

## Ordinance 2021-1

### An Ordinance Amending Chapter 7. Traffic & Vehicles

#### **Section 705 ALL-TERRAIN VEHICLES**

##### **705.01 DEFINITIONS.**

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

##### **ALL-TERRAIN VEHICLE OR VEHICLE.**

(A) 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.

(B) **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.

(C) Classes of all-terrain vehicles.

(1) **CLASS 1 ALL-TERRAIN VEHICLE.** 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.

(2) **CLASS 2 ALL-TERRAIN VEHICLE.** 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.

**UTILITY TASK VEHICLE OR VEHICLE.** Utility task vehicle or 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.

##### **705.02 AUTHORIZED USE.**

(A) Pursuant to the authority granted by M.S. § 169.045, as it may be amended from time to time, use of all-terrain or utility task vehicles are permitted within the city under the conditions set forth below.

(B) Only persons who have a valid permit issued by the city shall operate all-terrain or utility task vehicles within the city on streets and alleys only.

(C) All-terrain and utility task vehicles are not authorized within the city on pedestrian paths, on bike trails, on sidewalks, or in parks, unless specifically permitted in the city.

(D) May not operate on designated State Trunk Highway's. This would include Hwy 63 (Main St) and Hwy 30 (1<sup>st</sup> St. E). ATV's may cross at an intersection to directly access an authorized roadway.

(E) Must drive on the most right-hand side of all streets.

(F) Must comply with all DNR Regulations.

### **705.03 GENERAL PERMIT REQUIREMENTS.**

(A) Vehicles shall have standard mufflers which are properly attached to the vehicles and which 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 vehicle.

(B) Vehicles shall have brakes adequate to control the movement of and to stop and hold the vehicle under any condition of operation.

(C) Vehicles shall have at least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness and under normal atmospheric conditions, when the vehicle is operated between the hours of one-half hour after sunset to one-half hour before sunrise, or at times of reduced visibility. Such headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming vehicle operator. The vehicle shall also be equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions.

(D) Each permit must be renewed every three years.

(E) Speed limit for all vehicles is set at 15 mph in the city limits.

(F) Each person desiring a permit for the operation of a vehicle must submit an application to City Hall with an application fee, show proof of insurance, and a current Department of Natural Resources (DNR) registration, if applicable.

(G) A permit may be revoked at any time if it is shown that the permit holder cannot safely operate the vehicle on the designated street or if the permit holder has had a driver's license revoked or suspended and is currently under revocation or suspension.

(H) Vehicle operators who are minors and who wish to operate vehicles within the city limits are subject to the following conditions in addition to those required for adult operators.

(1) No minor under 16 years of age shall be permitted to operate a vehicle in the city.

(2) All minors at least 16 years of age but less than 18 years of age may operate a vehicle subject to the restrictions set forth above if the minor possesses a valid driver's license and in addition shall wear a safety helmet approved by the Commissioner of Public Safety.

(I) Every person operating a permitted vehicle has all the rights and duties applicable to the driver of any other vehicle, except when those provisions cannot reasonably be applied to all-terrain or utility task vehicles.

(J) If the vehicle is equipped with seat belts, the seat belts must be worn while operating the vehicle on the city streets.

#### **705.04 EXCEPTIONS.**

(A) *For lawn and snow removal equipment.* Provided the vehicle also complies with all other regulations above herein, and has a DNR "public use" registration tag (if applicable) on a vehicle otherwise defined as an all-terrain or utility task vehicle, shall be allowed to travel on city streets and alleys (but not highways, except to cross), provided, it is equipped with lawn-mowing or snow removal attachments.

(B) *For permitted city maintenance.* Provided the vehicle also complies with all other regulations above herein, and has a DNR "public use" registration tag (if applicable), a vehicle otherwise defined as an all-terrain or utility task vehicle, shall be allowed to travel in city parks and on city paths and trails, provided, it has been permitted for city maintenance, and is being used only for those purposes.

(C) *For permitted emergency vehicle.* Provided the vehicle also complies with all other regulations above herein, and has a DNR "public use" registration tag (if applicable), a vehicle otherwise defined as an all-terrain or utility task vehicle, shall be allowed to travel in city parks and on city paths and trails, provided, it has been permitted for emergency vehicle, and is being used only for those purposes.

#### **705.05 CITY LIABILITY.**

Nothing in this section shall be construed as an assumption of liability by the city for any injuries to persons or property which may result from the operation of a vehicle by a permit holder, or from the city's failure to revoke a permit.

## **705.06 ENFORCEMENT.**

### **(A) Issuance of citations.**

(1) The city may authorize any police officer or any other authorized representative of the law to issue a citation to any person, firm, or entity for any alleged violations of this subchapter and any other ordinance or statute which provides the basis for prosecution of violations of this subchapter.

(2) Nothing within this subchapter shall be construed to limit the authority of police officers to enforce any provisions of this subchapter or related statutes or ordinances. The police officer, or other official of the city, is authorized to issue a citation to any person, firm, or entity for any alleged violation of this subchapter as often as each day the violation persists.

**(B) Revoking permits.** The city may revoke a permit at any time if it is shown that the permit holder:

(1) Cannot safely operate the vehicle on the designated roadway;

(2) Has had a driver's license revoked or suspended and is currently under revocation or suspension;

(3) Cannot provide proof of current insurance coverage; or

(4) Has had repeat offenses while driving an all-terrain or utility task vehicle.

## **Section 706 GOLF CARTS**

### **706.01 DEFINITIONS.**

Golf cart shall mean a motor vehicle that is originally designed and manufacture for operation on a golf course for sporting and recreational purposes and that is not capable of exceeding speeds of 25 mph.

### **706.02 AUTHORIZED USE.**

(A) Pursuant to the authority granted by M.S. § 169.045, as it may be amended from time to time, use of motorized golf carts vehicles are permitted within the city under the conditions set forth below.

(B) Only persons who have a valid permit issued by the city shall operate a golf cart within the city on streets and alleys only.

(C) Golf carts are not authorized within the city on pedestrian paths, on bike trails, on sidewalks, or in parks unless specifically permitted by the city.

a) Permitted paths would include the Hwy 63 path and 20<sup>th</sup> St. E path.

(D) May not operate on designated State Trunk Highway's. This would include Hwy 63 (Main St) and Hwy 30 (1<sup>st</sup> St. E). Golf carts may cross at an intersection to directly access an authorized roadway.

(E) Must drive on the most right-hand side of all streets.

### **706.03 GENERAL PERMIT REQUIREMENTS.**

(A) Each person desiring a permit for the operation of a golf cart must submit an application to City Hall with an application fee.

(B) Each applicant shall show evidence of insurance which meets the requirements of M.S. § 65B.48, subd. 5, as it may be amended from time to time.

(C) Each permit must be renewed every three years.

(D) Gas golf carts shall have standard mufflers which are properly attached to the golf cart and which 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 golf cart. The apparatus shall not be audible for a distance more than 500 feet from the place or places where such devices or apparatus will be located.

(F) Golf carts shall have brakes adequate to control the movement of and to stop and hold the golf cart under any condition of operation.

(G) Person's between the ages of 16 and 18 must have a valid driver's license. Anyone 18 and older are not required to have a driver's license.

(H) Golf carts may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, taillights, and rear-facing brake lights. They shall not be operated in inclement weather, except during emergency conditions as provided in this subchapter, 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.

(I) Every person operating a permitted golf cart has all the rights and duties applicable to the driver of any other vehicle, except when those provisions cannot reasonably be applied to golf carts.

(J) Slow Moving Vehicle emblem. Golf cars shall display the slow-moving vehicle emblem provided for in Mn Statute 169.522, when operated on designated streets.

#### **706.04 CITY LIABILITY.**

Nothing in this section shall be construed as an assumption of liability by the city for any injuries to persons or property which may result from the operation of a golf cart by a permit holder, or from the city's failure to revoke a permit.

#### **706.05 ENFORCEMENT.**

(A) Issuance of citations.

(1) The city may authorize any police officer or any other authorized representative of the law to issue a citation to any person, firm, or entity for any alleged violations of this subchapter and any other ordinance or statute which provides the basis for prosecution of violations of this subchapter. Nothing within this subchapter shall be construed to limit the authority of police officers to enforce any provisions of this subchapter or related statutes or ordinances.

(2) The police officer, or other official of the city, is authorized to issue a citation to any person, firm, or entity for any alleged violation of this subchapter as often as each day the violation persists.

(B) Revoking permits. The city may revoke a permit at any time if it is shown that the permit holder:

- (1) Cannot safely operate the golf cart on the designated roadway;
- (2) Cannot provide proof of current insurance coverage; or
- (3) Has had repeat offenses while driving a golf cart.

Adopted by the Stewartville City Council this 23<sup>rd</sup> day of March, 2021.

Mayor Jimmie-John King

ATTEST:

Cheryl Roeder, City Clerk