

## CHAPTER 73: RECREATIONAL AND OTHER VEHICLES

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### ' 73.01 PURPOSE AND INTENT.

(A) (1) The purpose of this chapter is to provide reasonable regulations for the use of recreational motor vehicles on public and private property in the city.

(2) This chapter is not intended to allow what the Minnesota Statutes prohibit nor to prohibit what the Minnesota Statutes expressly allow.

(B) It is intended to ensure the public safety and prevent a public nuisance.

### ' 73.02 DEFINITIONS.

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

***ALL-TERRAIN VEHICLE.*** Any all-terrain vehicle as defined by M.S. ' 84.92, as it may be amended from time to time.

***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 M.S. ' 84.787, Subd. 7, as it may be amended from time to time, or other all-terrain vehicle as defined by M.S. ' 84.92, Subd. 8, as it may be amended from time to time, utility task vehicle, motorized go-carts, hovercraft or motor vehicle licensed for highway operation which is being used for off-road recreational purposes, but not including golf carts defined by ' 73.08, personal electric mobility devices defined by ' 73.09, motorized foot scooters defined by ' 73.10, neighborhood electric vehicles or medium speed

electric vehicle as defined by ' 73.11, and mini-trucks defined by ' 73.08.

***UTILITY TASK VEHICLE.*** 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 as defined by M.S. ' 169.045 as amended from time to time.

### **' 73.03 OPERATION REQUIREMENTS.**

It is unlawful for any person to operate a recreational motor vehicle:

(A) On private property of another without specific written permission of the owner of the property; (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 ARecreational Vehicles Allowed,@ ATrail Bikes Allowed,@ AAll-Terrain Vehicles Allowed@ or words substantially similar.)

(B) On publicly-owned land, including school, exclusive city streets, park property, playgrounds, recreation areas and golf courses, except where permitted by this chapter;

(C) In a manner so as to create a loud, unnecessary or unusual noise which 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) While under the influence of intoxicating liquor or narcotics or habit-forming drugs;

(F) At a rate of speed greater than reasonable or proper under all the surrounding circumstances;

(G) 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;

(H) On any public street, highway or right-of-way unless licensed and registered pursuant to Minnesota law;

(I) To intentionally drive, chase, run over or kill any animal, wild or domestic;

(J) 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 or in excess of 25 miles per hour on publicly-owned lands; and/or

(K) 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;

(L) Without headlight and taillight lighted at all times if the vehicle is equipped with headlight and taillight;

(M) Without a functioning stoplight if so equipped;

(N) Without a brake operational by either hand or foot;

(O) 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;

(P) *Without a helmet or seat belt.*

(1) A person less than 18 years of age shall not ride as a passenger or as an operator of a 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.

(2) A person less than 18 years of age shall not ride as a passenger or as an operator of a vehicle regulated herein without wearing a seat belt when such seat belt has been provided by the manufacturer.

(Q) *All-terrain vehicles and passengers.*

(1) No person under 18 years of age shall operate 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 1,200 pounds.

(2) No person under 18 years of age shall operate 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 1,200 to 1,800 pounds.

Penalty, see ' 10.99

#### ' 73.04 STREET CROSSINGS.

(A) 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.

(B) *Additional restrictions for all-terrain vehicles.* An all-terrain vehicle may make a direct crossing of a public road right-of-way provided:

(1) 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;

(2) The vehicle is brought to a complete stop before crossing the shoulder of main-traveled way of the road;

(3) The driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard;

(4) In crossing a divided road, the crossing is made only at an intersection of the road with another public road; and

(5) 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. Penalty, see ' 10.99

### **' 73.05 HOURS OF OPERATION.**

Hours for use are 8:00 a.m. to 10:00 p.m.  
Penalty, see ' 10.99

### **' 73.06 MINIMUM EQUIPMENT REQUIREMENTS.**

(A) 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.

(B) Brakes shall be adequate to control the movement of and to stop and hold under any conditions of operation.

(C) 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.

Penalty, see ' 10.99

### **' 73.07 DESIGNATION OF PUBLIC AREAS FOR USE.**

(A) The Council may designate areas and exclusive city streets for use of recreational motor vehicles by approval of a resolution 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 in a conspicuous place after the approval. 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 Administrator/Clerk, who shall provide on request a copy of the map together with the applicable rules, regulations and this chapter to each person requesting the information from the city.

(B) 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 chapter.

Penalty, see ' 10.99

### **' 73.08 MOTORIZED GOLF CARTS, UTILITY TASK VEHICLES AND MINI TRUCKS.**

(A) (1) No person shall operate a motorized golf cart, utility task vehicles or mini truck on streets, alleys, sidewalks or other public property without obtaining a permit as provided herein.

(2) Every application for a permit shall be made on a form supplied by the city and shall contain 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 and year and number of the motorized golf cart, utility task vehicle or mini truck;

(d) Current driver's license or reason for not having a current license; and

(e) Other information as the city may require.

(3) The annual permit fee shall be as set forth in the Ordinance Establishing Fees and Charges adopted pursuant to ' 30.11 of this code, as that ordinance may be amended from time to time.

(4) Permits shall be granted for a period of one year and may be renewed annually January 1 to December 31.

(5) 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 motorized golf cart, utility task vehicle or mini truck on the roadways designated;

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

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

(6) Motorized golf carts, 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.

(7) Motorized golf carts, utility task vehicles or mini trucks may only be operated on designated roadways from sunrise to sunset. They shall not be operated in inclement weather 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.

(8) Motorized golf carts shall display the slow-moving vehicle emblem provided for in M.S. ' 169.045, Subd. 4, as it may be amended from time to time, when operated on designated roadways.

(9) Motorized golf carts, utility task vehicles or mini trucks shall be equipped with a wing-style rear view mirror to provide the driver with adequate vision from behind as required by M.S. ' 169.70 as is may be amended from time to time.

(10) The operator of a motorized golf cart, utility task vehicle or mini truck may cross any street or highway intersecting a designated roadway.

(11) Every person operating a motorized golf cart, utility task 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 M.S. Ch. 169, as it may be amended from time to time, except when these provisions cannot reasonably be applied to motorized golf carts, utility task vehicles or mini trucks and except as otherwise specifically provided in M.S. ' 169.045(7), as it may be amended from time to time.

(12) 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. 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 or mini truck on the designated roadways.

(13) The number of occupants in the golf cart, utility task vehicle or mini truck may not exceed the design occupant load.

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

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

**MINI TRUCK.** As defined in M. S. ' 169.011, Subd. 40a, 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.

(C) Authorized city staff may operate city owned motorized golf carts, 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 city business.

(D) Mini truck equipment requirements:

(1) A mini truck may be operated under permit on designated roadways if it is equipped with:

(a) At least two headlamps;

(b) At least two tail lamps;

(c) Front and rear turn-signal lamps;

(d) 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;

(e) A windshield;

- (f) A seat belt for the driver and front passenger; and
- (g) A parking brake.

***MOTORIZED GOLF CART.*** Any passenger conveyance being driven with three or four wheels with three or four low pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds.

**' 73.09 OPERATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.**

(A) ***ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE*** means a self-balancing device with two nontandem 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.

(B) Except as otherwise provided by law, a person operating an electric personal assistive mobility device has the rights and responsibilities of a pedestrian.

(C) *Operation.*

(1) An electric personal assistive mobility device may be operated on a bicycle path.

(2) 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.

(3) 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; or

(e) Temporarily in order to gain access to a motor vehicle;

(f) 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;

(g) As provided in division (7) below by Council resolution.

(4) An electric personal assistive mobility device may not be operated at any time while carrying more than one person.

(5) 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.

(6) 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.

(7) *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 permissible, provided that no street so designated has a speed limit of more than 35 miles per hour.

### ' 73.10 **MOTORIZED FOOT SCOOTERS.**

(A) ***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% 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.

(B) Operation of a motorized foot scooter on city bicycle paths, bicycle lanes, bicycle trails, or bikeways is prohibited except as provided in division (C) below.

(C) The City Council may, by resolution, designate specific bicycle paths, bicycle lanes, bicycle trails, or bikeways as available for use by motorized foot scooters.

(D) 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.

(E) 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.

(F) No person under the age of 12 years may operate a motorized foot scooter.

(G) 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.

(H) 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.

(I) 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;

(1) When overtaking and passing another vehicle proceeding in the same direction;

(2) 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; or

(3) 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.

### ' 73.11 MEDIUM SPEED ELECTRIC VEHICLES AND NEIGHBORHOOD ELECTRIC VEHICLES.

(A) *Definitions.*

(1) ***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 ten 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.

(2) ***NEIGHBORHOOD ELECTRIC VEHICLE*** means an electrically powered motor vehicle that has 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.

(B) Operation of neighborhood electric vehicles and medium speed electric vehicles on city streets is prohibited except as provided in (C) below.

(C) *Use on designated exclusive city streets.* The City Council may, by resolution, 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.

(D) 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.

(E) 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.