

**ORDINANCE NO. 65/09A
CITY OF ELYSIAN
LE SUEUR COUNTY, MINNESOTA**

AN ORDINANCE AMENDING CHAPTER 65/09 OF THE ELYSIAN CODE OF ORDINANCES TO ADMINISTER AND REGULATE THE USE OF GOLF CARTS, ALL-TERRAIN VEHICLES, AND MINI-TRUCKS, AND TO PROVIDE FOR THE ISSUANCE AND REGULATION OF THE SAME.

THE CITY COUNCIL OF THE CITY OF ELYSIAN, LE SUEUR COUNTY, MINNESOTA, does hereby and herein ordain as follows:

That Chapter 75 of the City of Elysian Code of Ordinances titled “Special Vehicles” is here amended to read as follows:

Chapter 65: Special Vehicles

Findings, Purpose and Intent.

To provide for the operation of special vehicles and golf carts as provided for under recent passage by the Le Sueur County Board of Commissioners.

Accordingly, the City hereby amends Chapter 65 of this code relating to the administration and regulation of the use of special vehicles and golf carts and to provide for the issuance and regulation of the same.

SUBDIVISION 1: DEFINITIONS

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

ALL TERRAIN VEHICLES. A motorized vehicle with: not less than three, but not more than six low pressure or non-pneumatic tires; a total dry weight of 2,000 pounds or less; and a total width from outside of tire rim to outside of time rim that is 65 inches

or less. All-terrain vehicles includes a Class 1 all-terrain vehicle and a Class 2 all-terrain vehicle.

ALL TERRAIN VEHICLE (CLASS 1). An all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is 50 inches or less.

ALL TERRAIN VEHICLE (CLASS 2). An all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is greater than 50 inches but more than 65 inches.

DRIVER. The person driving and having physical control over the motorized golf cart, all-terrain vehicle, unregistered off highway motorcycle, off highway vehicle, off road vehicle, or recreational motor vehicle.

MOTORIZED GOLF CART. Any passenger conveyance being driven with three (3) or four (4) wheels with four low-pressure tires, designed and used primarily on golf courses, and that is propelled by either a gas or electric motor.

MINI TRUCK. Means a motor vehicle that has four wheels, is propelled by an electric motor with a rated power of 7500 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 2200 pounds, contains an enclosed cabin and a seat for the vehicle operator, commonly resembles a pickup 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 exceeds the regulations in the Code of Federal Regulations, Title 49, Section 571.500, and successor requirements.

SUBDIVISION 2: MOTORIZED GOLF CARTS, ALL TERRAIN VEHICLES AND MINI TRUCKS.

(A) Permit Required. No person shall operate a motorized golf cart on any streets, alleys, sidewalks or other public property without first obtaining a permit from the Administrator-Clerk 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:

- 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 or utility task vehicle.

- d. Current driver's license or reason for not having a current license.
- e. Other information as the City may require.

(2) The annual permit fee shall be as set forth by resolution and made a part of the City's fee schedule, and amended from time to time.

(3) Permits shall be granted for a period of one year and may be renewed annually Jan. 1 to Dec. 31.

(4) No permit shall be granted or renewed unless the following conditions are met:

- a. The applicant must demonstrate that he/she currently holds a valid driver's license.
- 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 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. The driver must have proof of insurance in their possession during the operation of the golf cart or all-terrain vehicle or mini-truck.
- d. The applicant has not had his/her driver's license revoked as the result of any criminal or civil proceedings.

(5) Motorized golf carts permitted to operate on City streets, and county roads or highways within the municipality, unless excluded from operation by the City Council. The council may, from time to time, change, amend, or otherwise update the streets upon which the same may be operated. The City shall cause to be prepared a map designating the streets upon which golf carts or all-terrain vehicles or mini-trucks may operate.

(6) All-terrain vehicles and mini-trucks may only be operated on those city streets which are also duly designated as county roadways. Any operation of all-terrain vehicles or mini-trucks on city streets which are not also duly designated county roadways is a violation of this ordinance punishable as set forth herein in §75.04.

(7) Motorized golf carts may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, taillights, and rear-facing brake lights. They should not be operated in inclement

weather, except during emergency conditions as provided in the ordinance, or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient visibility to clearly see persons and vehicles on the roadway at a distance of 500 feet.

(8) Motorized golf or all-terrain vehicles or mini-trucks carts shall display the slow-moving vehicle emblem provided for in Minn. Stat.§169.045, as it may be amended from time to time, when operated on designated roadways.

(9) Motorized golf carts shall be equipped with a rear-view mirror to provide the driver with adequate vision from behind as required by Minn. Stat.§169.70.

(10) The operator of a motorized golf cart or all-terrain vehicle or mini-truck may cross any street or highway intersecting a designated roadway.

(11) Every person operating a motorized golf cart or all-terrain vehicle or mini-truck under permit on designated roadways has all rights and duties applicable to the driver of any other vehicle under the provisions of Min. Stat.§169, as it may be amended from time to time, except when these provisions cannot reasonably be applied to motorized golf carts or all-terrain vehicles or mini-trucks and except as otherwise specifically provided in Minn. Stat.§169.045 (7), as it may be amended from time to time.

(12) The number of occupants on the golf cart or all-terrain vehicle or mini-truck cannot exceed the design occupant load. Each occupant must be seated in a seat designated for occupants.

(13) Assumption of Liability. Nothing in this ordinance shall be construed as an assumption of liability by the City for injuries to persons or property which may result from the operation of any special vehicle by a permit holder of the failure by the Chief of Police to revoke a permit.

SUBDIVISION 3: PERMIT EXCLUSION

Authorized City Staff or its designees may operate golf carts or all-terrain vehicles or mini-trucks defined in Minn. Stat.§412.191, without obtaining a permit within the City on City streets, sidewalks, trails, rights-of-ways, and public property when conducting official City business.

SUBDIVISION 4: REVOCATION AND PENALTIES

(A) Revocation. The Chief of Police 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 any portion of Minn. Stat. §169, as it may be amended from time to time, of if

there is evidence that the permit holder cannot safely operate the golf cart or all-terrain vehicles or mini-trucks on the designated roadways.

(B) Penalties. Any person violating any provision of this ordinance shall be guilty of a petty misdemeanor, with a payable fine imposed pursuant to the City's fee schedule, with the fine amount being amended from time to time, by the City Council in the Council's discretion.

ADOPTED this 9th day of October, 2017, by the City Council of the City of Elysian.

The Ordinance was presented by Mayor Stoen, seconded by Councilmember Houlihan with the following vote being taken:

Voting Yes: Houlihan, McBroom, Opsahl, Schnoor, Stoen.

Voting No: None.

CITY OF ELYSIAN

By: _____
Mayor Clinton Stoen

ATTEST:

Lorri Kopischke, City Clerk/Administrator