

ORDINANCE No. _____

**Regulating the Use of
ATV's and Golf Carts
on County Roads**

BE IT AND IT IS HEREBY RESOLVED, by the Polk County Board of Commissioners, County of Polk, State of Minnesota, under authority provided in Minn. Stat. § 169.045, that:

An Ordinance regulating the use and operation of motorized golf carts, four-wheel all-terrain vehicles, and mini trucks on portions of designated roadways under the County's jurisdiction be and hereby is established as follows:

SECTION I - PURPOSE

The purpose of this ordinance is to provide authority for the use of more fuel efficient and cost effective vehicles on county roads which are located within cities or towns that adopt an ordinance establishing standards and permitting the use of such vehicles on designated roadways within its jurisdiction pursuant to the authority granted by Minn. Stat. § 169.045.

SECTION II - SCOPE

This ordinance shall provide for the authorization of the operation of motorized golf carts, four-wheel all-terrain vehicles, or mini trucks on portions of county roadways which are located within the jurisdictional boundaries of cities or towns that have adopted an ordinance permitting the use of such vehicles as allowed by Minnesota law.

SECTION III - AUTHORITY

This ordinance is enacted pursuant to Minnesota Statute § 169.045 which establishes the authority of the County to authorize by ordinance the operation of motorized golf carts, four-wheel all-terrain vehicles, or mini trucks on designated portions of county roadways under its jurisdiction.

SECTION IV - DEFINITIONS

For the purpose of this ordinance, the following definitions will apply:

- 4.1 **Designated Roadway** means that portion of county roads or county state-aid highways within Polk County which are located within the jurisdictional boundaries of a city or town that has enacted an ordinance authorizing, providing standards, and establishing a permitting process for the use of motorized golf carts, four-wheel all-terrain vehicles, or mini trucks on roadways under its jurisdiction pursuant to Minn. Stat. § 169.045.
- 4.2 **Four-wheel all-terrain vehicle** means a motorized floatation-tired vehicle with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and has a total dry weight of less than 600 pounds.
- 4.3 **Mini truck** means a motor vehicle that has four wheels, is propelled by an electric motor with a rated power of 7500 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 2200 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:

- (i) A neighborhood electric vehicle or a medium speed electric vehicle; or
- (ii) A motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements.

- 4.4 **Motorized golf cart** means any vehicle designed for use primarily on a golf course that is propelled by either a gas or electric motor.

SECTION V - PERMIT REQUIRED

- 5.1 It shall be unlawful for any person to operate a motorized golf cart, a four-wheel all-terrain vehicle, or a mini truck on roadways under the jurisdiction of Polk County, except when the vehicle is traveling on designated roadways and is prominently displaying a valid permit obtained from the city or town in which the designated roadway is located.
- 5.2 Permits are to be granted for duration not to exceed one year and must be renewed annually, as required by law, to remain valid.

SECTION VI - RIGHTS AND DUTIES

- 6.1 Every person operating a motorized golf cart, four wheel all-terrain vehicle, or 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. Chapter 169, except when those provisions cannot reasonably be applied to the vehicle.
- 6.2 Motorized golf carts and four-wheel all-terrain vehicles may only be operated on designated roadways from sunrise to sunset. Motorized golf carts and four-wheel all-terrain vehicles may not be operated in 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 and vehicles on the roadway at a distance of 500 feet.
- 6.3 Motorized golf carts shall display the slow-moving vehicle emblem provided for in Minn. Stat. § 169.522.
- 6.4 The provisions of Minn. Stat. Chapter 171 are applicable to persons operating mini trucks under permit on designated roadways.
- 6.5 Notwithstanding any other law, a mini truck may be operated on designated roadways under permit only if it is equipped with: (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:
 - (i) an exterior mirror mounted on the passenger's side of the vehicle; or (ii) an interior mirror;
 - (e) a windshield;
 - (f) a seat belt for the driver and front passenger; and (g) a parking brake.

SECTION VII - REVOCATION

Law enforcement officers shall report all violations of this ordinance to the office responsible for issuing the required permit for travel on designated roadways for determination of revocation of the permit.

SECTION VIII - SEVERABILITY

The provisions of this ordinance shall be severable. Should any section, paragraph, sentence, clause, phrase or portion of this regulation be declared invalid for any reason, the remainder of said regulation shall not be affected and the remainder of the provisions shall remain in full force and effect.

SECTION IX - PENALTIES

Violations of this ordinance shall be petty misdemeanors, except that violations committed under circumstances that endanger or are likely to endanger persons or property, which shall be misdemeanors. A violation of this ordinance within twelve (12) months of a conviction for a prior violation of this ordinance shall be a misdemeanor and shall result in revocation of the violator's permit to operate the motorized golf cart, four wheel all-terrain vehicle, or mini truck, on designated roadways for a period of twelve (12) months following conviction.

SECTION X - EFFECTIVE DATE

This regulation shall be in full force and effect upon publication and adoption pursuant to law.

Adopted this _____ day of _____, 2010.

Polk County Board of Commissioners Chairperson

Attest:

Polk County Administrator