

## SPECIALTY VEHICLES

### § 8.21 PURPOSE AND INTENT.

Subd. 1. The purpose of this chapter is to provide reasonable regulations for the use of special and recreational motor vehicles on public and, in conformance with private property, in the city.

Subd. 2. This chapter is not intended to allow what the Minnesota Statutes prohibit or to prohibit what the Minnesota Statutes expressly allow.

Subd. 3. It is intended to ensure the public safety and prevent a public nuisance.  
(Ord. 42, Fourth Series, passed 9-16-2014)

### § 8.22 DEFINITIONS. *(Subd. 1 and Subd. 1A and Subd. 1B updated on 02-03-15 with Ordinance No. 46)*

For the purposes of this section, the terms defined shall have the meanings given them.

Subd. 1. The term "four-wheel all-terrain vehicle or ATV" means a motorized floatation-tired vehicle with four low-pressure tires that is limited in engine displacement to less than ~~800~~ 1,000 cubic centimeters, as amended from time to time, and includes Class 1 and Class 2 all-terrain vehicles.

A. Class 1 all-terrain vehicle means an all-terrain vehicle that has a total dry weight of less than ~~900~~ 1,200 pounds, as amended from time to time.

B. Class 2 all-terrain vehicle means an all-terrain vehicle that has a total dry weight of ~~900 to 1500~~ 1,200 to 1,800 pounds, as amended from time to time.

Subd. 2. The term "mini-truck" as defined in M.S. § 169.01, subd. 40(a), as amended from time to time, means a motor vehicle that has four wheels; is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less; has a total dry weight of 900 to 2,200 pounds; contains an enclosed cabin and a seat for the vehicle operator; commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle; and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in 49 C.F.R §§ 571.101 to 571.404, and successor requirements. A mini-truck does not include: a neighborhood electric vehicle or a medium-speed electric vehicle as defined by M.S. § 169.011, subd. 39 and 47, as amended from time to time; or a motor vehicle that meets or exceeds the regulations in 49 C.F.R. §§ 571.500, as it may be amended from time to time.

Subd. 3. The term "motorized bicycle" means a bicycle with fully operable pedals which may be propelled by human power or a motor, or by both, with a motor of a capacity of less than 50 cubic centimeters piston displacement, and a maximum of two break horsepower, which is capable of a maximum speed of not more than 30 mph on a flat surface with not more than 1% grade in any direction when the motor is engaged.

Subd. 4. The term "motorized golf cart" means any passenger conveyance being driven with four wheels with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds.

Subd. 5. The term "operate" means to ride in or on and have control of a specialty vehicle.

Subd. 6. The term "operator" means the person who operates or is in actual physical control of a specialty vehicle.

Subd. 7. The term "owner" means a person, other than a lien holder, having a property interest in, or title to, a specialty vehicle, who is entitled to the use or possession thereof.

Subd. 8. The term "owner/operator responsibility" means every person leaving a specialty vehicle in a public place shall lock the ignition, remove the key and take the same with him or her.

Subd. 9. The term "recreational motor vehicle" means any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including, but not limited to, a motorized bicycle, and an all-terrain vehicle.

Subd. 10. The term "specialty vehicle" means a recreational motor vehicle including, but not limited to, a motorized bicycle and four-wheel all-terrain vehicle (or ATV), motorized golf cart and mini truck. (Ord. 42, Fourth Series, passed 9-16-2014; Am. Ord. 43, Fourth Series, passed 11-7-2014)

### § 8.23 PERMITTING.

No operator and/or owner shall operate a recreational vehicle, golf cart, or mini-truck on streets, alleys, sidewalks or other public property without obtaining a permit as provided herein. All permits will be verified by placing a decal in a clearly visible location on all recreational vehicles, golf carts, or mini-trucks. Each individual operator and/or owner of a recreational vehicle, golf cart, or mini-truck must apply for a permit, they are not transferrable.

Subd. 1. *Application.* Every application for a permit shall be made on a form supplied by the city and made to the City Clerk and shall contain all of the following information:

- A. The name and address of the applicant.
- B. The nature of the applicant's physical handicap, if any.
- C. Model name, make, year and serial number of the recreational vehicle, motorized golf cart or mini-truck.
- D. Current driver's license or reason for not having a current license.
- E. Other information as the city may require.

Subd. 2. The annual permit fee shall be as set forth in the Resolution Establishing Fees and Charges, as that Resolution may be amended from time to time. The permit fee will not be prorated if issued after January 1 during any calendar year.

Subd. 3. Permits shall be granted for a period of three years and may be renewed annually January 1 to December 31.

Subd. 4. No permit shall be granted or renewed unless the following conditions are met:

- A. The applicant must demonstrate that he or she currently holds or has held a valid Minnesota driver's license to operate a mini-truck.
- B. The applicant may be required to submit a certificate signed by a physician that the applicant is able to safely operate a recreational vehicle on the roadways designated.
- C. The applicant must provide evidence of insurance in compliance with the provisions of M.S. § 65B.48, subd. 5, as amended from time to time, concerning insurance coverage for the recreational vehicle, golf cart, or mini-truck.

D. The applicant has not had his or her driver's license revoked as the result of criminal proceedings.

Subd. 5. The City Council may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this section or M.S. Chapters 169 or 169A, as it may be amended from time to time, or if there is evidence that the permit holder cannot safely operate the all-terrain vehicle, motorized golf cart, or mini-truck on the designated roadways.

Subd. 6. The number of occupants on the recreational vehicle, motorized golf cart or mini-truck may not exceed the design occupant meaning.

Subd. 7. *Exemption for emergency vehicles.* The provisions of this section regulating the permitting of any recreational vehicle, golf cart, or mini-truck shall not apply to any authorized emergency vehicle of the emergency management department, police or fire department.  
(Ord. 42, Fourth Series, passed 9-16-2014)

## § 8.24 OPERATION.

It is unlawful for any person to operate a recreational motor vehicle, golf cart or mini-truck:

Subd. 1. On a public sidewalk or walkway provided or used for pedestrian travel.

Subd. 2. On publicly owned land, including school, exclusive city streets, park property, playgrounds, recreation areas and golf courses, except where permitted by this chapter.

Subd. 3. On private property without prior written or oral permission of the owner of the property.

A. Written permission may be given by a posted notice of any kind or description, so long as it specifies the kind of vehicles allowed, that the owner, occupant, or lessee prefers, such as by saying "Recreational Vehicles Allowed," "Trail Bikes Allowed," "All-Terrain Vehicles Allowed," or words substantially similar.

Subd. 4. In a manner so as to create a loud, unnecessary, or unusual noise that disturbs, annoys, or interferes with the peace and quiet of other persons.

Subd. 5. At a place while under the influence of intoxicating liquor or narcotics or habit-forming drugs.

Subd. 6. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.

Subd. 7. At any place in a careless, reckless, or negligent manner so as to endanger or be likely to endanger any person or property or to cause injury or damage thereto.

Subd. 8. To intentionally drive, chase, run over, or kill any animal, wild or domestic.

Subd. 9. By halting any recreational vehicle, golf cart, or mini-truck carelessly or heedlessly in disregard of the rights or the safety of others or in a manner so as to endanger or be likely to endanger any person or property or in excess of 15 miles per hour on publicly owned lands.

Subd. 10. Within 150 yards of any public recreational area or gathering of people. This provision does not apply to the occasional use of recreational motor vehicles on private property for the purpose of loading or unloading it from a trailer or for mechanically checking it.

Subd. 11. Without headlight and tail light lighted at all times if the vehicle is equipped with headlight and tail light.

Subd. 12. Without a functioning stoplight if so equipped.

Subd. 13. Without a brake operational by either hand or foot.

Subd. 14. At a speed exceeding ten miles per hour on the frozen surface of public waters within 100 feet of a person not on an all-terrain vehicle or within 100 feet of a fishing shelter.

Subd. 15. Without a helmet and seat belts when:

A. A person less than 18 years of age is a passenger or is an operator of a recreational vehicle regulated herein on public land, public waters, or on a public road right-of-way unless wearing a safety helmet approved by the Commissioner of Public Safety and without wearing a seat belt when such seat belt has been provided by the manufacturer.

Subd. 16. When a person under 18 years of age operates a Class 1 all-terrain vehicle while carrying a passenger. A person 18 years of age or older may operate a Class 1 all-terrain vehicle carrying one passenger. For the purposes of this division a "Class 1 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of less than 900 pounds.

Subd. 17. When a person under 18 years of age operates a Class 2 all-terrain vehicle while carrying a passenger. A person 18 years of age or older may operate a Class 2 all-terrain vehicle while carrying a passenger, or up to the number of passengers for which the vehicle was designed, whichever is greater. For the purposes of this division a "Class 2 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of 900 to 1500 pounds.

(Ord. 42, Fourth Series, passed 9-16-2014) Penalty, see § 8.99.

## § 8.25 GOLF CARTS.

Subd. 1. A motorized golf cart may be operated by any individual at least 15 years of age, so long as that person can safely operate it.

Subd. 2. Motorized golf carts shall display the slow moving vehicle emblem provided for in M.S. § 169.522, as amended from time to time, when operated on designated roadways.

Subd. 3. Every person operating a motorized golf cart on designated roadways has all of the rights and duties applicable to the driver of any other vehicle under the provisions of M.S. Chapter 169, as amended from time to time, except when those provisions cannot reasonably be applied to motorized golf carts.

Subd. 4. The provisions of M.S. Chapter 171, as amended from time to time, relating to driver's licenses are not applicable to person operating motorized golf carts on designated roadways pursuant to this section. Except for the requirement of M.S. § 169.70, as amended from time to time, relating to rear view mirrors, the provisions of M.S. Chapter 169, as amended from time to time, relating to equipment on vehicles shall not be applicable to motorized golf carts operating on designated roadways.

Subd. 5. It is unlawful for any person under the age of 15 years to operate a motorized golf cart upon any city street. It is also unlawful for any person 15 years of age or older to operate a motorized golf cart when he or she cannot physically do so in a safe manner, or when the golf cart does not have a slow moving vehicle emblem displayed on the cart. A violation of this section shall constitute a misdemeanor.

(Ord. 42, Fourth Series, passed 9-16-2014) Penalty, see § 8.99.

## § 8.26 RECREATIONAL VEHICLES.

Subd. 1. Ages 12-15:

A. Must have an ATV safety certificate valid only after successfully completing both the ATV Safety Training CD and Safety Training Class.

B. May operate on the bank, slope, or ditch of a public road right-of-way with a valid ATV Safety Certification when accompanied by a parent or legal guardian on a separate ATV.

C. Must be able to properly reach and control the handle bars and foot pegs while sitting upright on the seat.

D. May operate an ATV on public lands and frozen waters and make direct crossing of roadways with a valid safety certificate if accompanied on another ATV by a person 18 or over who has a valid driver's license.

E. Must have parent or guardian permission to operate.

Subd. 2. Ages 16 and 17:

A. Must successfully complete the ATV Safety Training CD before operating on public lands, frozen waters, public road rights-of-way, or state or grant-in-aid trails and may complete the Safety Training Class.

B. Must have a valid driver's license to make a direct crossing of a roadway or operate on road rights-of-way.

C. Must be able to properly reach and control the handle bars and foot pegs while sitting upright on the seat.

D. Must have parent or guardian permission to operate.  
(Ord. 42, Fourth Series, passed 9-16-2014) Penalty, see § 8.99.

## § 8.27 MINI-TRUCKS.

All operators of mini-trucks must have a valid driver's license.  
(Ord. 42, Fourth Series, passed 9-16-2014)

## § 8.28 HOURS OF OPERATION.

Recreational vehicles, golf carts, and mini-trucks may not be operated on designated roadways from midnight until sunrise. They shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.  
(Ord. 42, Fourth Series, passed 9-16-2014) Penalty, see § 8.99.

## § 8.29 MINIMUM EQUIPMENT REQUIREMENTS.

Subd. 1. Standard mufflers shall be properly attached and in constant operation to reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass, straight pipe, or similar device on a recreational motor vehicle motor. The exhaust system shall not emit or produce a sharp popping or crackling sound.

Subd. 2. Brakes shall be adequate to control the movement of and to stop and hold under any conditions of operation.

(Ord. 42, Fourth Series, passed 9-16-2014) Penalty, see § 8.99.

### § 8.30 STREET CROSSINGS.

Subd. 1. No person under 12 years of age operating the vehicles regulated herein shall make a direct crossing of any street, highway, or public right-of-way; or operate a vehicle regulated herein on a public street, highway, or road right-of-way; or operate a vehicle regulated herein on public lands or waters, except that a person at least ten years of age but under 12 years of age may operate an all-terrain vehicle with an engine capacity up to 90cc on public lands or waters if accompanied by a parent or legal guardian.

Subd. 2. *Additional restrictions for recreational vehicles and golf carts.* A recreational vehicle or golf cart may make a direct crossing of a public road right-of-way provided:

A. The crossing is made at an angle of approximately 90 degrees to the direction of the road and at a place where no obstruction prevents a quick and safe crossing.

B. The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the road.

C. The driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard.

D. In crossing a divided road, the crossing is made only at an intersection of the road with another public road.

(Ord. 42, Fourth Series, passed 9-16-2014) Penalty, see § 8.99.

### § 8.99 VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR.

Every person violates a section, subdivision, paragraph or provision of this chapter when he or she performs an act thereby prohibited or declared unlawful, or fails to act when the failure is thereby prohibited or declared unlawful and, upon conviction thereof, shall be punished as follows:

Subd. 1. Where the specific section, subdivision, paragraph or provision specifically makes violation a misdemeanor, he or she shall be punished as for a misdemeanor; where a violation is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property, he or she shall be punished as for a misdemeanor; where he or she stands convicted of violation of any provision of this chapter, exclusive of violations relating to the standing or parking of an unattended vehicle, within the immediate preceding 12-month period for the third or subsequent time, he or she shall be punished as for a misdemeanor.

Subd. 2. As to any violations not constituting a misdemeanor under the provisions of Subd. 1. hereof, he or she shall be punished as for a petty misdemeanor.

Subd. 3. As to any violation of a provision adopted by reference, he or she shall be punished as specified in the provision, so adopted.