

**ORDINANCE NO. 5, FOURTH SERIES**

**AN ORDINANCE OF THE CITY OF GLENWOOD, MINNESOTA, REPEALING AND REPLACING CITY CODE CHAPTER 70.05 REGULATING RECREATIONAL MOTOR VEHICLES (INCLUDING SNOWMOBILES)**

**The City Commission of Glenwood, Minnesota ordains:**

**SECTION 1.** Chapter 70, Section 70.05, of the Glenwood City Code is hereby repealed and replaced to read as follows:

**CHAPTER 70.05: CLASS 1 and 2 ALL-TERRAIN VEHICLES AND UTILITY TASK VEHICLES**

**SECTIONS:**

**70.05.01 Definitions**

**70.05.02 Permits**

**70.05.03 Permit Issuance**

**70.05.04 Occupants**

**70.05.05 Designated roadways and intersections**

**70.05.06 Times of operation**

**70.05.07 Application of traffic laws**

**70.05.08 Operation**

**70.05.09 Operation on sidewalks, trails, and parks**

**70.05.10 Suspension or revocation of a permit**

**70.05.11 Penalty**

**70.05.12 No assumption of liability**

### **§ 70.05.01 DEFINITIONS.**

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

**ALL-TERRAIN VEHICLE OR VEHICLE.** As defined by Minn. Stat. § 84.92, Subd. 8, "all-terrain vehicle" or "vehicle" shall mean a motorized vehicle with: (1) not less than three, but not more than six low pressure or non-pneumatic tires; (2) a total dry weight of 2,000 pounds or less; and (3) a total width from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle shall include Class 1 and 2 all-terrain vehicles. All-terrain vehicle shall not include a golf cart, dune buggy, mini-truck, go-cart, or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.

**CLASS 1 ALL-TERRAIN VEHICLE.** As defined by Minn. Stat. § 84.92 Subd. 9, "class 1 all-terrain vehicle" means 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.

**CLASS 2 ALL-TERRAIN VEHICLE.** As defined by Minn. Stat. § 84.92, Subd. 10, "class 2 all-terrain vehicle" shall mean 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 not more than 65 inches.

**COMMUNITY EVENT.** An event organized by the city or a community-based organization which is open to the general public and recognized by the city.

**DRIVER.** A person driving and having physical control over a class 1 or 2 all-terrain vehicle or a utility task vehicle.

**OPERATE OR OPERATING.** To ride in or on and have control of a vehicle.

**OPERATOR.** The person who operates or is in or on and has control of a vehicle.

**OWNER.** A person, other than a lien holder, having a property interest in, or title to, a vehicle, who is entitled to the use or possession of such vehicle.

**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, a trail bike; off-highway motorcycle as defined by Minn. Stat. § 84.787, subd. 7, as it may be amended from time to time; or other all-terrain vehicle as defined by Minn. Stat. § 84.90 and Minn. Stat. § 84.92, subd. 8-10, as it may be amended from time to time; or motorized go-cart, hovercraft, or motor vehicle licensed for highway operation, which is being used for off-road recreational purposes. The following are not included as recreational motor vehicles: motorized golf carts, personal electric mobility devices, motorized foot scooters, neighborhood electric vehicles, and medium-speed electric vehicles, or mini-trucks.

**SUNRISE TO SUNSET.** Sunrise to sunset shall be the times provided in the MN Department of Natural Resources sunrise/sunset calculation tables.

**UTILITY TASK VEHICLE.** As defined by Minn. Stat. § 169.045, Subd. 1(3), "utility task vehicle" shall mean 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.

### **§ 70.05.02 PERMITS.**

It shall be unlawful for any person to operate a class 1 or 2 all-terrain vehicle or a utility task vehicle on any roadways and intersections in the city without having first obtained a permit, as provided in Glenwood City Code § 70.05.03. Persons who obtain a permit under Glenwood City Code §70.05.03 are authorized to operate a class 1 or 2 all-terrain vehicle or a utility task vehicle on designated roadways, or portions of roadways, as identified in Glenwood City Code §70.05.05. Every class 1 or 2 all-terrain vehicle or utility task vehicle operator must have proof of insurance and a valid permit displayed on the vehicle while operating the class 1 or 2 all-terrain vehicle or utility task vehicle on designated streets and shall produce such proof of insurance on demand of a police officer, as specified in Minn. Stat. § 169.791. A permit is not required and the provisions of this ordinance do not apply to employees of the City of Glenwood operating equipment for purposes of their employment duties or official city business.

### **§ 70.05.03 PERMIT ISSUANCE.**

**§ 70.05.03.1 Vehicle Permits.** All persons operating a class 1 or 2 all-terrain vehicle or a utility task vehicle must first obtain from the city a permit for the vehicle being operated.

- A. Application.** The application shall be made on a form supplied by the city and shall contain the following:
  - 1. The name, address, and signature of the applicant.
  - 2. The make, model name, year, serial number, and DNR registration number of the class 1 or 2 all-terrain vehicle or utility task vehicle;
  - 3. Proof of insurance in compliance with Minn. Stat. § 65B.48; and
  - 4. Appropriate fee determined by resolution of the city commission.
  
- B. Term of permit.** Permits shall be issued for the time period running from January 1 until December 31 of each year. Permits shall not be prorated and a new permit is required each year. Permits may be issued for alternative time periods as determined by resolution of the city commission.
  
- C. Vehicle permit conditions.** No vehicle permit shall be granted or renewed unless the following conditions are met:
  - 1. The city is in receipt of a complete application and permit fee;
  - 2. The applicant provides proof of insurance in compliance with Minn. Stat. § 65B.48, as it may be amended from time to time.
  - 3. The class 1 or 2 all-terrain vehicle or utility task vehicle identified in the application is in safe working condition and safe for the transportation of passengers at the discretion of the city administrator, chief of police, or their designees. An inspection of the vehicle may be required at the discretion of the city administrator, chief of police, or their designees. The vehicle must otherwise comply with all ordinance requirements.
  - 4. The vehicle is not altered with oversized tires or rims or lift devices that substantially alters the vehicle from a stock vehicle;
  - 5. The vehicle is not in such a state as to create unreasonably loud noise; and
  - 6. The vehicle is equipped with an original equipment rear-facing brake light or brake lights.

- D. Vehicle permit display.** The operator of a class 1 or 2 all-terrain vehicle or utility task vehicle shall have a valid city-issued permit for the class 1 or 2 all-terrain vehicle or utility task vehicle plainly displayed on the vehicle in a manner that allows for identification of the permit.
- E. Community event permits.** Community event permits must be obtained by the organizer of the community event from the city. The community event permit must include all class 1 or 2 all-terrain vehicles or utility task vehicles used in connection with the event. Vehicles covered under a community event permit shall be marked in a manner designated by the city administrator when a community event permit is issued. Community event permits shall be granted for the length of the event and shall expire upon the conclusion of the event. Prior to issuing a community event permit, the city shall determine, in its sole discretion, whether a community event permit is in the public interest.

**a. Application.** Every application for a community event permit under this chapter shall be made on a form supplied by the city and shall contain the following:

1. The name and address of the organizer of the community event;
2. A description of the community event, including how and where any class 1 or 2 all-terrain vehicle or utility task vehicle will be used.
3. The number of class 1 or 2 all-terrain vehicles and utility task vehicles to be used in the event;
4. The name of the owner of each vehicle;
5. Proof of insurance for each vehicle used in the community event;
6. Payment of a community event permit fee in an amount established from time to time by resolution of the city commission; and
7. Such other information as the city may require.

#### **§ 70.05.04 OCCUPANTS.**

The number of occupants in or on the class 1 or 2 all-terrain vehicle or utility task vehicle shall not exceed the design occupant load or manufacturer's recommendation, whichever is less, and shall always comply with applicable state law. Each occupant must be seated in a seat designed for occupants; and seatbelts, if equipped, must be worn by the driver and all passengers.

#### **§ 70.05.05 DESIGNATED ROADWAYS AND INTERSECTIONS.**

A class 1 or 2 all-terrain vehicle or utility task vehicle may be driven, operated, or controlled on the roadways or shoulders of roadways under the jurisdiction of the City of Glenwood (not those under the jurisdiction of Pope County or the State of Minnesota), except such roadways prohibited by resolution of the city commission and only in compliance with this subchapter. Class 1 or 2 all-terrain vehicle and utility task vehicles shall not travel on state trunk highways except to make a direct crossing at designated intersections. If the city commission elects to prohibit certain roadways from class 1 or 2 all-terrain vehicle and/or utility task vehicle travel, the city administrator shall prepare a map for the purpose of identifying designated roadways allowed or prohibited for class 1 or 2 all-terrain vehicle and/or utility task vehicle travel.

**§ 70.05.06 TIMES OF OPERATION.**

Class 1 or 2 all-terrain vehicles or utility task vehicles permitted under Glenwood City Code §70.05.03 may only be operated on designated roadways and intersections from sunrise to sunset, as determined by the MN Department of Natural Resources sunrise and sunset tables, except when such class 1 or 2 all-terrain vehicles or utility task vehicles are equipped with operable original equipment headlights, taillights, rear-facing brake lights, and turn signals. If equipped with headlights, taillights, rear-facing brake lights, and turn signals, such class 1 or 2 all-terrain vehicles or utility task vehicles may be operated on designated roadways and intersections at any time. Class 1 or 2 all-terrain vehicles or utility task vehicles shall not be operated in inclement weather, except during emergency conditions. Class 1 or 2 all-terrain vehicles or utility task vehicles shall not be operated 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 five hundred (500) feet.

**§ 70.05.07 APPLICATION OF TRAFFIC LAWS.**

Persons operating a class 1 or 2 all-terrain vehicle or a utility task vehicle on designated roadways and intersections have all the rights and duties applicable to drivers or operators of any other motor vehicle under the provisions of any ordinance of the city and any state laws, except when these provisions cannot reasonably be applied to class 1 or 2 all-terrain vehicles or utility task vehicles.

**§ 70.05.08 OPERATION.**

1. All Class 1 or 2 all-terrain vehicles or utility task vehicles shall be operated in the proper traffic lane and not exceed the designated speed limit.
2. Operators should operate the vehicles at prudent speeds and exercise due care and control of the vehicle.
3. Operators are prohibited from allowing any passengers on an attached trailer to class 1 or 2 all-terrain vehicles or utility task vehicles while operating such vehicles on designated roadways and intersections.
4. All class 1 or 2 all-terrain vehicles or utility task vehicles must be in good working condition and safe for the transportation of passengers.
5. All class 1 or 2 all-terrain vehicles or utility task vehicles must not be altered with oversized tires or rims or one or more lift devices that substantially alters the vehicle from a stock vehicle unless designed and approved for use on the vehicle used.
6. All class 1 or 2 all-terrain vehicles or utility task vehicles must not be in such a state as to create unreasonably loud noise.
7. Except for the operation of class 1 and 2 all-terrain vehicles or utility task vehicles as expressly allowed by this ordinance, the operation of all other self-propelled recreational motor vehicles shall be prohibited and subject to the penalty provided under §70.05.11.
8. Operators shall comply with manufacturer's guidelines and state law regarding occupancy limits.
9. All class 1 and 2 all-terrain vehicles or utility task vehicles shall be equipped with an operable rear-facing brake light which shall emit a red or yellow light and which shall be plainly visible and understandable from a distance of one hundred (100) feet to the rear.
10. When operated from sunset to sunrise, all class 1 and 2 all-terrain vehicles or utility task vehicles shall also be equipped with original equipment headlights, taillights, a rear-facing brake light(s),

and turn signals.

11. All operators of a class 1 or 2 all-terrain vehicle or utility task vehicle shall have a valid state-issued driver's license.

**§ 70.05.09 OPERATION ON SIDEWALKS, TRAILS, and PARKS.**

No person shall operate a class 1 or 2 all-terrain vehicle or a utility task vehicle on a public sidewalk, trail, or park unless otherwise expressly authorized by the city. This prohibition shall not include the city beach area for lake access purposes. This prohibition shall also not include the asphalt roadway within Barsness Park, but does apply to all other trails, paths, and park grounds within Barsness Park.

**§ 70.05.10 SUSPENSION OR REVOCATION OF A PERMIT.**

An individual permit may be revoked by the chief of police or city administrator if there is any material misrepresentation made in the permit application, liability insurance is no longer in effect, or there is evidence that the permittee cannot safely operate the class 1 or 2 all-terrain vehicle or utility task vehicle. The chief of police or city administrator shall issue a notice of revocation or suspension of a permit in writing and either hand deliver the notice to the permit holder or send the notice by certified mail to the address on the application. The suspension or revocation shall be in effect immediately after personal service or three days after the mailing. Suspension or revocation of the permit may be appealed to the City Commission by written notice provided to the City of Glenwood within thirty (30) days of receipt of the notice of suspension or revocation. The city commission shall conduct an informal hearing and make a final determination on the validity of the suspension or revocation within thirty (30) days of receipt of the appeal.

**§ 70.05.11 PENALTY.**

Any person violating the provisions of §§70.05.01 through 70.05.10 shall be guilty of a misdemeanor.

**§ 70.05.12 NO ASSUMPTION OF LIABILITY.**

Nothing in this chapter 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 class 1 or 2 all-terrain vehicle or utility task vehicle by a permit holder or the failure by the chief of police or City Commission to suspend or revoke a permit.

Passed by the City Commission of Glenwood, Minnesota this \_\_\_\_ day of \_\_\_\_\_, 2022.

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**Mayor**

Attested: \_\_\_\_\_

**City Clerk**

