

**CITY OF NORWOOD YOUNG AMERICA
ORDINANCE NO. 305**

**AN ORDINANCE AMENDING SECTIONS 740 AND 750 OF THE CITY
CODE PERTAINING TO ALL TERRAIN VEHICLES AND GOLF CARTS**

- I. THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA, MINNESOTA HEREBY ORDAINS:**
- II. SECTIONS 740 AND 750 OF THE NORWOOD YOUNG AMERICA CITY CODE IS HEREBY AMENDED.**
- III. THE AMENDMENT SHALL BE AS ILLUSTRATED IN EXHIBIT A, ATTACHED HERETO.**
- IV. EFFECTIVE DATE: THIS ORDINANCE IS EFFECTIVE UPON ITS ADOPTION AND PUBLICATION AS PRESCRIBED BY LAW.**

Adopted by the City Council on this 9th day of July, 2018.

Carol Lagergren, Mayor

Attest:

Kelly Hayes, City Clerk/Treasurer

EXHIBIT A

Section 740 – Snowmobiles and All-Terrain Vehicles

740.01 Intent. It shall be the intent of this section to regulate the use and operation of certain vehicles, commonly called Snowmobiles, and All-Terrain Vehicles or ATV's to include Class 1 ATV's and Class 2 ATV's as defined in section 740.04.

740.02 State Snowmobile and All-Terrain Vehicle Laws and Statutes Adopted. Laws of the State of Minnesota, Chapter 84.81 through 84.88 and Chapters 168 through 171, Minnesota Statutes as amended, insofar as applicable to the operation of snowmobiles shall be hereby adopted by reference and shall be as effective as if recited here in full.

740.03 Compatibility with other Regulations. Where the conditions of this section are comparable with conditions imposed by any other law, ordinance, statute, resolution, or regulation, the regulations, which are more restrictive, shall apply.

740.04 Definitions. For purposes of this Section terms defined in this Section shall have the meaning ascribed to them.

All-Terrain Vehicle(s). ~~All-Terrain Vehicle(s) shall include all "Class 1 ATV's" and "Class 2 ATV's." Class 1 ATV's shall mean at least three (3) low-pressure flotation tires, under 800 cc's and under 900 pounds dry weight [MS 84.92(8) and (9)]. Class 2 ATV's shall mean at least three (3) low-pressure flotation tires and under 800cc's, dry weight is 900 pounds through 1,500 pounds [MS 84.92 (8) and (10)]. Class 2 ATV's were formerly defined as "Off Road Vehicles" (ORV's) by the Minnesota Department of Natural Resources.~~

All-terrain vehicles (ATVs): A motorized vehicle with: not less than three, but not more than six low pressure or non-pneumatic tires; a total dry weight of 2,000 pounds or less; and a total width from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does not include a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.

All-terrain vehicle, Class 1: 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.

All-terrain vehicle, Class 2: 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.

Body of Water. Body of Water shall mean all water wholly within the city limits of Norwood Young America and all portions of boundary waters within the city limits of Norwood Young America contained within any wilderness areas designated hereunder and which the public have a right to use for navigation, fishing, hunting or any other beneficial public use.

Commissioner. Commissioner shall mean the commissioner of natural resources.

Deadman Throttle or Safety Throttle. Deadman Throttle or Safety Throttle shall mean a device which when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving mechanism.

EXHIBIT A

Operate. Operate shall mean to ride in or on and control the operation of a snowmobile or all-terrain vehicle.

Operator. Operator shall mean every person who operates or shall be in actual physical control of a snowmobile or all-terrain vehicle.

Owner. Owner shall mean a person, other than a lien holder having the property in title to a snowmobile or All-Terrain Vehicle, or entitled to the use or possession thereof.

Person. Person shall mean and include an individual, partnership, corporation, the State and its agencies and subdivision, and any body of persons, whether incorporated or not.

Right-of-Way. Right-of-Way shall mean the entire strip of land traversed by a highway or street in which the public owns the fee or an easement for roadway purposes.

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

Snowmobile(s). Snowmobile(s) shall mean a self-propelled vehicle designed for travel on ice or snow, steered by skis or runners.

Street. Street shall mean a public thoroughfare, roadway, or alley used for motor vehicular traffic which is not an interstate, trunk, county state aid or county highway.

Treads. Treads shall mean any metal device, or array of metal devices attached to a snowmobile track to enhance traction. This includes metal components that extend more than one-fourth of an inch from the bottom of the track.

740.05 Intersections. No snowmobile or ATV shall enter any uncontrolled intersection without making a complete stop. The operator shall then yield the right-of-way to any vehicles or pedestrians which constitute an immediate hazard.

740.06 Traffic Ordinances. City traffic ordinances shall apply to the operation of snowmobiles and ATV's upon streets and roadways, except for those relating to required equipment, and except those which by their nature have no application.

740.07 Operation Generally.

Subd. 1 Except as otherwise specifically permitted and authorized, it shall be unlawful and punishable for any person to operate a snowmobile or ATV within the city limits of Norwood Young America in violation of the following restrictions:

- A. On any private property within the City unless the private property shall be a designated snowmobile trail or operator shall have express consent of property owner;
- B. In any planting or tree nursery in a manner which damages or destroys growing stock;
- C. Through any wildlife sanctuary, either public or private;
- D. In any cemetery;
- E. At any place while under the influence of intoxicating liquor or narcotics or habit forming drugs;

EXHIBIT A

- F. On any public street or roadway while in possession of an open container containing any amount of an alcoholic beverage, intoxicating liquor, narcotics, or habit forming drugs;
- G. At a rate of speed greater than reasonable or proper (not to exceed 10 mph at any given time) under all the surrounding circumstances;
- H. At any place in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;
- I. In a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys or interferes with the peace and quiet of other persons;
- J. So as to tow any person or thing except through use of a rigid tow bar attached to the rear of the snowmobile or ATV;
- K. While the snowmobile or ATV is equipped with treads;
- L. On a public sidewalk or walkway provided or used for pedestrian travel or on boulevards within any public right-of-way;
- M. On any public or private school grounds except as permission shall be expressly obtained from responsible school authorities;
- N. On any other publicly owned lands which shall include but shall not be limited to park property, playgrounds, recreation areas and golf courses, or any frozen bodies of water within the City of Norwood Young America, except authorized areas previously listed for such use by the proper authority. Authorized areas in the City owned by the City shall be designated by Council resolution.

Subd. 2 Exceptions.

- A. Snowmobiles may be operated on public streets used to provide the most direct access to any snowmobile trail adopted by resolution of the Council.
- B. ATV's may only be operated on public streets or roads used to provide the most direct access to any state owned ATV trail adjacent to the City of Norwood Young America, except for the purposes of snow removal on the owners property, or City owned and operated ATV's for official City business.
- C. Class 2 ATV and golf carts as provided for under Section 750 of the City Code.**

Subd. 3 It is unlawful for the owner of a snowmobile or an ATV to permit the snowmobile or ATV to be operated contrary to the provisions of this section.

740.08 Required Equipment. It shall be unlawful to operate any snowmobile or ATV within the City unless the snowmobile or ATV is equipped with:

- A. Brakes adequate to control the movement of and to stop and hold the snowmobile or ATV under any condition or operation;
- B. A safety or so-called "deadman" throttle in operating condition;
- C. When operated between the hours of one-half hour after sunset to one-half hour before sunrise or at times of reduced visibility, at least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. The head lamp shall be so aimed that glaring rays shall not be projected into the eyes of an oncoming snowmobile or ATV operator. It 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 500 feet to the rear during hours of darkness under normal atmospheric conditions;

EXHIBIT A

- D. Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, bypass, straight pipe, or similar device on a snowmobile or ATV motor.

740.09 Hours of Operation. It shall be unlawful to operate a snowmobile or ATV within the City of Norwood Young America from 10:00 p.m. to 7:00 a.m. for any purpose other than going to or returning from an evening ride by way of the most direct route, to the owner's residence or location where the snowmobile or ATV is generally stored and while complying with applicable laws.

740.10 Minimum Age of Operator.

- A. No person under the age of **fifteen (15)** ~~fourteen (14)~~ years of age shall operate a snowmobile or ATV on any public land in the city. A person **sixteen (16)** ~~fourteen (14)~~ years of age or older, but less than eighteen (18) years of age, may operate a snowmobile or ATV on the streets and highways as permitted under this chapter and make a direct crossing of streets and highways only if he or she has in his or her possession a valid snowmobile or ATV safety certificate issued by the Commissioner, and then only for the purposes of travel between his or her home, or the home location of the snowmobile or ATV, and a point outside the city. This travel must be accomplished by the shortest distance, taking the most direct route while complying with applicable laws.
- B. It shall be unlawful for the owner of a snowmobile or ATV to permit the snowmobile or ATV to be operated contrary to the age provisions of this Subsection.

740.11 Penalties. Any persons violating any provision of this Section shall be guilty of a misdemeanor and shall be punished by a fine not to exceed seven hundred (\$700.00) dollars, or by imprisonment in the county jail for a period not to exceed 90 days or both; but if a minimum fine or imprisonment is prescribed by the State Highway Traffic Act for an offense, the penalty shall apply to a person convicted of the same offense under this Section. *(Amended by Ord. 192, 6/11/07)*

Section 750 – Golf Carts And Class 2 All-Terrain Vehicles (ATV)

750.01 Intent. It shall be the intent of this section to regulate the use and operation of golf carts **and Class 2 ATV** within the city.

750.02 Adoption by Reference of MN Statute. Except as herein specifically addressed or modified, the provision of MN Statute Section 169.045, as amended, are herewith incorporated by reference.

750.03 Compatibility with other Regulations. Where the conditions of this section are comparable with conditions imposed by any other law, ordinance, statute, resolution, or regulation, the most restrictive shall apply.

750.04 Definitions. For purposed of this Section, terms defined in this Section shall have the meaning ascribed to them below:

Golf Cart. A small motorized vehicle, with electric or gas power, designed to carry two golfers and their golf clubs around a golf course between shots.

EXHIBIT A

All-terrain vehicles (ATVs). A motorized vehicle with: not less than three, but not more than six low pressure or non-pneumatic tires; a total dry weight of 2,000 pounds or less; and a total width from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does not include a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.

All-terrain vehicle, Class 1. 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.

All-terrain vehicle, Class 2. 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.

750.05 Authorization to Use Golf Carts and Class 2 ATV on Designated Roadways. All City streets, alleys, and County roads within the City, as permitted by Carver County, shall be designated golf cart **and Class 2 ATV** routes. No United States or State of MN road shall be a designated roadway for golf carts or **Class 2 ATV, except as allowed under Mn. Statute.** The operator **of a golf cart or Class 2 ATV**, under permit, may cross any street or highway intersecting a designated roadway.

750.06 Permit Required. Every person who operates a golf cart **or Class 2 ATV** shall first obtain a permit from the City.

Subd. 1 Information Required. The permit application shall include the following information:

- A. Name of Owner/Operator;
- B. Address of Owner/Operator;
- C. Date of Birth of Operator;
- D. Copy of current driver's license or written explanation for not having a current license. **The City may require**, ~~including~~ a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart **or Class 2 ATV** on designated roadways if the applicant does not have a current driver's license;
- E. Telephone Number;
- F. Golf Cart **or Class 2 ATV** Make, Model, Year and Serial Number;
- G. Proof of Insurance

Subd. 2 Fee. A fee shall be established by Ordinance of the City Council.

Subd. 3 Renewals. Permits shall be renewed triennially. All permits shall expire on the 1st day of April not more than three years following their issuance.

Subd. 4 City Officials. Authorized city staff may operate city owned motorized golf carts **or ATV** without obtaining a permit within the city on city streets, sidewalks, trails, rights-of-way, and public property when conducting city business.

750.07 Insurance. Owners and operators of golf carts **and Class 2 ATV** shall carry liability insurance coverage pursuant to MN Statute 65B.48, Subdivision 5.

750.08 Conditions of Operation. Operation of golf carts **or Class 2 ATV** on permitted streets within

EXHIBIT A

the City shall be subject to the following conditions:

- A. **Golf carts are allowed to operate** From sunrise to sunset between April 1 to November 1, except during periods of inclement weather or when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient light to clearly see persons or vehicles on the roadway at a distance of 500 feet.
- B. **Class 2 ATV may be operated on permitted streets provided they are equipped with original equipment headlights, taillights, and rear-facing brake lights.**
- C. **Golf carts shall display** With a slow-moving emblem and a rear-view mirror must be installed on the golf cart.
- D. Golf carts **and Class 2 ATV** must have proper insurance that complies with insurance for a motorcycle pursuant to Section 750.07 above and M.S. § 169.045, as amended
- E. The operator shall have a valid permit, pursuant to Section 750.06 above, be at least 18 years of age and not had their drivers license revoked as a result of criminal proceedings
- F. The operator shall be subject to all traffic ordinances, laws and statutes
- G. The number of occupants shall not exceed the design occupant load
- H. No operation shall be permitted on private property, without the consent of the owner, or on any city sidewalk, trail or park.
- I. No operation shall be permitted at any time with an alcohol level of 0.08 percent or higher, or under the influence of a controlled substance.

750.09 Revocation or Denial of Permit. A permit may be revoked at any time or denied if it is shown that the permittee cannot safely operate the golf cart **or Class 2 ATV**, cannot provide all of the information required for a permit pursuant to Section 750.06 above, had their drivers license revoked as a result of criminal proceedings, or for violation of any of the Conditions of Operation, as stated in Section 750.08 above.

750.10 Penalty for Operation without a Permit. Any person operating a golf cart **or Class 2 ATV** on a **local** public roadway without a permit may be issued a citation by a law enforcement official and is subject to any and all associated penalties.

750.11 Penalty. Any person who violates any provision of this Section is guilty of a misdemeanor.