

**City of St. Charles
Ordinance #576**

**AN ORDINANCE TO AMEND
SECTION §70.11 OF THE ST. CHARLES
CITY CODE RELATED TO SPECIAL VEHICLE USE**

THE CITY OF ST. CHARLES DOES ORDAIN (deleted material is stricken and enclosed in brackets; new material is underlined; subsections which are not being amended are omitted):

Section 1. Title VII: Vehicle Operation and Parking, Chapter §70.02; Definitions of the City Code of St. Charles, Minnesota, be amended as follows: ~~(This Ordinance shall amend section 70.11 of the St. Charles City Code as follows:)~~

- (A) *State statutes adopted by reference.* Terms used in this chapter and defined in M.S. §§ 84.81 and 169.01, as they may be amended from time to time, shall have the meanings given to them by that section.
- (B) *St. Charles Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- (1) **RV.** Includes mobile homes, campers, ~~(four wheelers and other A.T.V.'s)~~, boats, snowmobiles, and jet-ski's on trailers.
- (2) **TRAILER.** Includes utility, semi-trailers, RV trailers, flat beds, and any other wheeled vehicle designed to be attached to and pulled by a motorized vehicle.
- (3) **ALL-TERRAIN VEHICLE OR VEHICLE.** "All-terrain vehicle" or "vehicle" as defined by MN SS 84.92 Subd. 8 means a motorized flotation-tired vehicle of not less than four low pressure tires, but not more than six tires, that is limited in engine displacement of less than 1,000 cubic centimeters and includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle.
- Class 1 all-terrain vehicle. "Class 1 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of less than 1,000 pounds.
- Class 2 all-terrain vehicle. "Class 2 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of 1,000 to 1,800 pounds.

(4) **UTILITY TASK VEHICLE (UTV) OR VEHICLE.** "Utility task vehicle" or "vehicle" as defined by MN SS 169.045 Subd. 1(3) means 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.

(5) **MINI-TRUCKS.** A mini-truck as defined by MN SS 169.011 Subd. 40a means a motor vehicle with four wheels and is propelled by an electric motor or an internal combustion engine with an enclosed cabin and a seat for the vehicle operator. It commonly resembles a pickup truck or van, including having a cargo area or bed located at the rear of the vehicle. It was not originally manufactured to meet federal motor vehicle safety standards, but must have head lamps; an exterior mirror mounted on the driver's side of the vehicle; either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror; a windshield; a seat belt for the driver and front passenger; and a parking brake.

Section 2. Title VII: Vehicle Operations and Parking, Chapter § 70.11; Special Vehicle Use
(SPECIAL VEHICLE USE.)

(A) Authorized Use

(1) Pursuant to the authority granted by Minnesota Statute(s) 169.045, use of motorized golf carts, ~~(or 4 wheel)~~-all-terrain vehicles, mini-truck or utility task vehicles are permitted within the city under the conditions set forth below.

(2) Only persons who have a valid permit issued by the city shall operate an all-terrain, motorized golf carts, mini-truck or utility task vehicles ~~(a special vehicle)~~ within the city on streets and alleys only.

(3) All-terrain, motorized golf carts, mini-truck and utility task vehicles are not authorized within the city on pedestrian paths, on bike trails, on public sidewalks, or in parks unless specifically permitted by the city.

(4) All-terrain vehicles, motorized golf carts Class 1, may cross Whitewater Avenue, State Highway 14 and 74, but may not drive on said roads within the City of St. Charles.

(B) General Permit Requirements.

(1) Each person desiring a permit for the operation of a special vehicle must submit an application to the Chief of Police with an application fee.

(2) Each applicant shall show evidence of insurance which meets the requirements of M.S. § 65B.48, subdivision 5, as it may be amended from time to time.

(3) The St. Charles Police Department shall inspect each motorized golf cart, all-terrain or utility task vehicle receiving a permit to ensure that each vehicle has a rear view mirror, a slow-moving vehicle sign attached to the rear of the vehicle and that it is in generally good working condition.

(4) ~~(Vehicles)~~ Motorized golf carts may only be operated during sunrise and sunset. ~~(daylight hours.)~~

(5) ~~(The Chief of Police will establish a designated roadway for each permit holder.)~~ Speed limit for all vehicles subject to this ordinance is set at 15 MPH in the City limits of the City of St. Charles

(6) Each permit must be renewed ~~(annually)~~ every 2 years.

(7) Standard mufflers which are properly attached to the vehicle and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass, straight pipe, or similar device on a ~~(ATV)~~vehicle. The apparatus shall not be audible for a distance more than 500 feet from the place or places where such devices or apparatus will be located.

(8) Brakes adequate to control the movement of and to stop and hold the vehicle under any condition of operation.

(9) At least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead during the hours of darkness and under normal atmospheric conditions, when the ~~(ATV)~~vehicle is operated between the hours of one-half hour after sunset to one-half hour before sunrise, or at times of reduced visibility. Such headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming vehicle operator. The ~~(ATV)~~vehicle shall also be equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear during hours of darkness under normal atmospheric conditions.

(10) A permit may be revoked at any time if it is shown that the permit holder cannot safely operate the motorized golf cart or all-terrain, utility task vehicle, or mini-

truck on the designated roadway or if the permit holder has had a driver's license revoked or suspended and is currently under revocation or suspension.

(C) *General Permit Requirements for the Handicapped.*

(1) The general permit requirements as specified in division (B) above must be met.

(2) Each application shall be accompanied by a doctor's certificate dated not more than 30 days prior to the application date certifying that the individual is capable of safely operating a motorized golf cart or ~~(4-wheel)~~-all-terrain or utility task vehicle.

(3) This requirement shall be deemed satisfied if the applicant has been issued a motor vehicle permit for a handicapped person.

(D) *Exceptions ~~(for Lawn and Snow removal Equipment)~~*

(1) Lawn and Snow Removal Equipment. Provided the vehicle also complies with all other regulations above herein, and has a DNR "Public Use" registration tag; a vehicle otherwise defined as an ATV in Minnesota Statutes, shall be allowed to travel on City Streets and alleys (but not highways, except to cross); provided it is equipped with lawn-mowing or snow removal attachments, and is being used only for either of those purposes between 5:00 a.m. and 10:00 p.m.

(2) For Permitted City Maintenance. Provided the vehicle also complies with all other regulations above herein, and has a DNR "Public Use" registration tag (if applicable); a vehicle otherwise defined as an all-terrain or utility task vehicle, shall be allowed to travel in city parks and on city paths and trails; provided it has been permitted for city maintenance, and is being used only for those purposes.

(3) For Permitted Emergency Vehicle. Provided the vehicle also complies with all other regulations above herein, and has a DNR "Public Use" registration tag (if applicable); a vehicle otherwise defined as an all-terrain or utility task vehicle, shall be allowed to travel in city parks and on city paths and trails; provided it has been permitted for emergency vehicle, and is being used only for those purposes.

(E) *Operation of ~~(ATV's)~~ Vehicles by Minors.* ATV operators who are minors and who wish to operate ATV's within the City limits are subject to the following conditions in addition to those required for adult operators:

(1) No minor under 16 years of age shall be permitted to operate an ATV in the City of St. Charles.

(2) All minors at least 16 years of age but less than 18 years of age may operate an ATV subject to the restrictions set forth above if the minor possesses a valid driver's license and wears a safety helmet approved by the Commissioner of Public Safety.

(3) Effective January 1, 2006, anyone born after July 1, 1987 and is 16 or older, must complete an independent study course component of vehicle safety training before operating a vehicle on public lands.

(F) *City liability.* Nothing in this section shall be construed as an assumption of liability by the city for any injuries to persons or property which may result from the operation of a motorized golf cart or 4-wheel all-terrain vehicle by a permit holder, or from the city's failure to revoke a permit.

(G) Enforcement. The City of St. Charles may authorize any police officer or any other authorized representative of the law to issue a citation to any person, firm, or entity for any alleged violations of this ordinance and any other ordinance or statute which provides the basis for prosecution of violations of this ordinance. Nothing within this ordinance shall be construed to limit the authority of police officers to enforce any provisions of this ordinance or related statutes or ordinances. The police officer, or other

official of the City, is authorized to issue a citation to any person, firm, or entity for any alleged violation of this ordinance as often as each day the violation persists.

H Other Requirements for Operation. In addition to the provision of said State Statutes, no person shall drive or operate an all-terrain or utility task vehicle in the City of St. Charles:

(1) Upon the private property of another without the express written consent of such other person.

(2) In a careless, reckless or negligent manner to endanger the person or property of another or cause injury or damage thereon.

(3) With no more passengers than there are seats on the all-terrain or utility task vehicle to carry them. All passengers shall sit on the seats provided, with no infants or young children riding on laps.

(4) Without a rearview mirror as required under Minnesota Statutes Section 169.70.

(5) While towing a sled, toboggan, wagon, trailer, or other object unless such sled, toboggan, wagon, trailer or other object is attached to the all-terrain or utility task vehicle by a solid hitch.

(Ord. 416, passed 9-12-1996)

Section 3. This ordinance shall become effective upon the approval and publication of an approved summary.

Adopted by the Council of the City of St. Charles, Minnesota this __th day of ____ 2015.

John Schaber, Mayor

Attest: _____
Nick Koverman, City Administrator

First Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

Second Reading:

Date: _____

Ayes: _____

Nays: _____

Absent: _____

Abstain: _____

Published:

Date: _____