

CITY OF CHAMPLIN
COUNTY OF HENNEPIN
STATE OF MINNESOTA

ORDINANCE NO. 875

ORDINANCE AMENDING CHAPTER 54, ARTICLES IV AND V (SNOWMOBILES, ALL-TERRAIN VEHICLES, AND MOTORIZED DIRT BIKES AND MOTORIZED GOLF CARTS)

Chapter 54
ARTICLE IV. SNOWMOBILES, ALL-TERRAIN VEHICLES, UTILITY TASK VEHICLES AND
MOTORIZED DIRT BIKES

Sec. 54-83. Legislative findings of fact.

The city council finds:

- (1) Due to the development level now existing within the city, the operation of snowmobiles, all-terrain vehicles, utility task vehicles, and motorized dirt bikes, except as provided herein, poses a threat to public health, welfare and safety; and
- (2) There exists within the county a series of snowmobile trails maintained by other jurisdictions which provides more than adequate opportunity for snowmobile recreation by city residents.

Sec. 54-84. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

All-terrain vehicles or ATV means as provided in Minn. Stats. § 84.92.

Established riding area means tracks or trails on a lot created for and used by a snowmobile, ATV, UTV, and/or motorized dirt bike.

Motorized dirt bike means a two-wheeled vehicle being capable of cross-country travel on natural terrain without benefit of a road or trail.

Operate means to ride in or on and control the operation of a snowmobile, ATV, UTV, and/or motorized dirt bike.

Operator means every person who operates or is in actual physical control of a snowmobile, ATV, UTV, and/or motorized dirt bike.

Owner means a person, other than a lien holder having the property in or title to the snowmobile, ATV, UTV, and/or motorized dirt bike and entitled to the use or possession thereof.

Right-of-way means the improved and traveled portion of a highway or street in which the public owns the fee or an easement for roadway purposes.

Roadway means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

Safety or deadman throttle means a device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the

driving track.

Snowmobile means any self-propelled vehicle used for recreational purposes whether steered by wheels, skis, or runners and designed for travel on snow or ice or natural terrain.

Snowmobile trail system means snowmobile trails which have been established, groomed and maintained for the legal operation of snowmobile traffic by the other organizations or jurisdictions.

Street or highway means the entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter or right, for the purposes of vehicular traffic.

Utility Task Vehicle or UTV means as provided in Minn. Stats. § 169.045.

Sec. 54-85. Operation.

(a) General prohibition. No person shall operate a snowmobile, ATV, UTV, and/or motorized dirt bike within the corporate limits of the city, except upon the snowmobile trail system or on private property if in possession of written permission.

(b) The use of a snowmobile, ATV, UTV, and/or motorized dirt bike is allowed on private lots.

(c) A snowmobile, ATV, UTV, and/or motorized dirt bike may be used on private lots located within the city on the condition that riders shall adhere to the following:

(1) An established riding area for a snowmobile, ATV, UTV, and/or motorized dirt bike is to be located no closer than 100 feet from any lot line or 50 feet if a privacy fence, approved by the city, has been constructed along the lot line.

(2) Dust and noise control measures are to be maintained by the lot owner. These dust and noise control measures are to be enforced by the city if owners of lots that are adversely affected by dust and noise, due to snowmobile, ATV, UTV, and/or motorized dirt bike use, file a written complaint to the city.

a. Dust control measures shall include, but are not limited to, the planting of 12-foot high coniferous trees planted ten feet on center or the construction of a six-foot minimum height board-on-board style fence.

b. A snowmobile, ATV, UTV, and/or motorized dirt bike must have a federally-approved spark arrestor, the noise emission may not exceed 99 decibels at a distance of 20 inches at idle, and mufflers may not be altered to increase motor noise, have a cut out bypass or similar device.

(3) A snowmobile, ATV, UTV, and/or motorized dirt bike may only be operated on the lot during the following times: Months of June, July and August, 9:00 a.m. to 9:00 p.m.; Months of September through May, 9:00 a.m. to 9:00 p.m. (Friday and Saturday) and 9:00 a.m. to 7:00 p.m. (Sunday through Thursday). Operation of a snowmobile, ATV, UTV, and/or motorized dirt bike must cease for a minimum of one hour after every hour of riding.

(d) Towing. No snowmobile, ATV, UTV, and/or motorized dirt bike shall tow another object.

(e) Persons responsible for violations. The registered owner of any snowmobile operated in violation of this section shall be deemed to have permitted the violation to have occurred, and shall be liable to criminal prosecution in the same manner as the operator. It shall be the responsibility of the registered owner, when allowing a

snowmobile to be operated by another, to advise the operator of the provisions of this section.

Sec. 54-87. Equipment.

It is unlawful for any person to operate a snowmobile, ATV, UTV, and/or motorized dirt bike any place within the corporate limits of the city unless it is equipped with the equipment as provided by state law or rules adopted by the state commissioner of natural resources.

Sec. 54-88. Leaving snowmobile, ATV, UTV, and/or motorized dirt bike unattended.

Every person leaving a snowmobile, ATV, UTV, and/or motorized dirt bike in a public place shall lock the ignition, remove the key and take the same with them.

Sec. 54-89. Chasing animals forbidden.

It is unlawful to intentionally drive, chase, run over, kill or otherwise take or attempt to take any animal, wild or domestic, with a snowmobile, ATV, UTV, and/or motorized dirt bike.

Sec. 54-90. Exemption.

Any snowmobile, ATV, UTV, and/or motorized dirt bike used by the city or any other governmental body in conducting official business.

ARTICLE V. MOTORIZED GOLF CARTS.

Sec. 54-91. Purpose.

The city authorizes the operation of motorized golf carts on designated public rights-of-way as permitted under this article. The State of Minnesota authorizes cities to allow the operation of motorized golf carts on some rights-of-way, as defined in Minnesota Statute 169.045.

Sec. 54-92. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized operator means only persons with a valid driver's license may operate a motorized golf cart on designated public rights-of-way and be in compliance with Chapter 171 of the Minnesota State Statutes.

Community and special events means events sponsored, co-sponsored or supported by the city. Community and special events may also include celebrations approved by the

city and organized by a nonprofit, community based organization intended to serve the entire community.

Designated public right-of-way means the public rights-of-way, including streets or trails, listed in section 54-94 on which motorized golf carts may operate.

Motorized golf cart means a self-propelled four-wheel vehicle of the type and style designated for and commonly used for transportation on a golf course that is limited in engine displacement of less than 800 cubic centimeters and total dry weight of less than 800 pounds.

Sec. 54-93. Permit required.

(a) *Permit required.* No motorized golf cart may be operated on a designated public right-of-way without first obtaining a permit from the city.

(b) *Permit application.* Permit applications require approval of the police department and must contain the following information:

- (1) Registered owner's name, address, and telephone number;
- (2) Make, model, year, and vehicle identification number if available;
- (3) Proof of insurance for the motorized golf cart;
- (4) Current driver's license or reason for not having a current license; and
- (5) Other information as required by the police department.

(c) *Inspection.* As part of the permit process, the police department may require applicants to have their motorized golf carts inspected by the police department.

(d) *Education.* As part of the permit process, the police department may require the applicant to demonstrate their knowledge in the use of hand signals for turning and stopping.

(e) *Fee.* The permit fee shall be as set forth in the city's fee schedule in Chapter 22.

(f) *Term of permit.* Permits may be granted for a period of one year and will expire on December 31 each year.

(g) *Insurance.* The applicant must provide, and submit with the permit application, evidence of insurance complying with the provisions of M.S.A. § 65B.48, subd. 5. Every motorized golf cart operator shall have proof of insurance in possession while operating the motorized golf cart on designated public rights-of-way and shall produce such proof of insurance on demand of a police officer as defined in M.S.A. § 169.791.

(h) *Approval.* If the application for the permit meets all of the requirements of this section, the permit application shall be approved by the Police department and a permit shall be issued by the city.

(i) *Denial.* No permit shall be granted or renewed if the applicant has had his or her driver's license revoked as the result of a criminal proceeding.

Sec. 54-94. Operating conditions.

The issuance of a permit and adherence to the criteria set forth in this article are specific to the city. Within the city, authorized operators holding permits shall comply with the following requirements:

(a) *Designated public rights-of-way.* Golf carts are only permitted to be operated on designated public right-of-way. Designated public right-of-way are those which are considered to be local in nature, under Champlin jurisdiction, and 30 mph or less. Golf Carts are not permitted to travel down County or State roads. The streets which are designated for golf cart operation are shown on the city's 'Roadways for Operation of Golf Carts' map, which is on file and of record with the Community Development Department. With this exception, golf carts shall not, for any period of time or distance, travel down any streets or highways not permitted for golf cart use.

(b) *Restricted areas.* Unless otherwise stated in this section, motorized golf carts may not be operated in the following areas:

- (1) Within state or county rights-of-way, including grassy boulevard and ditch areas, unless crossing intersecting county roadways and local streets as authorized by subsection (d) of this section;
- (2) Local city streets with speed limits greater than 30 miles per hour;
- (3) Any area posted that prohibits motorized golf carts;
- (4) On State Highway 169;
- (5) On city sidewalks, bike or pedestrian trails;
- (6) On public or private property unless permission is posted by the property owner;
- (7) Within grassy boulevards and/or ditch areas of local city streets;
- (8) Public parks and open space/natural areas;
- (9) On any right-of-way not marked as allowed on the city's 'Roadways for Operation of Golf Carts' map.

(c) *Crossing intersecting state/county highways and local streets.* The operator, under permit, of a motorized golf cart is permitted to cross over any non-designated street that intersects a designated public right-of-way.

(d) *Time of operation.* Motorized golf carts may only be operated on the designated public rights-of-way from sunrise to sunset, in the months of April to October. Motorized golf carts shall not be operated in inclement weather such as when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the public right-of-way at a distance of 500 feet.

(e) *Motorized golf cart safety equipment requirements.* All motorized golf carts shall have the following equipment:

- (1) Motorized golf carts must display a slow-moving vehicle emblem as described in M.S.A. § 169.522 when operated on designated public rights-of-way.
- (2) Rear view mirror as defined in M.S.A. § 169.70.
- (3) Parking brakes to hold the vehicle in place when unattended.

(f) *Operating requirement.* The authorized operator must have his or her actual valid, current, and unrevoked golf cart permit displayed on the motorized golf cart at all times while operating the motorized golf cart on a designated public right-of-way along with proof of insurance. A motorized golf cart must only transport as many persons as it was designed by the manufacturer to carry. No objects shall be overhanging from the motorized golf cart.

(g) *Application of traffic laws.* Every person operating a motorized golf cart under permit on designated public rights-of-way have all the rights and duties applicable to the driver of any other vehicle under M.S.A. ch. 169, except when those provisions cannot be reasonably applied.

(h) *Parking of motorized golf cart.* Motorized golf carts must be parked in designated public parking stalls or areas used by automobiles only. No parking is permitted on public sidewalks, public parks, public boulevard areas or other similar public areas. Parking in the parking lot stalls of public parks is allowed if the parking lot is accessible by designated public right-of-way.

Sec. 54-95. Exemptions.

(a) *City operations.* The city police and fire departments, parks and recreation department, and public services departments are authorized to utilize motorized golf carts to carry out their operations and are exempt from all requirements under this article.

(b) *Golf course operations.* Authorized motorized golf carts utilized on property associated with a golf course are exempt from all requirements under this article.

(c) *Community or special events.* Motorized golf carts on public streets during parades and special events by event organizers, and others authorized by the city for such use, are exempt from all requirements under this article. The police chief or their appointee shall determine if an event qualifies for the exemption. Notwithstanding the foregoing, additional conditions and/or restrictions may be imposed upon individuals authorized to use motorized golf carts on designated public rights-of-way under this section.

(d) *Private property.* Motorized golf carts utilized on private property, by the property owner or with the property owner's express permission, are exempt from all requirements of this division.

(e) *Physically disabled person.* For physically disabled persons, as defined under Minn. Stat. § 169.345, Subd. 2, the applicant must provide credible assurance that he/she is a physically disabled person to gain a permit (state-issued parking placard or verbally stating).

Sec. 54-96. Violation; penalty.

Any person violating the terms of this division or if there is evidence that the licensee cannot safely operate the motorized golf cart may lose his or her permit to operate a motorized golf cart on designated public rights-of-way in the city. The Police Chief, or their appointee, may suspend or revoke a permit upon finding evidence that the person cannot safely operate the motorized golf cart. The applicant reserves the right to appeal this revocation to the City Council. The penalties shall be as follows:

(a) All driving offenses are subject to the provisions of the MN State Statutes Chapter 169 and drivers may be subject to an appearance in district court. Citable offenses may result in a revocation of the permit. Motorized golf carts found without a permit may be cited administratively in the amount of \$75.00 or in violation of equipment requirements may be cited administratively in the amount of \$50.00.

(b) A permit may be revoked at any time for violating any provision of this article, or Minn. Stat. ch. 169, or if there is evidence that the permit holder cannot safely operate the motorized golf cart, after an investigation by the police department and final determination by the police chief or their appointee. The permit holder is subject to the provisions of this chapter in which the following may occur:

1. For the first violation: revocation of permit for 1 year from the date of the offense, and \$75.00 Fine.
2. For the second violation: revocation of permit for 3 years from the date of the offense, and \$150.00 Fine.
3. For the third violation: revocation of permit is indefinite, and \$300.00 Fine.

(c) Any permit revocation may be appealed to the city council by providing a written request for an appeal within ten business days of the revocation to the city clerk. The revocation will remain in full force and effect until the appeal process has been completed.

(d) Reinstatement of a permit requires a new permit application to be completed and submitted.

Secs. 54-97-54-107. Reserved.

First Reading: January 23, 2023
Second Reading: March 27, 2023