

ORDINANCE NO. _____, FOURTH SERIES

**AN ORDINANCE OF THE CITY OF GLENWOOD, MINNESOTA, AMENDING 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 amended 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 Permit required**
- 70.05.03 Permits**
- 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 and that 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-carts, hovercraft, or motor vehicle licensed for highway operation, which is being used for off-road recreational purposes, but not including motorized golf carts, personal electric mobility devices, motorized foot scooters, neighborhood electric vehicles, and medium-speed electric vehicles or mini-trucks.

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 PERMIT REQUIRED.

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 § 70.05.03 below. Persons who obtain a permit under Section §70.05.03 below 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 § 70.05.05 below. With the exception of Class 1 or 2 All-Terrain Vehicles or Utility Task Vehicles that are being operated in connection with a Community Event, every Class 1 or 2 All-Terrain Vehicle or Utility Task Vehicle operator must have proof of insurance and a valid permit in possession 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 PERMITS.

§ 70.05.03.1 Operator permits. All persons operating a Class 1 or 2 All-Terrain Vehicle or a Utility Task Vehicle that are not being operated in connection with a Community Event must first obtain an annual operator permit from the city.

- A. Application.** The application shall be made on a form supplied by the city and shall contain the following:
1. The name and address 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. The applicant's driver's license number;
 4. Proof of insurance in compliance with Minn. Stat. § 65B.48;
 5. Payment of an annual permit fee in an amount established from time to time by resolution of the City Commission; and
- B. Term of permit.** Operator permits shall be granted for the period from January 1st to December 31st for Class 2 All-Terrain Vehicles and Utility Task Vehicles and may be renewed annually. Operator permits shall expire on December 31st of each year for Class 2 All-Terrain Vehicles and Utility Task Vehicles. Operator permits shall be granted for the time period beginning November 1st and ending March 31st for Class 1 All-Terrain Vehicles. Permit time periods will not be prorated, and a new permit shall be required for each time period.
- C. Operator permit conditions.** No operator 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 as provided by this chapter;
 2. The applicant is 16 years of age or older and provides a valid driver's license;
 3. The applicant provides proof of insurance in compliance with Minn. Stat. § 65B.48, as it may be amended from time to time.
 4. The Class 1 or 2 All-Terrain Vehicle or Utility Task Vehicle identified in the application is in good working condition and safe for the transportation of passengers as determined by the City Administrator and/or Chief of Police.

5. The vehicle must not be altered with oversized tires or rims or one or more lift devices that substantially alters the vehicle from a stock vehicle; and
 6. The vehicle is not in such a state as to create unreasonably loud grating, grinding, rattling, or other noise.
- D. Operator permit possession.** All operator permits shall be issued for a specific Class 1 or 2 All-Terrain Vehicle or Utility Task Vehicle. The operator of a Class 1 or 2 All-Terrain Vehicle or Utility Task Vehicle shall have in their possession a current city-issued operator permit for the Class 1 or 2 All-Terrain Vehicle or Utility Task Vehicle.
- E. Community Event permits.** Operators of a Class 1 or 2 All-Terrain Vehicle or Utility Task Vehicle in connection with a Community Event are not required to obtain individual operator permits so long as a Community Event permit is 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 being used in connection with the event.
- F. 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 Vehicles or Utility Task Vehicles will be used.
 3. The number of Class 1 or 2 All-Terrain Vehicles and/or Utility Task Vehicles to be used in the event;
 4. Proof of insurance in a form and amount acceptable to the city and reasonably related to the nature of the event;
 5. Payment of a Community Event permit fee in an amount established from time to time by resolution of the City Council; and
 6. Such other information as the city may require.
- G. Term of permit.** Community Event permits shall be granted for the length of the event and shall expire upon the conclusion of the event.
- H. Conditions of permit.** No Community Event permit shall be granted unless the following conditions are met:
1. The city is in receipt of a complete application and permit fee as provided by this chapter; and
 2. The organizer must provide proof of insurance in a form and amount acceptable to the city.
 3. The city determines, in its sole discretion, that a Community Event permit is in the public interest.

§ 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. Each occupant must be seated in a seat designed for occupants and seatbelts, if equipped, must always be worn by the driver and all passengers.

§ 70.05.05 DESIGNATED ROADWAYS AND INTERSECTIONS.

Class 1 or 2 All-Terrain Vehicles or Utility Task Vehicles that are permitted under Section 70.05.03 above may be operated within the city on public roadways. Class 1 or 2 All-Terrain Vehicles or Utility Task Vehicles must not be operated on State Trunk Highways within the city. The operator of any Class 1 or 2 All-Terrain Vehicle or Utility Task Vehicle permitted under Section 70.05.03 above may make a direct crossing of any intersecting roadways. Operators must exercise all due care to avoid travel on roadways with a high frequency of automobile usage. The City Commission may designate roadways and city property not provided for in this ordinance to allow or prohibit the travel of Class 1 and 2 All-Terrain Vehicles and Utility Task Vehicles as it deems necessary from time to time. If the City Commission elects to allow or prohibit travel on designated roadways or areas, the City Administrator shall provide a Designated Roadway Map for purposes of identifying roadways allowed or prohibited for Class 1 or 2 All-Terrain Vehicle or Utility Task Vehicle travel.

§ 70.05.06 TIMES OF OPERATION.

Class 1 or 2 All-Terrain Vehicles or Utility Task Vehicles permitted under § 70.05.03 above may only be operated on designated roadways and intersections from sunrise to sunset, except when such Class 1 or 2 All-Terrain Vehicles or Utility Task Vehicles are equipped with original equipment headlights, taillights, and rear-facing brake lights. If equipped with original equipment headlights, taillights, and rear-facing brake lights, such Class 1 or 2 All-Terrain Vehicles or Utility Task Vehicles may be operated on designated roadways and intersections from 6:00 A.M. to 11:00 P.M. **Class 2 All-Terrain Vehicles and Utility Task Vehicles may be operated year-round. Class 1 All-Terrain Vehicles may only be operated from the time period beginning November 1st and ending March 31st. The use of Class 1 All-Terrain Vehicles on city roadways between April 1st and October 31st is expressly prohibited and subject to the penalty provided in §70.05.11.**

§ 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 at all times in the proper traffic lane and not exceed the designated speed limit.
2. Operators should operate the vehicles at prudent speeds and always exercise due care and control of the vehicle.
3. Operators are prohibited from allowing any passengers on an attached trailer to a Class 1 or 2 All-Terrain Vehicles or Utility Task Vehicles permitted under section 76.03 above 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 and 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 and 2 All-Terrain Vehicles or Utility Task Vehicles must not be in such a state as to create unreasonably loud grating, grinding, rattling, or other 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.

§ 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 from the time period beginning November 1st through March 31st. 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 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 30 days of receipt of the appeal.

§ 70.05.11 PENALTY.

In addition to the revocation or suspension of the permit, any person violating any of the provisions of this chapter 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.

Mayor

Attested: _____

City Clerk

ORDINANCE NO. _____, FOURTH SERIES

**AN ORDINANCE OF THE CITY OF GLENWOOD, MINNESOTA, AMENDING CITY CODE
CHAPTER 70.06 SPECIAL VEHICLE USE BY DISABLED**

The City Commission of Glenwood, Minnesota ordains:

SECTION 1. Chapter 70, Section 70.06 of the Glenwood City Code is hereby amended to read as follows:

CHAPTER 70.06: GOLF CARTS

SECTIONS:

70.06.01 Definitions

70.06.02 Driving, Operating or Control of Motorized Golf Carts

70.06.03 Permits

70.06.04 Permit Issuance

70.06.05 Fees

70.06.06 Unlawful Acts

70.06.07 Penalty

§ 70.06.01 **DEFINITIONS.**

MOTORIZED GOLF CART. Any passenger conveyance being driven with three or four wheels with three or four low pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds.

§ 70.06.02 **DRIVING, OPERATING OR CONTROL OF MOTORIZED GOLF CARTS.**

A motorized golf cart 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 strict compliance with this subchapter. Golf carts 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 golf cart travel, the City Administrator shall prepare a map for the purpose of identifying designated roadways for golf cart travel.

§ 70.06.03 **PERMITS.**

No motorized golf cart shall be driven, operated or controlled on the roadways or shoulders of roadways under the jurisdiction of the city unless the driver, operator, or person in control has in his or her actual physical possession a valid, current and unrevoked permit from the City of Glenwood for such driving, operation or control of a motorized golf cart.

Penalty, see § [70.06.07](#)

§ 70.06.04 **PERMIT ISSUANCE.**

Permits shall be issued by the City Administrator, or authorized designee, upon compliance with this subchapter.

(A) **Individual permit.** Permits may be issued in the following method:

(1) Permits may be issued to persons who are licensed to drive motor vehicles as defined by M.S. Ch. 169. Applicants will need to submit proof of their driver's license; the date of application; applicant's signature; the name of applicant's insurance company that covers such vehicle; the applicant's insurance policy number and the date of the expiration of insurance coverage.

(B) **Liability.** The operation of golf carts under this subchapter shall be totally the risk and responsibility of the operator. The city, by passing this subchapter of permission and designation under state law, assumes no responsibility for the operation of the golf carts and shall be held harmless in any action arising from the operation of golf carts on or off any public way within the city.

(C) **Revocation of permit.** An individual permit may be revoked or suspended 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 motorized golf cart. The Chief of Police or City Administrator shall issue a notice of suspension or revocation 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 30 days of receipt of the notice of revocation. The City Commission shall conduct an informal hearing and make a final determination on the validity of the suspension or revocation within 30 days of receipt of the appeal.

(D) Permit expiration. Permits shall be issued for the time period running from April 1st until October 31st of each year. A new permit shall be required each year. Permits shall not be prorated and a new permit is required each year.

§ 70.06.05 FEES.

An annual permit fee shall be established from time to time by adoption in the fee schedule of the city by the City Commission.

§ 70.06.06 UNLAWFUL ACTS.

No motorized golf cart shall be driven, operated or controlled on the roadways or shoulders of roadways under the jurisdiction of the City of Glenwood:

(A) Between sunset and sunrise;

(B) In inclement weather, when visibility is reduced or impaired by weather, smoke, fog or other conditions or at any time when there is insufficient light clearly to see a person or vehicle on a roadway at a distance of 500 feet;

(C) Without prominent display of a slow-moving vehicle emblem provided in M.S. § 169.522, on the rear of such vehicle;

(D) Without a mirror so located as to reflect to the driver, operator or controller, a view of the roadway for a distance of at least 200 feet to the rear of such vehicle;

(E) Without liability insurance coverage;

(F) Contrary to any traffic law of the City of Glenwood or the State of Minnesota, except those which cannot reasonably be applied to motorized golf carts, or are not applied, by reason of M.S. § 169.045, subd. 7;

(G) Contrary to any provisions of the city code; or

(H) Without a current valid individual permit.

(I) During the time period from November 1st through March 31st.

(J) No person shall operate a motorized golf cart on a public sidewalk, trail, or park unless otherwise expressly authorized by the city. This prohibition shall not include the asphalt roadway within Barsness Park, but does apply to all other trails, paths, and park grounds within Barsness Park.

Penalty, see § [70.06.07](#)

§ 70.06.07 PENALTY.

Any person violating any of the provisions of §§ 70.06.01 through 70.06.06 shall be guilty of a misdemeanor.

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

Mayor

Attested: _____

City Clerk