

ORDINANCE NO. _____

AN ORDINANCE REGULATING SPECIAL VEHICLES.

The City Council of Glencoe, Minnesota ordains:

Section 1: Section 426 of the Glencoe Municipal Code is replaced in its entirety and hereby amended as follows:

§ 426.01. SPECIAL VEHICLES: UTILITY TASK VEHICLES, CLASS 1 CLASS 1 ALL-TERRAIN VEHICLES

DEFINITIONS

DRIVER. The person driving and having physical control over a Utility Task Vehicle or Class 1 All-Terrain Vehicle, and also being the licensee.

ALL TERRAIN VEHICLE OR ATV. means a motorized vehicle with: (1) not less than four, 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. Class 1 All-Terrain Vehicle includes a class 1 Class 1 All-Terrain Vehicle and class 2 Class 1 All-Terrain Vehicle. Class 1 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 OR CLASS 1 ATV As defined by Minn. Stat. § 84.92, subd. 9 means any All-Terrain Vehicle that has a total width from outside of tire rim to outside of tire rim that is 50 inches or less.

UTILITY TASK VEHICLE OR UTV. 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. For the purposes of this section, a Class 2 All-Terrain Vehicle, as defined in Minn. Stat. § 84.92, subd. 10, shall be considered a Utility Task Vehicle or UTV if it otherwise meets the definition of a UTV as prescribed herein.

DESIGNATED CITY ROADWAYS. Those certain established City roadways within the City rights-of-way in which the City Council from time to time designates by majority resolution as roadways in which UTVs or Class 1 ATVs may travel upon, subject to the terms and conditions of this ordinance. Designated City Roadways shall be published in the form of a map clearly delineating those certain roads determined to be Designated City Roadways. Alleyways are not considered Designated City Roadways, except for the purpose of accessing a Licensee's residence or commercial property.

(A) (1) No person shall operate a Utility Task Vehicle, or a Class 1 All-Terrain Vehicle within the corporate limits of the City without obtaining a permit as provided herein or unless their operation qualifies as exempt.

(2) Permit Application. Every application for a permit hereunder shall be made on a form supplied by the City and shall contain the following information which shall be true and correct at the time of application and thereafter:

(a) The name, age and address of the vehicle owner applicant.

(b) Proof of a Utility Task Vehicle, or Class 1 All-Terrain Vehicle insurance policy covering the vehicle and applicant owner for the duration of the permit term and in compliance with the provisions of Minnesota Statutes concerning insurance coverage for the Utility Task Vehicle or Class 1 All-Terrain Vehicles.

(c) Model name, make, and year and number (manufacturer identification) of the Utility Task Vehicle or Class 1 All-Terrain Vehicle.

(d) A copy of a valid state issued driver's license belonging to the applicant.

(e) A certification that the applicant owner applicant can safely operate a Utility Task Vehicle or Class 1 All-Terrain Vehicle.

(f) A certification which shall include but not be limited to that the applicant has received and reviewed the City's map of Designated City Roadways, has reviewed this ordinance, that the licensed vehicle can be operated safely within a City right-of-way based upon manufacturer's guidance(s), a certification that the vehicle has been inspected by city staff for compliance with city ordinances and state law, and a certification that the applicant has completed all safety training mandated by City Council.

(g) Other information as may be required by City staff, the chief of police, City Council, or Minnesota state law.

(3) Permit Fee. The permit fee shall be as otherwise set forth in the City's fee schedule and not less than \$50 per term.

(4) Permit Term. Permits shall be granted for a term of one calendar year from January 1 to December 31st (regardless of what month the permit is issued) and must be renewed through an annual application and payment applicable permit fee payment pursuant to the requirements of this section.

(5) Permit Conditions. No permit shall be granted or renewed unless the following conditions are met:

- (a) The applicant vehicle owner must demonstrate that he or she currently holds a valid state issued driver's license.
- (b) The applicant shall be 18 years of age or older at the time the permit for UTV or Class 1 ATV is granted.
- (c) The applicant shall demonstrate or otherwise certify that they are the owner or lessor of the UTV or Class 1 ATV being licensed.
- (d) The applicant shall submit a true and correct acknowledgement and certification of the following:
 - i. That the applicant can safely operate a Utility Task Vehicle or Class 1 All-Terrain Vehicle pursuant to the terms and conditions of this ordinance.
 - ii. The applicant has received and reviewed the City's map of Designated City Roadways.
 - iii. The applicant has received a copy of and reviewed this ordinance.
 - iv. That the licensed vehicle can be operated safely within a City right-of-way based upon manufacturer's guidance(s).
 - v. That the vehicle has been inspected by City or police department staff for compliance with city ordinances and state law.
 - vi. That the applicant has completed all safety training mandated by City Council.
 - vii. The applicant has not had his or her driver's license revoked as the result of traffic violations or criminal proceedings, and the applicant authorizes the Glencoe police department to confirm the validity of this statement.
 - viii. The applicant must provide evidence of insurance valid for no shorter than the permit term and in compliance with the provisions of Minnesota Statutes concerning insurance coverage for Utility Task Vehicle, or Class 1 All-Terrain Vehicle.

(6) Permitted Operation(s) – Designated City Roadways. No permit or license under this section shall be required for vehicles or Drivers that exclusively operate within and upon private property, and such use shall be considered the sole exemption from the requirements of this ordinance. Any use or operation within the City's corporate limits of a UTV or Class 1 ATV not otherwise considered exempt shall be restricted to Drivers operating vehicles which the City has issued a permit under this ordinance. Any Driver of a UTV or Class 1 ATV shall only operate upon those portions of paved City rights-of-

way that are both marked for motor vehicle traffic and specified as Designated City Roadways, or as otherwise allowed under this section. A Driver must always possess proof of a valid and current permit granted under this section and display said permit in plain sight in the rear left portion of the Vehicle, and a valid and current proof of insurance in compliance with the provisions of Minnesota Statutes concerning insurance coverage for Utility Task Vehicle, or Class 1 All-Terrain Vehicle.

(7) Operation upon Non-Designated City Roadways. No Driver shall operate a UTV or Class 1 ATV upon a county, state, or federal right-of-way that is not a Designated City Roadway.

(8) Requirements Specific to Utility Task Vehicles. Notwithstanding anything to the contrary herein, Utility Task Vehicles may only be operated upon Designated City Roadways from sunrise to sunset. They shall not be operated pursuant to this section during inclement weather conditions or at any time when there is insufficient light to clearly see persons or vehicles on the roadway at a distance of 500 feet.

(9) Requirements Specific to Class 1 All-Terrain Vehicles. Notwithstanding anything to the contrary herein, Class 1 ATVs shall only be operated upon Designated City Roadways from sunrise to sunset. Class 1 ATVs shall not be operated pursuant to this section during inclement weather conditions or at any time when there is insufficient light to clearly see persons or vehicles on the roadway at a distance of 500 feet. No Driver shall operate a Class 1 ATV without eye protection.

(10) Street Crossings. The Driver of a Utility Task Vehicle, or Class 1 All-Terrain Vehicle may directly cross any street or highway intersecting a Designated City Roadway, regardless of whether that street or highway being crossed is a Designated City Roadway.

(11) Compliance with Traffic and Motor Vehicle Laws. A permitted Driver or any person operating a Utility Task Vehicle or Class 1 All-Terrain Vehicle unlawfully without a permit under this section has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stat. ch. 169, subd. 6, as it may be amended from time to time, except when these provisions cannot reasonably be applied and except as otherwise specifically provided in Minn. Stat. § 169.045, subd. 7, as it may be amended. Notwithstanding the foregoing, a permitted Driver or any person operating a UTV or Class 1 ATV unlawfully without a permit shall at all time observe all Minnesota statutes and City ordinances applicable to traffic and motor vehicles, including but not limited to the following which shall be unlawful:

- a. At a rate of speed or rate of acceleration greater than reasonable or proper under all the surrounding circumstances and in no event at a rate of speed greater than the posted speed limit.
- b. In a careless, reckless, or negligent manner so as to endanger other persons or property.

- c. To tow anything including any person or object, unless the UTV or Class 1 ATV is towing a street legal trailer to or from the City's yard waste and/or compost facility.
- d. In a manner creating loud, unnecessary or unusual noise, or that otherwise disturbs or interferes with the peace and quiet of other persons.
- e. Without a headlight and taillight illuminating at all times, each of minimum candlepower as prescribed by rules of Commissioner of Public Safety.
- f. Without brakes conforming to standards prescribed by rule of the Commissioner.
- g. Without a rear-view mirror to provide the driver with adequate vision from behind as required by Minn. Stat. § 169.70.
- h. Without property functioning front turn signals, rear turn signals, front headlamps, rear headlamps, an electronically actuated horn, and a speedometer.
- i. To operate a ATV or UTV upon City right-of-way without complying with manufacturer's guidance on safe street operation, including but not limited to tires designed for street operation.
- j. To travel with a passenger(s) except as authorized by Minn. Stat. §84.9257(a) or (b).

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(12) Suspension. The City Council may suspend or revoke any permit granted hereunder upon a majority finding by a preponderance of the evidence at an open meeting that the Driver either has violated any of the provisions of this section or Minn. Stat. ch. 169, as it may be amended from time to time, or cannot safely operate the UTV or Class 1 ATV. Upon a Driver's third conviction within a three-year period for violating this section or any applicable Minnesota statute, the Driver's permit under this section shall be administratively revoked without any action of the City Council and no new permit shall be granted or renewed for a one-year period.

(13) Safety Curriculum Requirements. Unless and until otherwise directed by the City Council, the Chief of Police shall create and implement a public safety curriculum and any permit applicant shall be required to complete said curriculum prior to the approval of any permit application or renewal.

(14) City Exemption. The terms and conditions of this ordinance shall not apply to City employees operating City owned UTVs while in the performance of their job duties.

(15) Penalty. Any person convicted of violating any provision of this chapter shall be guilty of a misdemeanor. Notwithstanding violating the provisions of this chapter, any person convicted of violating parking, traffic or vehicles laws or regulations in the

operation of a vehicle regulated pursuant to this chapter shall be subject to those criminal and/or civil procedures or penalties which are assigned to such offenses.

Passed by the City Council of _____, Minnesota this _____ day of _____, 2021.

Ryan Voss, Mayor

Attested:

Mark Larson, City Administrator