

ORDINANCE # 237, 2<sup>nd</sup> Series

AN ORDINANCE AMENDING SECTIONS 8.02, 8.10 AND 8.11 AND DELETING SECTION 8.06 AND 8.12 OF CHAPTER 8, TRAFFIC REGULATIONS.

IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF BECKER MINNESOTA:

Chapter 8, Traffic Regulations is hereby amended to read as follows:

**SECTION 8.01. HIGHWAY TRAFFIC REGULATION ACT ADOPTED BY REFERENCE.** Except as otherwise provided in this Chapter, or in Chapters 7 and 9 of this Code, Minnesota Statutes, Chapter 169, as amended through Laws 1994, is hereby incorporated herein and adopted by reference, including the penalty provisions thereof.

~~SEC. 8.02. TRUCK ROUTE.~~ It is unlawful for any person to drive a tractor, agricultural implement, truck greater than 9,000 pounds gross vehicle weight, truck-trailer, tractor-trailer or truck tractor in through traffic, upon any street except those which have been designated and sign-posted as truck routes. For the purpose of this Chapter, "through traffic" means originating without the City and with a destination without the City, as distinguished from "local traffic," which means traffic either originating or having a destination within the City.

SEC. 8.02. TRUCKS OPERATING ON RESIDENTIAL STREETS. It shall be unlawful for any person or persons, firms or corporations to operate a commercial truck on residential streets except those trucks that are actually engaged in making deliveries or pick-ups at residential dwellings. Further, they shall utilize county roadways or collector streets as their primary routes. Trucks making deliveries or pick-ups on residential streets shall abide by the provisions of this Sections. Commercial trucks shall be any truck, other than pick-ups or vans, used for business purposes such as deliveries or hauling cargo for profit.

**SEC. 8.03. BICYCLES.**

**Subd. 1. Traffic Laws Apply.** Every person riding a bicycle upon a roadway or upon any path set aside for the exclusive use of bicycles shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Chapter, except as to special regulations in this Chapter and except as to those provisions of this Chapter which by their nature can have no application.

**Subd. 2. Right of Way - Sidewalks.** Whenever a person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian. Provided, that it is unlawful for any person to ride a bicycle on a sidewalk contrary to sign posted prohibitions.

**Subd. 3. Carrying Articles.** It is unlawful for any person operating a bicycle to carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

**SEC. 8.04. U-TURNS.** It is unlawful for any person to operate a motor vehicle by turning so as to proceed in the opposite direction upon any street except at a street intersection, and then only if the street intersection is not sign posted prohibiting a U-turn or otherwise controlled by a traffic signal; provided, that any person making a permitted U-turn shall yield the right-of-way to all other vehicles.

**SEC. 8.05. EXHIBITION DRIVING.**

**Subd. 1. Prima Facie Evidence.** It shall be prima facie evidence of exhibition driving when a motor vehicle stops, starts, accelerates, decelerates, or turns at an unnecessary rate of speed so as to cause tires to squeal, gears to grind, soil to be thrown, engine backfire, fishtailing or skidding, or, as to two-wheeled or three-wheeled motor vehicles, the front wheel to lose contact with the ground or roadway surface.

**Subd. 2. Unlawful Act.** It is unlawful for any person to do any exhibition driving on any street, parking lot, or other public or private property, except when an emergency creates necessity for such operation to prevent injury to persons or damage to property; provided, that this Section shall not apply to driving on a racetrack. For purposes of this Section, "racetrack" shall mean a facility specifically designed for the holding of motor vehicle race events.

~~—SEC. 8.06 SPEED LIMITS IN DESIGNATED AREAS. A speed limit of forty five (45 mph) miles per hour is hereby mandated in the following areas within the City:—~~

~~(1) on that part of Liberty Lane beginning at Sherburne Avenue and extending to the west end of Liberty Lane; and~~

~~(2) on that part of Sherburne Avenue beginning at the intersection of Industrial Boulevard and extending south one half (½) mile.~~

**SEC. 8.07. DRIVING THROUGH PRIVATE PROPERTY TO AVOID TRAFFIC SIGNAL.** It is unlawful for any person to avoid obedience to any traffic control device by driving upon or through any private property.

**SEC. 8.08. ONE-WAY STREETS.**

**Subd. 1.** The Council may, by resolution, designate streets as one-way streets.

**Subd. 2.** It is a misdemeanor for any person to travel upon any one-way street in a direction opposite the designated direction duly sign posted.

**SEC. 8.09. EMERGENCY VEHICLES.** The provisions of this Chapter shall not apply to vehicles when operated with due regard for safety, under the direction of police officers in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation, nor to Fire Department or fire patrol vehicles when traveling in response to a fire alarm, nor to public ambulances when traveling in emergencies. This exemption shall not, however,

protect the driver of any such vehicle from liability arising out of a reckless disregard of the safety of others.

#### **SEC. 8.10. SNOWMOBILE TRAFFIC CONTROL AND REGULATIONS.**

**Subd. 1. Definitions.** The following terms, as used in this Section, shall have the meanings stated:

- A. "Snowmobile"** - A self propelled vehicle designed for travel on snow or ice steered by skis or runners.
- B. "Owner"** - A person, other than a lienholder having a property interest in or title to a Snowmobile, or a person entitled to the use or possession thereof.
- C. "Operate"** - To ride in or on and control the operation of a Snowmobile.
- D. "Operator"** - Every person who operates or is in actual physical control of a Snowmobile.
- E. "Deadman Throttle" or "Safety Throttle"** - A device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving mechanism.

**Subd. 2. Scope of Application.** Notwithstanding provisions of this Chapter to the contrary, this Section shall apply to control of traffic and regulation of that certain class of vehicles falling within the definition of Snowmobiles as to matters set forth herein. All provisions of this Chapter, not relating to matters herein stated, apply as equally to Snowmobiles as other vehicles.

**Subd. 3. Operation.** Except as otherwise herein permitted, it is unlawful for any person to Operate a Snowmobile not licensed as a motor vehicle as follows:

- A.** On the portion of any right-of-way of any public highway, street, road, trail or alley used for motor vehicle travel, except upon the most right-hand lane of a street or alley and may in passing or making a left-hand turn, Operate on other lanes which are used for vehicle traffic in the same direction. A Snowmobile may also be operated upon the ditch bottom or the outside bank of trunk, County State-aid and County highways where such highways are located within the City limits.
- B.** ~~On a public sidewalk provided for pedestrian travel.~~ On a public sidewalk, trail or pathway provided for pedestrian travel.
- C.** On boulevards within any public right-of-way.
- D.** On private property of another without specific permission of the owner or person in control of said property.

- E.** At a rate of speed greater than ten (10) miles per hour.
- F.** At any place in a careless, reckless or negligent manner or in disregard of the rights or safety of others, or in a manner so as to endanger or be likely to endanger or cause injury or damage to any person or property.
- G.** During the hours from 10:00 o'clock P.M. to 6:00 O'clock A.M. of any day, closer than 100 feet to any dwelling which is usually occupied by one or more persons; provided, however, that Snowmobile operation shall be permitted during such hours when traveling directly to or from the residence of the Operator and the nearest City limits line.
- H.** So as to tow any person or thing except through use of a rigid towbar attached to the rear of the Snowmobile.
- I.** At any place while under the influence of alcohol or drugs as defined in Minnesota Statutes Section 169.121, which is hereby incorporated herein by reference.
- J.** Within 100 feet of any pedestrian, fisherman, skating rink or sliding area where the operation would conflict with the use or endanger other persons or property.

**Subd. 4. Special Orders.** In addition to the regulations provided in Subdivision 3, it is unlawful to Operate a Snowmobile on any public place where prohibited by order of the City. The City Administrator shall have the power, by written order, to prohibit such operation whenever in his discretion the same would be likely to produce damage to property or endanger the safety or repose of other persons. Such areas shall be appropriately sign posted before such order shall become effective.

**Subd. 5. Direct Crossings.** A Snowmobile may make a direct crossing of a street or highway, except an interstate highway or freeway, provided:

- A.** The crossing is made at an angle of approximately 90 degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing.
- B.** The Snowmobile is brought to a complete stop before crossing the shoulder or main traveled way.
- C.** The driver yields the right-of-way to all on coming traffic which constitutes an immediate hazard.
- D.** In crossing a divided street or highway, the crossing is made only at an intersection of such street or highway with another public street or highway.

- E. If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.
- F. A snowmobile may be operated upon a bridge, other than a bridge that is part of the main traveled lanes of an interstate highway, when required for the purpose of avoiding obstructions to travel when no other method of avoidance is possible; provided the snowmobile is operated in the extreme right-hand lane, the entrance to the roadway is made within 100 feet of the bridge and the crossing is made without undue delay.

**Subd. 6. Yielding the Right-of-Way.** It is unlawful for any person operating a Snowmobile to enter any intersection without yielding the right-of-way to any vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard.

**Subd. 7. Persons Under Eighteen.**

- A. It is unlawful for any person under the age of fourteen (14) years to Operate a Snowmobile on streets, in City parks or other public land, or the roadway surface of highways, or make a direct crossing of a trunk, County State-aid, or County highway as the Operator of a Snowmobile. A person fourteen (14) years of age or older, but less than eighteen (18) years of age, may Operate a Snowmobile as permitted under this Section, only if s/he has in his possession, a safety certificate issued by the Commissioner, as provided by M.S.A. 84.872.
- B. It is unlawful for the Owner of a Snowmobile to permit the Snowmobile to be operated contrary to the provisions of this Subdivision.

**Subd. 8. Equipment.** It is unlawful for any person to Operate a Snowmobile any place within the City unless it is equipped with the following:

- A. Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cut-out, by-pass, straight pipe or similar device on a Snowmobile.
- B. Brakes adequate to control the movement of and to stop and hold the Snowmobile under any condition of operation.
- C. A safety or so-called "Deadman" throttle in operating condition.
- D. When operated between the hours of one-half hour after sunset to one-half hour before sunrise or at a time of reduced visibility, 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. Such head lamp shall be so aimed that glaring rays are not projected into the eyes of an

oncoming Snowmobile Operator. It 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 the hours of darkness under normal atmospheric conditions.

- E. Reflective material at least sixteen inches on each side, forward of the handlebars, or steering device of a Snowmobile and at the highest practical point on any towed object, as to reflect light at a 90 degree angle.

**Subd. 9. Locking Vehicles.** It is unlawful for any person to leave a Snowmobile on a public place unless s/he shall lock the ignition, remove the key and take the same with him.

**Subd. 10. Emergencies.** Notwithstanding the prohibition of operating a Snowmobile upon a roadway to the contrary, a Snowmobile may be operated on a public thoroughfare in an emergency during the period of time when, at locations where, snow upon the roadway renders travel by automobile impractical.

**Subd. 11. Animals.** It is unlawful to intentionally drive, chase, run over or kill any animal with a Snowmobile.

**Subd. 12. Signal From Officer to Stop.** It is unlawful for a Snowmobile Operator, after having received a visible or audible signal from any law enforcement officer to come to a stop, to

- (1) Operate a Snowmobile in willful or wanton disregard of such signal, or
- (2) interfere with or endanger the law enforcement officer or any other person or vehicle, or
- (3) increase his speed or attempt to flee or elude the officer.

**Subd. 13. Certain Statutes Adopted.** Minnesota Statutes, Sections 84.81 through 84.911, inclusive, as amended in 1987, together with rules and regulations promulgated thereunder, are hereby adopted by reference, incorporated herein, and made a part hereof, except as otherwise provided herein.

## **~~SEC. 8.11. RECREATIONAL MOTOR VEHICLES.—~~**

~~**Subd. 1. Purpose and Intent.** The purpose of this Section is to provide reasonable regulations for the use of recreational motor vehicles on public and private property in the City.— This Section is not intended to allow what Minnesota Statutes prohibit nor to prohibit what Minnesota Statutes expressly allow.— It is intended to prevent a public nuisance, and to protect and promote the public peace, health, safety and general welfare.~~

~~**Subd. 2. Definitions.** For purposes of this Section, the term "recreational motor vehicle" means:~~

- ~~A. Any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes including but not limited to trail bike, dirt~~

~~\_\_\_\_\_ bike, hovercraft, or any licensed or unlicensed motor vehicle or emergency vehicle as  
\_\_\_\_\_ defined in Minnesota statutes, section 169.01, which is being used for off road  
\_\_\_\_\_ recreational purposes. This definition does not include snowmobiles or golf carts.~~

~~\_\_\_\_\_ Source: Ordinance 27, 2<sup>nd</sup> series, Effective Date: 3-21-98~~

- ~~B. Three wheel off road vehicles, as defined in Minnesota Statutes, Section 84.92.~~
- ~~C. All terrain vehicles, having tracks or wheels, two or more of which provide propelling  
\_\_\_\_\_ force, capable of traveling on more than one terrain condition. This category includes  
\_\_\_\_\_ four wheel drive vehicles, amphibians, and sport tractors.~~
- ~~D. Low profile, self propelled recreational vehicles designed for conveyance of driver or  
\_\_\_\_\_ passenger, commonly referred to as "go-carts".~~

~~\_\_\_\_\_ Subd. 3. Unlawful Acts. It is a misdemeanor for any person to Operate a recreational  
motor vehicle in the City, as follows:~~

- ~~A. On the private property of another without the specific written permission of the owner  
\_\_\_\_\_ of said property. Written permission may be given by a posted notice of any kind or  
\_\_\_\_\_ description, so long as it specifies the kind of vehicles that the owner, occupant, or lessee  
\_\_\_\_\_ will allow, such as a notice stating: "Recreational Vehicles Allowed", "Trail Bikes  
\_\_\_\_\_ Allowed", "All Terrain Vehicles Allowed", or words substantially similar.~~
  - ~~B. On publicly owned property, including school grounds, parks, playgrounds, recreation  
\_\_\_\_\_ areas, and golf courses, except where specifically permitted by this Section.~~
  - ~~C. In a manner so as to create a loud, unnecessary, or unusual noise which unreasonably  
\_\_\_\_\_ disturbs, annoys, or interferes with the peace and quiet of other persons.~~
  - ~~D. On a public sidewalk or walkway provided or used for pedestrian travel.~~
  - ~~E. At any place while under the influence of intoxicating liquor, narcotics or habit forming  
\_\_\_\_\_ drugs.~~
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- ~~F. At a rate of speed greater than is reasonable or proper under all the surrounding  
\_\_\_\_\_ circumstances.~~
  - ~~G. At any place in a careless, reckless, or negligent manner so as to endanger or to be likely  
\_\_\_\_\_ to endanger any person or property, or to cause injury or damage thereto.~~
  - ~~H. On any public street, highway, or right of way unless properly licensed pursuant to  
\_\_\_\_\_ Minnesota law.~~
  - ~~I. To intentionally drive, chase, run over, or kill any animal, wild or domestic.~~

~~J. To Operate or halt any recreational motor vehicle carelessly or heedlessly in disregard of the rights or the safety of others or in a manner so as to endanger or to be likely to endanger any person or property, or in excess of 25 miles per hour on publicly owned lands.~~

~~K. Within 150 yards of any public recreational area, school, or public library. This provision does not apply to the occasional use of a recreational motor vehicle on private property for the purpose of loading or unloading it from a trailer or for mechanically checking it.~~

~~L. In any public drainage or roadside ditch, or in any private irrigation or drainage ditch without express, written permission of the owner of such ditch.~~

~~————~~ **Subd. 4. Street and Highway Crossings.**

~~A. It is a misdemeanor for any person under 14 years of age operating a recreational motor vehicle regulated herein to make a direct crossing of any street, highway, or public right-of-way.~~

~~B. It is a misdemeanor for any person 14 years of age or older to make any street or highway crossing with a recreational motor vehicle, which is not in compliance with the applicable provisions of Minnesota law.~~

~~————~~ **Subd. 5. Hours of Use.** No recreational motor vehicle shall be Operated in the City between the hours of 10:00 o'clock P.M. and 8:00 o'clock A.M.

~~————~~ **Subd. 6. Minimum Equipment Requirements.**

~~A. Mufflers of at least standard equipment noise reduction capacity shall be properly attached and in constant operation upon recreational motor vehicles. No person shall use a muffler cut-out, by-pass, straight pipe, or similar device on a recreational motor vehicle motor; and the exhaust system shall not emit or produce a sharp popping, crackling, or similar sound.~~

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~~B. Brakes should be adequate to control the movement of and to stop and hold a recreational motor vehicle under any conditions of operation.~~

~~C. At least one clear lamp shall be attached to the front of a recreational motor vehicle with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead During the hours of darkness under normal atmospheric conditions. Such headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming vehicle Operator. A recreational motor 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 the hours of darkness under normal~~

atmospheric conditions. This equipment shall be required and shall be in operating condition when the vehicle is Operated between the hours of one-half hour after sunset and one-half hour before sunrise or at times of reduced visibility.

~~Subd. 7. Designation of Public Areas for Use.~~

~~The Council may designate areas of public property for use of recreational motor vehicles by approval of a majority of the members of the Council. The areas designated may be changed from time to time by the Council. Any area designated shall be published in the official newspaper of the City in a conspicuous place after such approval. If an area is changed, such change shall be published in like manner in the official newspaper of the City. An up-to-date map of designated areas open for recreational motor vehicle use shall be kept on file in the office of the City Administrator or City Clerk and the City Administrator or Clerk shall provide on request a copy of such map together with the applicable rules, regulations, and this Section to each person requesting such information from the City. Ordinance 48 2<sup>nd</sup> Series, Sept. 9, 2000~~

- ~~A. Unless designed by the Council as an area for recreational motor vehicles, the use of such vehicles on City park and other property shall constitute a misdemeanor. Further, the use of City parks designated by the Council shall be in accordance with all of the applicable provisions of this Section and the rules and regulations of the City regarding parks and recreation.~~

~~SECT. 8.12. MOTORIZED GOLF CARTS~~

~~Subd. 1. Purpose and Intent. The purpose of this section is to provide reasonable regulations for the use of motorized golf carts on public right-of-ways within the City to gain access to and from Pebble Creek Golf Course. It is intended to prevent public nuisances, and to protect and promote the public peace, health, safety, and general welfare.~~

~~Subd. 2. Definitions.~~

- ~~A. The term "Motorized Golf Cart" means any passenger conveyance being driven with three (3) or four (4) wheels with low pressure tires and as otherwise defined by Minnesota Statutes.~~
- ~~B. The term "driver" means the person driving and having physical control over the motorized golf cart and being at least 16 years of age and has a valid driver's license to access Pebble Creek Golf Course and to use a cart on the premises.~~

~~Subd. 3. Permit Required. No person shall operate a motorized golf car without obtaining a permit or authorization for the motorized golf cart as provided herein on an annual basis.~~

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**A. ~~Application.~~** Every application for a permit shall be made on a form supplied by the City of Becker and shall contain or include the following information:

- ~~1. Name and Address of applicant~~
- ~~2. Model, Make, Name and Cart ID/VIN number.~~
- ~~3. Current Drivers License number.~~
- ~~4. Applicant signature and date.~~
- ~~5. Paid receipt for the annual trail fee at Pebble Creek Golf Course and documentation including a certificate of liability insurance in the amount of \$1,000,000. This shall be renewed on an annual basis or year-to-year.~~
- ~~6. Other such information which the city may require.~~
- ~~7. Only persons at least eighteen (18) years of age and holding a driver's license permitting the operation of motor vehicles in this state are eligible to obtain the permit(s).~~

**B. ~~Revoking of permit.~~** Applications for permits will be revoke dif it is found that:

- ~~1. The applicant no longer has a valid driver' license.~~
- ~~2. Golf cart use at Pebble Creek has been terminated due to a violation of Pebble Creek's rules relating to course usage, cart usage, and/or conduct.~~
- ~~3. Failure to abide by the rules and regulations o this section of the code.~~
- ~~4. Failure to abide by traffic laws in the use of a golf cart on city streets to access Pebble Creek Golf Course.~~
- ~~5. Failure to grant right of way to pedestrians and bicyelists.~~
- ~~6. The holder of the permit cannot safely operate the motorized golf cart on the designated roadway or poses a threat to the safety of others.~~
- ~~7. A permit may be revoked by the Chief of Police at any time or denied if it is shown that the permittee cannot safely or legally operate.~~
- ~~8. A permittee may appeal any such revocation or denial to the City Council by filing a notice of appeal at the City Clerk's office no later than 14 days after the date of notice of action to be appealed from.~~

**Subd. 4. Use of City Streets and right-of-ways.**

- A.** ~~Motorized golf carts shall be operated on city streets which have been designated by the council as designated cart routes which are set by resolution of the council.~~
- B.** ~~Only persons who have a valid permit issued by the city shall be authorized to use a golf cart on designated city streets for access to and from Pebble Creek Golf Course.~~
- C.** ~~When a person who does not reside on a designated cart route, the permit holder shall use the most direct route available to reach a designated route from said residence, but shall not operate the cart on any other street not designated as a cart route.~~

Except:

- 1.** ~~Sherburne Avenue shall not be used for cart travel except for the detached trail off of the roadway between Bradley Boulevard and Edgewood Street. The crossing of Sherburne Avenue is the only designated use of Sherburne Avenue.~~
  - 2.** ~~It is unlawful for any person to drive or operate a golf cart on any public sidewalk or public property designated for use as a pedestrian walkway or bicycle trail, except when crossing them to gain access to the other side, and as specified in 1 above.~~
- D.** ~~The use of golf cart on designated streets shall only be authorized from sunrise to sunset. 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 in vehicles on a roadway at a distance of 500 feet.~~
  - E.** ~~Motorized golf carts shall be equipped and display the slow moving vehicle emblem provided for in MS 169.522 when operated on designated routes and shall be affixed to the top portion of the cart near the rear.~~
  - F.** ~~Motorized golf carts must yield right-of-way to all pedestrians and bicycle traffic.~~
  - G.** ~~Motorized golf carts must travel as far to the right of the roadway as possible at all times.~~
  - H.** ~~Every person operating a motorized golf cart under permit on designated route has all the right and duties applicable to the driver of any other vehicle under the provisions of Chapter 169 of MS, except when those provisions cannot reasonable be applied to motorize golf carts and except as otherwise specifically provided in MS 169.045, Subdivision 7.~~
  - I.** ~~The number of occupants in the golf cart shall not exceed the design occupant load.~~

~~J. The use of golf carts on designated city streets shall be authorized during the golf season as designated by the Director of Golf at Pebble Creek Golf Course.~~

~~K. No person shall leave a key in the golf cart while unattended.~~

### **Subd. 5 Required Equipment**

~~A. Motorized golf carts shall not be operated unless they possess the following necessary equipment:~~

- ~~1. A VIN Number or other identifying number~~
- ~~2. Approved tires for use on the golf course~~
- ~~3. Slow moving vehicle sign (Subd. 4E)~~

~~**Subd 6. Liabilities.**— Nothing in this section of the code 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 motorized golf cart by a permit holder or the failure by the City to revoke said permit. *Source: Ordinance 27, 2<sup>nd</sup> Series, Effective Date: 3-21-98;*~~

~~*Source Ordinance 166, 2<sup>nd</sup> Series, Effective Date: March 4, 2013*~~

## **SEC. 8.11. RECREATIONAL MOTOR VEHICLES.**

### **Subd. 1. Regulation of Recreational Vehicles**

**A. Purpose and Intent.** The purpose of this ordinance is to provide reasonable regulations for the use of specialty and recreational motor vehicles on public and private property in the city. This ordinance is not intended to allow what the Minnesota Statutes prohibit or to prohibit what the Minnesota Statutes expressly allow. It is intended to ensure the public safety and prevent a public nuisance.

**B. Definitions.** For the purpose of this ordinance, the following definition shall apply unless the context clearly indicates or requires a different meaning:

- 1. RECREATIONAL MOTOR VEHICLE.** Any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes including, but not limited to trail bike, off-highway motorcycle, as defined by Minn. Stat. § 84.787, subd. 7, as it may be amended from time to time, or other all-terrain vehicle as defined by Minn. Stat. 84.90 and Minn. Stat. § 84.92, subd. 8-10 as it may be amended from time to time, or motorized go-carts, hovercraft, or motor vehicle licensed for highway operation, which is being used for off-road recreational purposes, but not including motorized golf carts, personal electric mobility devices, motorized foot scooters, neighborhood electric vehicles,

medium-speed electric vehicles, or mini-trucks.

**C. Recreational Vehicle Operation Requirements.** It is unlawful for any person to operate a recreational motor vehicle as listed below:

1. No person shall enter on any land not owned by the person for the purpose of operating a recreational motor vehicle without specific written or oral permission from the owner, or person with lawful control of the property.
2. On publicly owned land, including schools, city streets, boulevards, park property, playgrounds, recreation areas, golf courses and greenways, except where permitted by this ordinance, and as permitted by Section 630.03, 2a & 2b.
  - i. An All-terrain vehicle as defined by Minn. Stat. § 84.92 subd. 8, Class 1 ATV as defined by Minn. Stat. § 84.92 subd. 9, and Class 2 ATV as defined Minn. Stat. § 84.92 subd 10 shall be permitted to operate on a city street, or other city roadway and parking lot designed for vehicular traffic in accordance with Chapter 8.
  - ii. A snowmobile as defined under Minn. Stat. § 84.81 may be operated on a city street for the exclusive purpose of traveling the most direct route to, and from a place designated or permissible for operation. A snowmobile must be operated as far to the right of the roadway nearest the curb as practical.
3. 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.
4. On a public sidewalk, walkway, walking path, or bike trail provided or used for pedestrian or bicycle travel.
5. At a place while under the influence of intoxicating liquor or narcotics or habit-forming drugs.
6. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.
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.
8. On any public street, highway, or right-of-way unless registered pursuant to Minnesota law.
9. To intentionally drive, chase, run over, or kill any animal, wild or domestic.

10. By halting any recreational motor vehicle 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.
11. Without a functioning headlight, taillight, and stoplight.
12. Without a brake operational by either hand or foot.
13. On residential lots less than two and one-half (2 ½) acres in size unless the purpose is for maintenance, plowing, or other work-related activities.
14. Helmet and seat belts requirements shall be regulated in accordance with Minn. Stat. § 84.9256 subd. 2 Helmet and Seatbelts Required.
15. All-terrain vehicles and passengers.
  - i. No person under 18 years of age shall operate a Class 1 All-Terrain Vehicle while carrying a passenger except for a parent or lawful guardian. For the purposes of this section a CLASS 1 ALL-TERRAIN VEHICLE means an all-terrain vehicle that has a total dry weight of less than 900 pounds.
  - ii. No person under 18 years of age shall operate a Class 2 All-Terrain Vehicle while carrying a passenger except for a parent or lawful guardian. For the purposes of this section a CLASS 2 ALL-TERRAIN VEHICLE means an all-terrain vehicle that has a total dry weight of 1,000 to 1,800 pounds.

**D. Street Crossings.**

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 10 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.
2. A Recreational Vehicle may make a direct crossing of a public road right-of-way provided:
  - i. 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.

- ii. The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the road.
- iii. The driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard.
- iv. In crossing a divided road, the crossing is made only at an intersection of the road with another public road.
- v. If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

**E. Hours of Operation.** Hours for use are sunrise to sunset.

**F. Minimum Equipment Requirements**

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, or emit in excess of 99db from a distance of 20 inches.
2. Brakes shall be adequate to control the movement of and to stop and hold under any conditions of operation.
3. At least one clear lamp shall be 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 under normal atmospheric conditions. The head lamp shall be so that glaring rays are not projected into the eyes of an oncoming vehicle operator. It 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 the hours of darkness under normal atmospheric conditions. This equipment shall be required and shall be in operating condition when the vehicle is operated between the hours of one-half hour after sunset and one-half hour before sunrise, or at times of reduced visibility.

**G. Designation of Public Areas for Use**

1. The Council may designate areas and exclusive city streets for use of recreational motor vehicles by Ordinance approval by a majority of the members of the City Council. The areas designated may be changed from time to time by the City Council. Any area designated shall be published in the official newspaper of the city. If an area is changed, the change shall be published in like manner in the

official newspaper of the city. An up-to-date map of any designated park areas open for recreational motor vehicle use shall be kept on file in the office of the city clerk, who shall provide on request a copy of the map together with the applicable rules, regulations, and this ordinance to each person requesting the information from the city.

2. Unless designated by the City Council as an area for recreational motor vehicles, the use on city park property and city streets shall be unlawful. Further, the use of city parks designated by the City Council shall be in accordance with all of the applicable provisions of this ordinance.

**H. Public Safety Usage.** Notwithstanding the prohibitions in this Section, a recreational vehicle may be operated in a time, a place deemed appropriate by an official public safety entity in accordance with their lawful duties.

**I. Penalty.** All violations of this Section shall be a misdemeanor offense

## **Subd. 2. Regulation of Specialty Vehicles**

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

1. **DRIVER.** The person driving and having physical control over the motorized golf cart, utility task vehicle, all-terrain vehicle, or mini-truck and being the licensee.
2. **MOTORIZED GOLF CART.** 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 of less than 800 pounds.
3. **UTILITY TASK VEHICLE.** As defined by Minn. Stat. § 169.045, subd. 1 (3). 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.
4. **MINI-TRUCK.** As defined in Minn. Stat. § 169.011, subd. 40(a), a motor vehicle that has four wheel; 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 a 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; or a

motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, sections 571.500, as it may be amended from time to time.

- B. Permit Required for Operation of Specialty Vehicles.** No person shall operate a motorized golf cart, utility task vehicle, all-terrain vehicle, or mini-truck on streets, alleys, sidewalks or other public property without obtaining a permit as provided herein.
1. 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. nature of the applicant's physical handicap, if any; 3. model name, make, and year and number of the motorized golf cart, all-terrain vehicle or mini-truck; 4. current driver's license or reason for not having a current license; 5. other information as the City may require.
  2. Any applicable permit fees shall be as set forth in the adopted City's Fee Schedule.
  3. Permits shall be granted for a period of up to three (3) years and may be renewed.
  4. 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 utility task vehicle or all-terrain vehicle on the roadways designated; 3. The applicant must provide evidence of insurance in compliance with the provisions of Minnesota Statutes concerning insurance coverage for the motorized golf cart, utility task vehicle, all-terrain vehicle or mini-truck; 4. The applicant has not had his or her driver's license revoked as the result of criminal proceedings.
  5. Motorized golf carts, utility task vehicles, all-terrain vehicles, and mini-trucks are permitted to operate only on city streets, not state or federal highways, except to cross at designated intersections.
  6. Motorized golf carts, utility task vehicles and all-terrain vehicles may only be operated on designated roadways from sunrise to sunset only. They shall not be operated in inclement weather conditions or at any time when there is insufficient light to clearly see person and vehicles at a distance of 500 feet.
  7. Motorized golf carts shall visibly display the slow-moving vehicle emblem provided for in MN Stat 169.045, as it may be amended from time to time, when operated on designated roadways.
  8. Motorized golf carts, utility task vehicles, all terrain vehicles, and mini-trucks shall be equipped with a rear-view mirror to provide the driver with adequate

vision from behind as required by MN Stat 169.70.

9. The operator of a motorized golf cart, utility task vehicle, all-terrain vehicle, or minitruck may cross any street or highway intersecting a designated roadway.
10. The Chief of Police may suspend or revoke a permit granted hereunder upon a finding that the holder thereof if there is evidence that the permit holder cannot safely operate the motorized golf cart, utility task vehicle, all-terrain vehicle, or mini-truck on the designated roadways. The applicant reserves the right to appeal this suspension or revocation to the City Council. Penalties may include:
  - i. All driving offenses are subject to the provisions of the MN State Statutes Chapter 169 and drivers may be subject to an appearance in district court. Citable offenses may result in a revocation of the permit. Vehicles found without a permit or in violation of equipment requirements may be cited administratively and under the provisions of the City fee schedule.
  - ii. Revocations are subject to the severity of the offense alleged or observed and investigated by the police department. The permit holder is subject to the provisions of this chapter in which the following may occur:
    - a. 1<sup>st</sup> offense: revocation of permit for 1 year from the date of the offense, \$75.00 Administrative Fine.
    - b. 2<sup>nd</sup> offense: revocation of permit for 3 years from the date of the offense, \$150.00 Administrative Fine.
    - c. 3<sup>rd</sup> offense: revocation of permit is indefinite, \$300.00 Administrative Fine.
  - iii. Reinstatement of a permit requires a new permit registration to be completed and submitted.
11. The number of occupants on the motorized golf cart, utility task vehicle, all-terrain vehicle, or mini-truck may not exceed the design occupant load.
12. Every person operating a motorized golf cart, utility task vehicle, an all-terrain vehicle, or 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 MN State Statutes 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 MN Stat CH 169.045, Subd. 7, as it may be amended from time to time.
13. Operation of a motorized golf cart for access for use at Pebble Creek Golf Course will require a separate permit from Pebble Creek Golf Course. This permit will

require an inspection prior to use on the golf course and payment of a fee as designated in the City fee schedule.

**C. Authorized Operators.** Authorized city staff may operate city owned motorized golf carts, all-terrain vehicles, utility task vehicles, and mini-trucks without obtaining a permit within the city on city streets, sidewalks, trails, rights-of-way, and public property when conducting official city business.

**D. Mini-Truck Equipment Requirements:**

1. A mini-truck may be operated under permit on designated roadways if it is equipped with all of the following:
  - i. At least two headlamps
  - ii. At least two tail lamps
  - iii. Front and Rear turn-signal lamps
  - iv. 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
  - v. A windshield
  - vi. A seat belt for the driver and front passenger
  - vii. A parking brake
2. Penalty. All violations of this Section shall be a misdemeanor offense.

**E. Operation of Electric Personal Assistive Mobility Devices**

1. Electric Personal Assistive Mobility Device. Means a self-balancing device with two non-tandem wheels, designed to transport not more than one person, and operated by an electric propulsion system that limits the maximum speed of the device to 15 miles per hour.
2. Except as otherwise provided by law, a person operating an electric personal assistive mobility device has the rights and responsibilities of a pedestrian.
3. Operation.

- i.** An electric personal assistive mobility device may be operated on a bicycle path.
- ii.** No person may operate an electric personal assistive mobility device on a roadway, sidewalk, or bicycle path at a rate of speed that is not reasonable and prudent under the conditions. Every person operating an electric personal assistive mobility device on a roadway, sidewalk, or bicycle path is responsible for becoming and remaining aware of the actual and potential hazards then existing on the roadway or sidewalk and must use due care in operating the device.
- iii.** An electric personal assistive mobility device may be operated on a roadway only under the following circumstances:

  - a.** While making a direct crossing of a roadway in a marked or unmarked crosswalk.
  - b.** Where no sidewalk is available.
  - c.** Where a sidewalk is so obstructed as to prevent safe use.
  - d.** When so directed by a traffic control device or by a peace officer.
  - e.** Temporarily in order to gain access to a motor vehicle.
- iv.** An electric personal assistive mobility device may not be operated at any time on a roadway with a speed limit of more than 35 miles per hour except to make a direct crossing of the roadway in a marked crosswalk.
- v.** An electric personal assistive mobility device may not be operated at any time while carrying more than one person.
- vi.** Designated exclusive city streets. The City Council may, by resolution, designate exclusive city streets within its jurisdiction where the operation of electric personal assistive mobility devices is not permitted, provided that any street so designated has a speed limit of more than 35 miles per hour.
- vii.** A person operating an electric personal assistive mobility device on a sidewalk must yield the right-of-way to pedestrians at all times. A person operating an electric personal assistive mobility device on a bicycle path must yield the right-of-way to bicycles at all times.
- viii.** An electric personal assistive mobility device may not be operated unless the device bears reflectorized material on the front, back, and wheels, visible at night from 600 feet when illuminated by the lower beams of

headlamps of a motor vehicle.

4. All violations of this Section shall be a misdemeanor offense.

## **F. Motorized Foot Scooters**

### **1. Definitions:**

- i. MOTORIZED FOOT SCOOTER. Means a device with handlebars designed to be stood or sat upon by the operator, and powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion, and that has no more than two 12-inch or smaller diameter wheels and has an engine or motor that is capable of a maximum speed of 15 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged. An electric personal assistive mobility device, a motorized bicycle, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter.

### **2. Operation.**

- i. Operation of a motorized foot scooter on city bicycle paths, bicycle lanes, bicycle trails, or bikeways is prohibited except as provided in this section. The City Council may, by resolution designate specific bicycle paths, bicycle lanes, bicycle trails, or bikeways as available for use by motorized foot scooters.
- ii. Every person operating a motorized foot scooter shall have all rights and duties applicable to the operator of a bicycle, except in respect to those provisions relating expressly to motorized foot scooters and in respect to those provisions of law that by their nature cannot reasonably be applied to motorized foot scooters.
- iii. No person may operate a motorized foot scooter upon a sidewalk, except when necessary to enter or leave adjacent property. No person may operate a motorized foot scooter that is carrying any person other than the operator.
- iv. No person under the age of 12 years may operate a motorized foot scooter.
- v. No person under the age of 18 years may operate a motorized foot scooter without wearing properly fitted and fastened protective headgear that complies with standards established by the commissioner of Public Safety.
- vi. A motorized foot scooter must be equipped with a headlight and a taillight that comply with standards established by the commissioner of Public

Safety if the vehicle is operated under conditions when vehicle lights are required by law.

- vii. A person operating a motorized foot scooter on a roadway shall ride as close as practicable to the right-hand curb or edge of the roadway, except in the following situations:
  - a. When overtaking and passing another vehicle proceeding in the same direction.
  - b. When preparing for a left turn, in which case the operator shall stop and dismount at the right-hand curb or right edge of the roadway, and shall complete the turn by crossing the roadway on foot, subject to restrictions placed by law on pedestrians.
  - c. When reasonably necessary to avoid impediments or conditions that make it unsafe to continue along the right-hand curb or edge, including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes.

3. All violations of this Section shall be a misdemeanor offense.

## **G. Medium-Speed Electric Vehicles and Neighborhood Electric Vehicles**

### **1. Definitions:**

- i. MEDIUM SPEED ELECTRIC VEHICLE. Means an electrically powered four-wheeled motor vehicle, equipped with a roll cage or crushproof body design, that can attain a maximum speed of 35 miles per hour on a paved level surface, is fully enclosed and has at least one door for entry, has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater, and except with respect to maximum speed, otherwise meets or exceeds regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements.
- ii. NEIGHBORHOOD ELECTRIC VEHICLE. Means an electrically powered motor vehicle that has three or four wheels and has a speed attainable in one mile of at least 20 miles per hour, but not more than 25 miles per hour on a paved level surface.

### **2. Operation.**

- i. Operation of neighborhood electric vehicles on city streets is prohibited except as provided in Sec. 8.12, Subd. 7, B. 2.

- ii. Use on designated exclusive city streets. The City Council may, by Ordinance, designate exclusive city streets within its jurisdiction where the operation of neighborhood electric vehicles or medium-speed electric vehicles is permissible, provided that no street so designated has a speed limit of more than 35 miles per hour.
- iii. A neighborhood electric vehicle or a medium-speed electric vehicle may be operated on public streets and highways only if it meets all equipment and vehicle safety requirements in Code of Federal Regulations, title 49, section 571.500, as it may be amended from time to time. 634.03
- 3. Authorized Operators. Authorized city staff may operate city owned neighborhood electric vehicles and medium-speed electric vehicles within the city on city streets, sidewalks, trails, rights-of-way, and public property when conducting city business.
- 4. Penalty. All violations of this Section shall be a misdemeanor offense

(Sections 8.12 through 8.98, inclusive, reserved for future expansion.)

**SEC. 8.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR.** A person violates a Section, Subdivision, Paragraph or Provision of this Chapter when that person performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, such violation shall be punishable as follows:

**Subd. 1.** Where the specific Section, Subdivision, Paragraph or Provision specifically makes the violation thereof a misdemeanor, the violation shall be punishable as 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, the violation shall be punishable as a misdemeanor; where the violation constitutes the third or greater violation, exclusive of parking violations, the violation shall be punishable as a misdemeanor.

**Subd. 2.** Any violation not punishable as a misdemeanor under the provisions of this Subdivision, shall be punishable as a petty misdemeanor. *Source: Ordinance 134 2<sup>nd</sup> Series, Effective Date: 5-18-09,*