

ORDINANCE 15-03

**AN ORDINANCE AMENDING ZUMBROTA CITY CODE CHAPTER 71, REGULATING THE OPERATION OF SPECIAL VEHICLES: MOTORIZED GOLF CARTS, ALL-TERRAIN VEHICLES, UTILITY TASK VEHICLES AND MINI-TRUCKS IN THE CITY OF ZUMBROTA.**

The Council of the City of Zumbrota does ordain that Chapter 71 of the Zumbrota City Code is hereby amended to repeal existing Sections 71.40 through 71.45 and replacing said Sections with the following:

**SPECIAL VEHICLES: MOTORIZED GOLF CARTS, ALL-TERRAIN VEHICLES, UTILITY TASK VEHICLES AND MINI-TRUCKS.**

§ 71.40 DEFINITIONS.

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

***ALL-TERRAIN VEHICLE.*** As defined in Minn. Stat. § 84.92, subd. 8, means a motorized vehicle with: (1) not less than three, but not more than six low pressure or non-pneumatic tires; (2) a total dry weight of 2,000 pounds or less; and (3) a total width from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does not include a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.

***CLASS 1 ALL-TERRAIN VEHICLE (ATV).*** As defined in Minn. Stat. § 84.92, subd. 9, means an all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is 50 inches or less.

***CLASS 2 ALL-TERRAIN VEHICLE (ATV).*** As defined in Minn. Stat. § 84.92, subd. 10, means an all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is greater than 50 inches but not more than 65 inches.

***DESIGNATED ROADWAYS.*** City streets and alleys not specifically excluded in this ordinance. No motorized golf cart, all-terrain vehicle, utility task vehicle shall be allowed on Main Street between Jefferson Drive and First Street except to cross at intersections.

***DRIVER.*** The person driving and having physical control over the motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck and being the licensee.

***MOTORIZED GOLF CART.*** A vehicle commonly known as a golf cart, having at least three wheels and either an electric or gas powered motor.

**MINI-TRUCK.** As defined in Minn. Stat. § 169.01, subd. 40(a), 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 the Code of Federal Regulations, title 49, sections 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 § 73.11; or a motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, section 571.500, as it may be amended from time to time.

**UTILITY TASK VEHICLE (UTV).** A utility task vehicle means a side-by-side, four-wheel drive, off-road vehicle that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds.

§ 71.41 AUTHORIZED USE; PERMIT.

Subd 1. Motorized golf carts, all-terrain vehicles, utility task vehicles and mini-trucks, are permitted on public roads, streets and alleys in the City of Zumbrota as provided in this ordinance.

Subd. 2. It is prohibited for a person under age 16 to operate a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck on streets, alleys, sidewalks or other public property in the City of Zumbrota.

Subd. 3. No person shall operate a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck on streets, alleys, sidewalks or other public property without obtaining a permit as provided herein.

(a) Every application for a permit shall be made on a form supplied by the city and shall contain all of the following information:

- (1) The name and address of the applicant
- (2) Model name, make, and year and number of the motorized golf cart, all-terrain vehicle, utility task vehicle, or mini-truck.
- (3) Current driver's license or reason for not having a current license.
- (4) Other information as the city may require.

(b) The operator of an all-terrain vehicle or utility task vehicle shall either have a valid driver's license and/or a valid ATV safety certificate issued by the Commissioner

of the Department of Natural Resources. Proof of the same must be in the possession of the operator at all times.

(c) The annual permit fee shall be as set forth in the annual fee schedule promulgated by the City Council, as may be amended from time to time.

(d) Permits shall be granted for a period of one year and may be renewed annually Jan. 1 to Dec. 31.

(e) No permit shall be granted or renewed unless the following conditions are met:

(1) The applicant must demonstrate that he or she currently holds or has held a valid Minnesota driver's license to operate a mini-truck.

(2) The applicant may be required to submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart, all-terrain vehicle or utility task vehicle on designated roadways.

(3) The applicant must provide evidence of insurance in compliance with the provisions of Minnesota Statutes concerning insurance coverage for the golf cart, all-terrain vehicle, utility task vehicle or mini-truck.

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

(5) The applicant for a permit to operate an all-terrain vehicle or utility task vehicle shall either have a valid driver's license and/or a valid ATV safety certificate issued by the Commissioner of the Department of Natural Resources.

Subd. 4. Motorized golf carts, all-terrain vehicles, utility task vehicles, and mini-trucks are permitted to operate only on city streets, not state or federal highways, except to cross at designated intersections.

Subd. 5. Motorized golf carts, all-terrain vehicles, utility task vehicles, and mini-trucks are prohibited from city sidewalks except for purposes of snow removal or unless otherwise exempt under Section 71.42 herein.

Subd. 6. Except for purposes of snow removal, motorized golf carts, all-terrain vehicles, and utility task vehicles may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, taillights, rear-facing brake lights as well as front and rear turn-signal lamps. Except for purposes of snow removal, 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 visibility to clearly see persons and vehicles on the roadway at a distance of 500 feet.

Subd. 7. Motorized golf carts shall display the slow-moving vehicle emblem provided for in Minn. Stat. § 169.045, as it may be amended from time to time, when operated on designated roadways.

Subd. 8. Motorized golf carts, all-terrain vehicles, utility task vehicles, and mini-trucks shall be equipped with a rear-view mirror to provide the driver with adequate vision from behind as required by Minn. Stat. § 169.70.

Subd. 9. The operator of a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck may cross any street or highway intersecting a designated roadway.

Subd. 10. When operating a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck, the operator must have a copy of the permit in his or her possession, provide proof of insurance and properly display permit in plain sight as designated by permit.

Subd. 11. Every person operating a motorized golf cart, an all-terrain vehicle, a utility task vehicle or a mini-truck under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stat., ch. 169, as it may be amended from time to time, except when these provisions cannot reasonably be applied to motorized golf carts or mini-trucks and except as otherwise specifically provided in Minn. Stat. § 169.045(7), as it may be amended from time to time.

Subd. 12. Mini-truck equipment requirements:

(a) A mini-truck may be operated under permit on designated roadways if it is equipped with all of the following:

- (1) At least two headlamps.
- (2) At least two tail lamps.
- (3) Front and rear turn-signal lamps.
- (4) An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror.
- (5) A windshield.
- (6) A seat belt for the driver and front passenger.
- (7) A parking brake.

Subd. 13. The Zumbrota Police Department 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 Minn. Stat., ch. 169, as it may be amended from time to time, or if there is evidence that the permit holder cannot safely operate the motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck on the designated roadways.

Subd. 14. The number of occupants on the golf cart, all-terrain vehicle, utility task vehicle or mini-truck may not exceed the design occupant load.

§ 71.42 EXEMPTIONS, NO PERMIT REQUIRED.

Nothing in this subchapter shall prohibit a person from operating a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck for the following purposes:

- A. Authorized city staff may operate city owned motorized golf carts, mini-trucks, all-terrain vehicles or utility task vehicles without obtaining a permit within the City on city streets, sidewalks, trails, rights-of-way, and public property when conducting city business,
- B. law enforcement purposes,
- C. public safety purposes including fire department and ambulance service,
- D. emergencies and exigent circumstances as determined by the Chief of Police for the City of Zumbrota,

§ 71.43 LIMITATION OF LIABILITY.

Nothing in this subchapter shall be construed as an assumption of liability by the City of any injuries to persons or damage to property which may result from the operation of a motorized golf cart, all-terrain vehicle, utility task vehicle or mini-truck by a permit holder, other authorized user, the grant of such permit, or the failure by the City to revoke such permit.

§ 71.44 VIOLATION AND PENALTIES.

Any person violating any provision of this ordinance shall be guilty of a petty misdemeanor and is subject to having his or her permit granted under this subchapter revoked.

Adopted this            day of            , 2015.

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Richard R. Bauer, Mayor

Attest: \_\_\_\_\_  
Neil Jensen, City Administrator