

ORDINANCE NO. 85

AN ORDINANCE REGULATING THE USE OF ALL-TERRAIN VEHICLES, UTILITY TASK VEHICLES AND MOTORIZED GOLF CARTS IN THE CITY OF KERKHOVEN

The City of Kerkhoven does ordain as follows:

85.01. **Definitions.**

- A. **All-Terrain Vehicle.** For purposes of this ordinance, an all-terrain vehicle is a motorized flotation-tired vehicle with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters; and includes Class 1 and Class 2 all-terrain vehicles. Class 1 all-terrain vehicles means an all-terrain vehicle that has a total dry weight of less than 1,200 pounds. Class 2 all-terrain vehicle means an all-terrain vehicle that has a total dry weight of 1,200 to 1,800 pounds.
- B. **Motorized Golf Cart.** For purposes of this ordinance, a motorized golf cart is a motorized vehicle with four low-pressure tires that is customarily used to transport golfers and their equipment on a golf course.
- C. **Utility Task Vehicle.** For the purposes of this ordinance, a utility task vehicle is 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 at least 1,800 but less than 2,600 pounds.

85.02. **Permits.**

- A. **Permits Required.** No person shall operate a motorized golf cart, utility task vehicle, or all-terrain vehicle on City streets, parking lots or alleys within the city limits or under the jurisdiction of the City without first submitting a written, signed permit application and prominently displaying a permit sticker from the City, except no permits will be required for parades that are approved by the City. When operating a motorized golf car, utility task vehicle or all-terrain vehicle, the permittee must have his or her permit sticker on the vehicle.
- B. **Restriction of Permit.** Permits issued by the City are restricted to persons who are 16 years of age or older. Drivers of motorized golf carts, utility task vehicle or all-terrain vehicle who are 13 years of age, but not yet 18 years of age or who do not have a valid driver's license must be accompanied by an adult who has a valid driver's license. No one under the age of 13 years old shall be permitted to operate or drive a motorized golf cart, utility task vehicle or all-terrain vehicle within the City limits of Kerkhoven.
- C. **Application Form.** Applications for a permit to operate a motorized golf cart, utility task vehicle or all-terrain vehicle shall be made to the City Clerk or other authorized City Employee on forms furnished by the City. The application form shall require the applicant to provide the following information: (1) applicant's full legal name; applicant's physical address; applicant's phone number; applicant's date of birth; verification that the applicant has provided proof of

the insurance required by this ordinance; (2) applicants must provide their driver's license or permit at the time of application; (2) the make, model and year of the motorized golf cart, utility task vehicle or all-terrain vehicle to be operated within the City by the applicant; plate number (if any), the vehicle identification number (VIN), serial number or registration number of the motorized golf cart, utility task vehicle or all-terrain vehicle to be operated within the City by the applicant; (4) consent and authorization to submit the application signed by the applicant's parent or legal guardian if the applicant is 16 years of age but under the age of 18; (5) applicants will be required to sign the application verifying that the information on the form is accurate, that they received a brochure describing the rules contained in this ordinance. By their signature on this application the applicant is acknowledging that they understand and will follow all applicable laws, rules and ordinances when operating his or her motorized golf cart, utility task vehicle or all-terrain vehicles within the City limits.

- D. Permit Period. Permits shall be issued for periods of one (1) calendar year commencing on January 1 and ending on December 31 of each year, permits must be renewed annually.
- E. Permit Fee. A permit fee will be included in the City's Fee Schedule which is updated and approved by the City Council; and will be required to be paid when an application for a permit is submitted to the City Clerk or other authorized City Employee. The permit fee will not be prorated for portions of a year.
- F. Permit Revocation. A permit granted pursuant to this Ordinance may be revoked at any time by the City personnel authorized by the City Council or a law enforcement officer if there is evidence that the permittee cannot safely operate the motorized golf cart, utility task vehicle or all-terrain vehicle or has not otherwise complied with the terms of this ordinance.
- G. Permit Placement. The permit must be prominently displayed on the front or rear of the motorized golf cart, utility task vehicle or all-terrain vehicle so that it is plainly visible.

85.03. **Insurance Required.** Each applicant for a permit shall be required to furnish evidence of insurance equivalent to the insurance required for operation of a motorcycle under the provisions of Minnesota Statutes, §65B.48, Subdivision 5, as the same may be amended. In the event persons operating a motorized golf cart, utility task vehicle or an all-terrain vehicle under this ordinance cannot obtain liability insurance in the private market, that person may purchase automobile insurance, including no-fault coverage from the Minnesota Automobile Insurance Plan under Minnesota Statutes, §§65B.01 to 65B.12, at a rate to be determined by the Minnesota Commissioner of Commerce. Such insurance shall be current and remain in effect at all times that the motorized golf cart, utility task vehicle or all-terrain vehicle is operated on any City Street, parking lot or alley within the City limits. When operating a motorized golf cart, utility task vehicle or all-terrain vehicle, the permittee must have proof of insurance in his or her possession.

85.04. **Operation of Vehicle.**

- A. Where Operation is Permitted. Permittees will be allowed to operate their motorized golf carts, utility task vehicles or all-terrain vehicles on all City streets, parking lots and alleys.

- B. Time of Operation. Motorized golf carts, utility task vehicles and all-terrain vehicles may only be operated on designated City streets, parking lots, and alleys from sunrise to sunset, unless equipped with original equipment headlights, taillights, and rear-facing brake lights. Motorized golf carts, utility task vehicles, and all-terrain vehicles shall not be operated on City streets, parking lots or alleys 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 and vehicles on approved routes at a distance of 500 feet, except during an emergency.
- C. Speed Limit. The maximum speed at which a motorized golf cart, utility task vehicle or four-wheel all-terrain vehicle may be operated within City limits as permitted under the provisions of this ordinance shall not exceed 20 miles per hour. At all times motorized golf carts, utility task vehicles and all-terrain vehicles must yield to pedestrians and bicycles on designated City streets and alleys.
- D. Required Equipment. Motorized golf carts shall display the slow-moving vehicle emblem provided for in Minnesota State Statute §169.522 when operated on designated City streets, alleys and parking lots. When operated under permit and upon City streets, alleys and parking lots within the City limits, all-terrain vehicles shall have the equipment required by Minnesota State Statute §§ 84.92 to 84.928, as the same may be amended from time to time; and motorized golf carts, utility task vehicles and all-terrain vehicles shall also have a rear view mirror as required by Minnesota Statutes §169.70, as the same may be amended from time to time.
- E. Noise. It shall be unlawful for the permittee to create loud, unnecessary or unusual noise which disturbs, is annoying or interferes with the peace and quiet of other persons.
- F. Passengers. There must be a seat for each passenger in the permitted cart or vehicle and they must be seated properly.

85.05. Operation Prohibited.

- A. County, State, and Federal Highways. No motorized golf carts, utility task vehicles or all-terrain vehicles shall be operated in the City of Kerkhoven at any time on state or federal highways within City limits, except: (1) the operator, under permit, of a motorized golf cart, utility task vehicle or all-terrain vehicle may directly cross any state or federal highway intersecting a City street, or other crossing [designated by the Minnesota Department of Transportation (MnDOT) as an official crossing for pedestrians, bicycles and permitted carts and vehicles] upon which street or crossing operation of such vehicles is permitted; and (2) to the extent allowed by state law, motorized golf carts, utility task vehicles and all-terrain vehicles may be operated on such City highways and roads, with or without a permit, during parades that have been approved and controlled by the City. No motorized golf carts, utility task vehicles or all-terrain vehicles shall be operated in the City of Kerkhoven on City streets, parking lots, or alleys under the jurisdiction of the City without a valid City-issued permit.
- B. Public Property. No motorized golf carts, utility task vehicles or all-terrain vehicles shall be operated on any pedestrian walk way or in any public park.

85.06. **Traffic Laws:** Every person operating a motorized golf cart, utility task vehicle or all-terrain vehicle, under permit, in the City limits has all of the rights and duties applicable to the drivers of any other vehicle under State law, including but not limited to Minnesota Statutes Chapters 84 and 169, and the traffic ordinances and law of the City, except when those provisions cannot reasonably be applied to motorized golf carts, utility task vehicles or all-terrain vehicles and except as otherwise specifically provided in this ordinance.

85.07. **Penalty.** Any person violating the provisions of this chapter shall be guilty of a misdemeanor as further explained in §10.05 of this code, lose their permit to operate a motorized golf cart, utility task vehicle or all-terrain vehicle in the City and be punished in accordance with the penalties established by Minnesota Statutes.

85.08. **Effective Date.** This Ordinance shall take effect from and after its adoption and second publication.

This Ordinance introduced by

This Ordinance introduced on

This Ordinance published on

Hearing held

This Ordinance adopted

Ordinance published second time on