

Introduced by Council Member Wang.

Seconded by Council Member Massmann.

ORDINANCE NO. 2021-2

AN ORDINANCE OF THE CITY OF FERTILE, MINNESOTA REPEALING FERTILE CITY CODE, CHAPTER 73, ENTITLED “SNOWMOBILES/ALL-TERRAIN VEHICLES/MINI TRUCKS” AND REPLACING IT WITH CHAPTER 73, ENTITLED “SPECIAL VEHICLES/SNOWMOBILES/ALL-TERRAIN VEHICLES/MINI TRUCKS”

BE IT ORDAINED BY THE CITY OF FERTILE, as follows:

Section 1. Fertile City Code, Chapter 73, entitled “Snowmobiles/All-Terrain Vehicles/Mini Trucks” is hereby repealed and replaced with a new chapter with new and additional regulations, entitled “Special Vehicles/Snowmobiles/All-Terrain Vehicles/Mini Trucks, as follows:

§ 73.01. STATE REGULATIONS AND APPLICABILITY. Except as otherwise provided in this chapter, Minnesota Statutes, Chapter 169 (Minnesota Highway Traffic Act), Sections 84.81 and 84.87 (Snowmobiles), and Sections 84.92 and 84.928 (All-Terrain Vehicles) as they may be amended from time to time is hereby incorporated by reference, including, but not limited to, the definitions, requirements, restrictions, and the penalty provisions thereof, for enforcement within the jurisdiction of the city.

§ 73.02. SPECIAL VEHICLES: MOTORIZED GOLF CARTS, UTILITY TASK VEHICLES, CLASS 1 ALL-TERRAIN VEHICLES, AND MINI-TRUCKS.

(A) (1) No person shall operate a motorized golf cart, utility task vehicle, all-terrain vehicle, or mini-truck on streets, alleys, 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) The nature of the applicant’s physical handicap, if any.
- (c) Model name, make, and year and number of the motorized golf cart, all-terrain vehicle, or mini-truck.
- (d) Current driver’s license or reason for not having a current license.
- (e) Other information as the city may require.

(3) The permit fee shall be as set forth by resolution of the City Council, as amended from time to time,

(4) Permits shall be granted for a period of one year and may be renewed.

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

(a) For mini-trucks, 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 all-terrain vehicle 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, all-terrain 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, 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.

(7) Motorized golf carts, utility task vehicles and all-terrain vehicles 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 Minn. Stat. § 169.045, as it may be amended from time to time, when operated on designated roadways.

(9) Motorized golf carts, utility task vehicles, 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.

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

(11) Every person operating a motorized golf cart, a utility task vehicle, an 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, subd.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 chapter or Minn. Stat. 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, utility task vehicle, all-terrain vehicle, or mini-truck on the designated roadways.

(13) The number of occupants on the golf cart, utility task vehicle, all-terrain 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, all-terrain vehicle, or mini-truck and being the licensee.

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.

MINI-TRUCK. As defined in Minn. Stat. § 169.011, 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: a neighborhood electric vehicle or a medium-speed electric vehicle; 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.

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 1,800 but less than 2,600 pounds.

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

§ 73.03. OPERATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.

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

(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 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, provided that any street so designated has a speed limit of more than 35 miles per hour.

(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.

§ 73.04. 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 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.

(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.

§ 73.05. 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 three or 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 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.

§ 73.06. OPERATION ON PRIVATE PROPERTY. It shall be unlawful for a person to operate a snowmobile, motorized golf cart, utility task vehicle, all-terrain vehicle or mini truck on private property without the permission or consent of the property owner or occupant.

§ 73.07. OPERATION ON PUBLIC PROPERTY. When traveling on public property and roadways, snowmobiles, utility task vehicles, and all-terrain vehicles shall take the most direct route through the city to reach lawful snowmobile and/or all-terrain vehicle trails. Snowmobiles, motorized golf carts, all-terrain vehicle, utility task vehicles, and mini trucks may be operated on roadways, public lands, or waters only as specified in this chapter.

§ 73.08. SNOWMOBILES. It shall be unlawful for a person to operate a snowmobile upon roadways or public lands or waters as follows:

(A) At a rate of speed in excess of ten miles per hour upon public streets and alleys.

(B) Other than single file at the extreme right-hand side of a roadway.

(C) On publicly owned land, including school land, or park property, playgrounds, and recreation areas, where notice has been posted prohibiting the use thereon.

(D) Within 100 feet of any church, school building, nursing home, skating rink, or sliding area or in any other area where the operation would conflict or interfere with the normal use of the property or would endanger persons or property. A person operating a snowmobile shall yield to the right-of-way of people sledding at the base of the hill adjacent to Garfield Avenue.

(E) When crossing a street or highway, unless:

(1) The crossing is made at an angle of approximately 90° to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing.

(2) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

(3) In crossing a divided street or highway, the crossing is made only at an intersection of the street or highway with another public street or highway.

(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 the person or property of another or to cause injury or damage thereto.

§ 73.09. PROHIBITED OPERATION ON NATURE CENTER PROPERTY. It shall be unlawful for any person to operate a snowmobile, motorized golf cart, utility task vehicle, all-terrain vehicle or mini truck on the public property known as the Lake Agassiz Wilderness Sanctuary/Agassiz Nature Center (“Nature Center”) with the following exceptions:

(A) On the right-hand side of Strem Road/Summit Avenue in the Nature Center area and the Nature Center Building parking lot.

(B) Snowmobiles will also be allowed on the designated trails for snowmobiles as determined by the City of Fertile, Agassiz Environmental Learning Center Board, and Sand Hill Snow Cruisers. However, such operation is prohibited between the hours of 1 a.m. and 6 a.m. Sunday through Saturday.

(C) Snowmobile operators must comply with MN Department of Natural Resources regulations to operate a snowmobile on properly designated Nature Center property and trails.

(D) Such use that has been authorized by the City Council by resolution.

§ 73.10 OPERATION ON SIDEWALKS AND BOULEVARDS. No person shall operate a snowmobile, motorized golf cart, utility task vehicle, all-terrain vehicle or mini truck on a sidewalk or boulevard, except that a direct crossing may be made in the same manner as provided for direct crossing of a city street.

§ 73.11 PENALTIES. Unless otherwise specified, violations of this chapter are declared to be misdemeanor offenses and are punishable by a fine of up to \$1,000.00 and/or 90 days in jail.

Section 2. Any provision(s) of previous ordinance(s) inconsistent with this ordinance, to the extent that any such provision is inconsistent, is/are repealed; remaining consistent provisions shall continue in full force and effect.

Section 3. If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

Section 4. This ordinance shall take effect upon the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat., § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. § 331A.01, subd. 10, as it may be amended from time to time.

Voting in the negative: None

Voting in the affirmative: Massmann, Wang, Wise, Wilkens

Passed this 14th day of June, 2021.

/signed/
Mayor

ATTEST: /signed/
City Administrator

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