

ORDINANCE NO. 158, 2ND SERIES

AN ORDINANCE OF THE CITY OF PAYNESVILLE, MINNESOTA, AMENDING CITY CODE CHAPTER 8 ENTITLED "TRAFFIC REGULATIONS" BY AMENDING SECTION 8.14 THEREOF ENTITLED "SNOWMOBILES, MOPEDS, DIRT BIKES, ALL TERRAIN VEHICLES, AND OTHER VEHICLE CONTROL REGULATIONS; AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 1 AND SECTION 8.99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF PAYNESVILLE, MINNESOTA ORDAINS:

Section 1. City Code, Chapter 8, is hereby so that Section 8.14 thereof shall read:

SECTION 8.14. GOLF CARTS, NEIGHBORHOOD FRIENDLY VEHICLES, ATVS, SNOWMOBILES, AND OTHER LOW POWERED VEHICLES WITHIN THE CITY OF PAYNESVILLE, MINNESOTA.

Subd. 1. Purpose and Intent.

- (A) The purpose of this chapter is to provide reasonable regulations for the use of special and recreational motor vehicles on public and, in conformance with private property, in the City.
- (B) This chapter is not intended to allow what the Minnesota Statutes prohibit or to prohibit what the Minnesota Statutes expressly allow.
- (C) It is intended to ensure the public safety and prevent a public nuisance.
- (D) This Chapter adopts the regulatory provisions of Minnesota Statutes, Section 84.81 to 84.929, 169.974, 169.223, 171.01, and 171.02 as amended from time to time and adopts permitting requirements per 169.045.

Subd. 2. Definitions. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (A) Designated Streets: All streets, avenues, and roadways under the jurisdiction of the City of Paynesville not identified as a prohibited street.
- (B) Prohibited Streets: All streets, avenues, and roadways under the jurisdiction of the City of Paynesville which operation of vehicles under this ordinance are prohibited. This includes Lake Ave S (Co Rd 66) and Lake Ave N, All of Business 23 (Co Rd 85), Railroad St from River St to Garfield Ave, Co Rd 34, Minnie St from Industrial Loop West to Co Rd 85, River St from Business 23 W to Railroad St
- (C) Street: "Street" means the entire width between boundary lines including road-right of ways and boulevards.
- (D) Operator: The person driving and having physical control over the motorized golf cart, all-terrain vehicle, or mini-truck and being the licensee.
- (E) Owner: Owner means a person, other than a person with a security interest, having a property interest in or title to a vehicle cover in this ordinance and is entitled to the use and possession of the vehicle.
- (F) 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.

- (G) 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: a neighborhood 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.

Subd. 3. Operator Permits.

- (A) No person shall operate a motorized golf cart or mini-truck on streets, alleys or other public property without obtaining an operator's permit as provided herein.
- (B) Every application for an operator's permit shall be made on a form supplied by the City of Paynesville and shall contain all of the following information:
- (1) The name and address of the applicant.
 - (2) The nature of the applicant's physical handicap, if any.
 - (3) Current driver's license or reason for not having a current license.
 - (4) Other information as the city may require.
- (C) The annual operator's permit fee shall be as set forth in the Paynesville fee schedule which may be amended from time to time by resolution of the city council.
- (D) Operator's Permits shall be granted for a period of one year and may be renewed annually Jan. 1 to Dec. 31.
- (E) No operator's permit shall be granted or renewed unless the following conditions are met:
- (1) The applicant must demonstrate that he or she currently holds or has held a valid Minnesota driver's license to operate a mini-truck.
 - (2) The applicant shall be required to submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart on the roadways designated.
 - (3) The applicant has not had his or her driver's license revoked, suspended, or cancelled as the result of criminal proceedings within the last 5 years.
 - (4) The applicant is over the age of 16
 - (5) No prior violations of this ordinance or traffic violations related to the use of a motorized golf cart or mini truck

Subd. 4. Vehicle Permits.

- (A) No person shall operate a motorized golf cart or mini-truck on streets, alleys or other public property without obtaining a vehicle permit as provided herein. The vehicle must have a current, valid permit prominently displayed on the front windshield or above the driver's side wheel well.
- (B) Every application for a vehicle permit shall be made on a form supplied by the City of Paynesville and shall contain all of the following information:
 - (1) The name and address of the owner.
 - (2) Model name, make and year and number of the motorized golf cart or mini truck
 - (3) Current insurance information on the vehicle
 - (4) Other information as the city may require.
- (C) The vehicle permit fee shall be issued for three (3) years commencing January 1 of the year of issuance and expiring December 31 of the third year, and the fee shall be set forth in the Paynesville fee schedule which may be amended from time to time by resolution of the city council.
- (D) Vehicle permits shall be granted for a three (3) year period of one year and may be renewed for three (3) year periods thereafter, each three (3) year period commencing January 1 of the year of issuance and ending December 31st of the third year of the permit.
- (E) No vehicle permit shall be granted or renewed unless the following conditions are met:
 - (1) The applicant must demonstrate continued/ongoing insurance for the vehicle in compliance with Minnesota State Statute.
 - (2) The applicant must demonstrate the motorized golf cart or mini truck complies with safety requirements and equipment set forth in this ordinance.
 - (3) No prior violations of this ordinance or traffic violations related to the use of the permitted motorized golf cart or mini truck

Subd. 5. General Provisions.

- (A) Motorized golf carts and mini-trucks are permitted to operate on designated roadways, not state or federal highways or prohibited roadways as defined above, except to cross at intersections. Vehicles may not be driven down a prohibited road to get to an intersection. Vehicles must operate as close to the right curb as possible, unless overtaking a parked vehicle or pedestrian, or making a left hand turn.
- (B) Motorized golf carts and mini trucks may only be operated on designated roadways from sunrise to sunset. They shall not be operated in inclement weather, except during emergency conditions as provided in the ordinance, or when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient light visibility to clearly see persons and vehicles on the roadway at a distance of 500 feet.
- (C) 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.
- (D) Motorized golf carts 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.

- (E) The operator of a motorized golf cart or mini-truck may cross any street or highway intersecting a designated roadway.
- (F) Every person operating a motorized golf cart 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.
- (G) The number of occupants on the golf cart, all-terrain vehicle, or mini-truck may not exceed the design occupant load.
- (H) Every person operating golf cart must possess the operator's permit at all time when operating the vehicle and every person operating a mini truck must possess a valid driver's license when operating a mini truck
- (I) It is unlawful to operate a motorized golf cart or mini truck anywhere in the City of Paynesville, including private property, in any of the following manners:
 - (1) At a speed in excess of the posted speed limit
 - (2) Other than single file on a designated roadway
 - (3) Carelessly or Recklessly
 - (4) Towing or pulling any person or object behind the vehicle, unless specifically designed for that purpose
 - (5) On a public sidewalk or bike trail provided for pedestrian or non-motorized travel
 - (6) On boulevards within any public right of way
 - (7) Public property- on any other public property including parks and recreational areas, except as the City Code may specifically permit.
 - (8) While the operator of a motorized golf cart or mini truck is under the influence of alcohol or drugs as defined in MN State Statute 169A.
 - (9) On private property without the property owners permission
 - (10) While the operator's permit is in suspended or revoked status
- (J) The operator of a motorized golf cart or mini truck shall not possess any open container of alcohol while the vehicle is operating within the City of Paynesville. The operator shall not allow any passenger to possess an open container of alcohol while the vehicle is operating within the City of Paynesville.
- (K) The owner of a permitted motorized golf cart or mini truck shall not allow anyone to operate or drive the vehicle when the operator does not have a valid operator's permit or is under the age of 16. The owner is responsible for all actions of the operator and may be subject to lose of vehicle permit for violations of this ordinance.
- (L) The City Council may suspend or revoke an operator's permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this section, does not comply with permitting requirements 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 or mini-truck on the designated roadways.

- (M) The City Council may suspend or revoke a vehicle permit granted hereunder upon a finding that the owner thereof has violated any of the provisions of this section or Minn. Stat., ch. 169, as it may be amended from time to time.
- (N) 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.
- (O) 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.

Subd. 6. 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 (7) below by 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.

Subd. 7. 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.

Subd. 8: 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.

(A) Operation of neighborhood electric vehicles on city streets is prohibited.

- (B) 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.

Subd. 9. ATVS, UTVS, Snowmobiles and Other Vehicles Not Already Controlled or Regulated by this Ordinance.

(A) Operation by minors:

- (1) It is a violation for any person under the age of fourteen (14) years to operate a snowmobile, ATV, UTV, or other vehicle or means of transportation not licensed for Minnesota streets or highways on streets or other public property in the City of Paynesville.
- (2) A person fourteen (14) years of age or older, but less than eighteen (18) years of age, may operate a snowmobile, ATV, UTV, or other vehicle or means of transportation not licensed for Minnesota Streets and highways on the streets of the City of Paynesville if he/she has in his immediate possession a valid driver license, permit, or certificate for the operation of said snowmobile, ATV, UTV, or other vehicle or means of transportation.

(B) General Operation:

- (1) Notwithstanding any provision in the Minnesota Statutes to the contrary, it is unlawful for any person to operate a snowmobile, ATV, UTV, or other vehicle in excess of fifteen (15) miles per hour.
- (2) Operation of such vehicles shall be limited to passing through the City of Paynesville and for residents of the City, shall be limited to going in a direct line to an out-of-town destination, or returning to the place of residence or place of housing within the city.
- (3) Operation of such a vehicle shall be restricted to the city streets only, except and provided in subdivision 6.
- (4) It is unlawful for any person to operate a snowmobile, ATV, UTV, or other vehicle or means of transportation on private property of another without the permission of the owner or occupants thereof.
- (5) Snowmobile, ATV, UTV, or other vehicle or means of transportation shall yield to all other vehicles and traffic including pedestrians at all intersections and shall abide by all signs governing the operation of motor vehicles within the City of Paynesville.
- (6) ATVS and UTVS may be used within the city for the purpose of agricultural use or snow removal. Under all circumstances, the operator must abide by the other provisions of this ordinance and state statute.
- (7) It is unlawful to tow or pull any person or object behind a snowmobile, ATV, UTV, or other vehicle that is not designed for that purpose.

Subd. 10. Penalty.

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor.

Subd. 11. Severability.

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.

Subd. 12. Effective Date.

This ordinance becomes effective on 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.

Section 2. City Code, Chapter 1, entitled “General Provisions and Definitions Applicable to the Entire City Code, Including Penalty for Violation” and Section 8.99 entitled “Violation a Misdemeanor or Petty Misdemeanor” are hereby adopted in their entirety by reference as though repeated verbatim herein.

Adopted by the City Council of the City of Paynesville this 11th day of July, 2016.

Jeff Thompson, Mayor

ATTEST:

Renee Eckerly, City Administrator

Published in the Paynesville Press on July 20, 2016.