

ORDINANCE NO. 2016-04

AN ORDINANCE OF THE CITY OF CLEARWATER, MINNESOTA, ESTABLISHING SPECIALTY AND RECREATIONAL VEHICLE REGULATIONS, INCORPORATING AGENCY RULES AND REGULATIONS, AND PROVIDING FOR PENALTY FOR VIOLATION THEREOF.

THE CITY COUNCIL OF THE CITY OF CLEARWATER HEREBY ORDAINS:

SECTION 1. Chapter 34 Article II of the Clearwater Code is hereby repealed and replaced and shall read as follows:

1. SPECIAL AND RECREATIONAL VEHICLES: MOTORIZED GOLF CARTS, UTILITY TASK VEHICLES, CLASS 1 & 2 ALL-TERRAIN VEHICLES, SNOWMOBILES AND MINI-TRUCKS.

(A) PERMIT REQUIREMENTS AND OTHER REGULATIONS

(1) No person shall operate a motorized golf cart, utility task vehicle, class 1 or class 2 all-terrain vehicle, 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 all of the following information:

- (a) The name and address of the applicant.
- (b) Model name, make, and year and number of the motorized golf cart, class 1 or class 2 all-terrain vehicle, or mini-truck.
- (c) Current driver's license or reason for not having a current license such as, a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart, utility task vehicle or class 1 and class 2 all-terrain vehicle on the roadways designated.
- (d) Other information as the city may require.

(3) A permit fee shall be as set forth in the Ordinance Establishing Fees and Charges adopted by the City Council annually, as that ordinance may be amended from time to time.

(4) A separate permit is required for each special and recreational vehicle. Permits issued to dealers may be transferred for the purpose of test-driving a vehicle. However, a separate permit is required for each vehicle used for the operation of a business.

(5) Permits shall be issued for a period of three years and may be renewed annually Jan. 1 to Dec. 31. Permit fees will not be prorated

(6) No permit shall be issued or renewed unless the following conditions are met:

(a) The applicant shall be required to show a valid driver's license or submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart, utility task vehicle or class 1 and class 2 all-terrain vehicle on the roadways designated.

(b) 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, class 1 and class 2 all-terrain vehicle, or mini-truck.

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

(7) Motorized golf carts, utility task vehicles, class 1 and class 2 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. Only golf carts are permitted to travel on City owned trails, paths and assigned parks.

(8) Motorized golf carts, utility task vehicles and class 1 and class 2 all-terrain vehicles may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, taillights, and rear-facing brake lights. 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.

(9) Motorized golf 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.

(10) Motorized golf carts, utility task vehicles, class 1 and class 2 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 Minn. Stat. § 169.70.

(11) The operator of a motorized golf cart, utility task vehicle, class 1 and class 2 all-terrain vehicle, or mini-truck may cross any street or highway intersecting a designated roadway.

(12) Every person operating a motorized golf cart, a utility task vehicle, class 1 and class 2 all-terrain vehicle, or a 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 Minn. Stat., 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 Minn. Stat. § 169.045(7), as it may be amended from time to time.

(13) 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 Chapter or Minn. Stat., ch. 169, as it may be amended from time to time, or if the city determines there is evidence that the permit holder cannot safely operate the motorized golf cart, utility task vehicle, class 1 and class 2 all-terrain vehicle, or mini-truck on the designated roadways.

(14) The number of occupants on a golf cart, utility task vehicle, class 1 and class 2 all-terrain vehicle, or mini-truck may not exceed the designated design occupant load for such vehicle.

(B) DEFINITIONS –

For the purpose of this Chapter, 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, class 1 and class 2 all-terrain vehicle, or mini-truck.

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 less than 800 pounds.

CLASS 1 ALL-TERRAIN VEHICLE. An all-terrain vehicle that has a total dry weight of less than 900 pounds.

CLASS 2 ALL-TERRAIN VEHICLE. An all-terrain vehicle that has a total dry weight of 1,000 to 1,800 pounds.

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 at least 1,800 pounds but less than 2,600 pounds.

MINI-TRUCK. As defined in Minn. Stat. § 169.01, subd. 40(a), a 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: an 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 and emergency personnel may operate city owned motorized golf carts, ATVs, UTVs, 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 all of the following:
 - (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.
 - (g) A parking brake.

2. 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 roadway, sidewalk or bicycle path if operated in compliance with the regulations set forth in this Chapter.
- (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, sidewalk or bicycle path 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.
 - (e) Temporarily in order to gain access to a motor vehicle.
 - (f) As provided in division (6) below by City Council resolution.
- (4) An electric personal assistive mobility device may not be operated at any time on a roadway with a designated speed limit of more than 35 miles per hour except to make a direct crossing of the roadway in a marked crosswalk.

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

(6) *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.

(7) 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.

(8) 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.

3. 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 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.

(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 motorized foot scooter is being 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, in compliance with restrictions placed by law on pedestrians.
- (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.

4. 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 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.
- (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 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 and emergency personnel 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.

5. SNOWMOBILES

(A) Definitions.

All definitions as used in M.S.A. § 84.81 are adopted and incorporated as if fully set forth herein. The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Operate means to ride in or on and control the operation of a snowmobile.

Operator means every person who operates or is in actual physical control of a snowmobile.

Owner means a person, other than a lien holder, having the property interest in or title to a snowmobile and is entitled to the use or possession thereof.

Register means the act of assigning a registration number to a snowmobile.

Snowmobile means a self-propelled vehicle designed for travel on snow or ice or a natural terrain steered by wheels, skis or runners.

(B) Snowmobile registration and general requirements.

Except as provided in M.S.A. § 84.82, subd. 6, no person shall operate any snowmobile upon any public street, alley, public lot, lake or stream within the corporate limits of this city, unless such snowmobile has been registered in accordance with state law.

(C) Operation on public streets, parks, waters and land.

(1) Except as provided in subsection (C) (2) of this section, no person shall operate a snowmobile upon any public street, park, alley, lot, lake or stream within the corporate limits of the city between the hours of 10:00 p.m. and 7:00 a.m.

(2) Between the hours of 10:00 p.m. and 7:00 a.m. a snowmobile may be operated only for purposes of leaving a business establishment or residence at which the operator was located and proceeding directly to the operator's residence by the most direct route or proceeding directly outside of the corporate limits of the city over one of the routes authorized in subsection (D) of this section.

(3) At no time shall any snowmobile be operated on any public street within the corporate limits of this municipality at a speed in excess of 20 miles per hour.

(4) Snowmobiles shall not be operated in city parks.

(5) Snowmobiles shall not be operated on any paved public trail.

(6) No snowmobile shall be operated on a public sidewalk.

(7) It is unlawful to intentionally chase, run over, or kill any animal with a snowmobile.

(D) Applicable Regulations and Authorized Routes.

(1) Snowmobiles may be operated only during the period from November 1 through March 30 and only when there is adequate snow cover so that the snowmobile does not damage city streets, sidewalks or other city rights-of-way.

Authorized by the city as entrance/exit access within the corporate limits of the city are the following:

Routes. Snowmobiles are authorized to travel in City limits in correspondence with the map distributed by SnowmobileTrail.com. Specifically,

<http://www.snowmobiletrail.com/us/mn/city/clearwater/>

(2) *Required equipment.* No snowmobile shall be operated upon any public street, alley, lot, lake or stream within the corporate limits of the city unless it is equipped with at least one headlamp and one tail lamp, and with brakes which conform to standards prescribed by state law. Furthermore, every snowmobile shall at all times be equipped with a muffler in good working order which blends the exhaust noise into the overall vehicle noise and is in constant operation to prevent excessive or unusual noise. No person shall use a muffler cut out, bypass, or similar device. The exhaust system shall not emit or produce a sharp popping or cracking sound.

(3) *Emergency.* Exception for emergencies. Notwithstanding the prohibition of operating a snowmobile upon a roadway to the contrary, a snowmobile may be operated on a public thoroughfare:

(a) In an emergency during the period of time and at locations where snow upon the roadway renders travel by automobile impractical and the roadway is officially declared impassable for automobile traffic; and

(b) By authorized city personnel.

(4) *Other provisions.* All other provisions of this Chapter pertaining to motor vehicle equipment shall apply to snowmobiles, except those which by their nature can have no application.

(5) *Rights and duties.* Every person operating a snowmobile upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to a motor vehicle owner or driver as provided by law and the provisions of this Section, except as to those provisions which by their nature can have no application.

(E) Unsafe and harassing driving.

It shall be unlawful for any person to drive or operate any snowmobile at any place within the city limits in unsafe or harassing ways including those set forth below:

(1) *Speed.* At any rate of speed greater than what is reasonable or proper under all the surrounding circumstances, and never in excess of the speed limit adopted in [Code Section 46-196](#).

(2) *Careless and reckless.* In a careless, reckless, or negligent manner so as to endanger, or be likely to endanger, the person or property of another or to cause injury or damage to another.

(3) *Liquor and drugs.* No owner or other person having charge over or control of any snowmobile or all-terrain vehicle shall operate, authorize or permit any individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance or other substance to operate the snowmobile anywhere in this city or on the ice of any boundary water of this city, as specified in M.S.A. § 84.91.

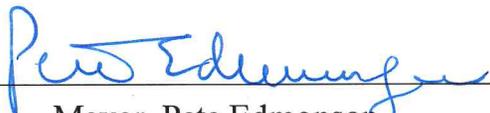
(4) *Loud driving.* In such a manner so as to create unreasonably loud and excessive noise or in any way which shall unduly disturb the peace and privacy of the residents of this city or in any manner create a public nuisance.

(5) *Head and tail lights.* Without a headlight and tail light when required for safety.

(6) *Single file traffic only.* Snowmobiles traveling in the same direction must travel in single file. It shall be unlawful for two or more snowmobiles to travel abreast on any city street.

SECTION 2. This ordinance becomes effective from and after its passage and publication in summary form in the City's official newspaper.

CITY OF CLEARWATER, MINNESOTA

By: 
Mayor, Pete Edmonson

ATTEST:
By: 
City Administrator, Kevin Kress