authorized and directed to remove therefrom the keys left therein and to deliver the same to the officer in charge at police headquarters.

Section 2: That this ordinance shall take effect 30 days after its passage and publication.

STATEMENT OF PURPOSE: This ordinance amends Chapter 33, Section 91, of the Duluth City Code to exempt police officers and other public safety officials from the requirements of the section while engaged in their official duties. This amendment is in response to the decision of the Minnesota Court of Appeals in *Briggs v Rasicot*, (A14-2022, Minn. App. 6/29/2015). In *Briggs* an officer left his squad running and unlocked during an attempted arrest. The suspect stole the squad and caused an accident resulting in death to an occupant of a civilian vehicle. The court held that the officer and the city that employed the officer were liable because the city code, which is similar to Section 91, did not exempt the officer from the requirements of the code. Because it is not practicable for officers and other public safety employees to always lock their vehicles while engaged in their official duties, it is necessary to amend Section 91 in order to avoid liability for the theft of a public safety vehicle.



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Master

File Number: 15-057-O

File ID: 15-057-O

Type: Ordinance

Status: Second Reading

Version: 1

**Agenda
Section:**

Committee: Public Safety

File Created: 07/09/2015

Subject:

Final Action: 07/27/2015

Title: AN ORDINANCE AMENDING CHAPTER 33, SECTION 91, OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO UNATTENDED MOTOR VEHICLES.

Internal Notes:

Sponsors:

Enactment Date: 07/27/2015

Attachments:

Enactment Number: 10396

Recommendation:

Hearing Date:

Drafter: slapaugh@duluthmn.gov

Effective Date: 09/10/2015

Approval History

Version	Date	Approver	Action
1	07/14/2015	Gordon Ramsay	Approve
1	07/14/2015	Gunnar Johnson	Approve
1	07/14/2015	Dave Montgomery	Approve

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council	07/20/2015	read for the first time				
	Action Text:		This Ordinance was read for the first time.				
	Notes:						
1	City Council	07/27/2015	adopted				Pass
	Action Text:		A motion was made that this Ordinance be adopted. The motion carried by the following vote:				
			Yea: 8	Councilor Filipovich, Councilor Fosle, Councilor Gardner, Councilor Hanson, Councilor Julsrud, Councilor Krug, Councilor Russ and Councilor Sipress			
			Absent: 1	President Larson			

1 Mayor 07/27/2015 approved

Action Text: This Ordinance was approved.

Notes:

1 City Clerk 07/27/2015 attest

Action Text: This Ordinance was attest.

Notes:

1 City Council 08/31/2015

1 City Council 08/31/2015
