

Section 1015:00. All-Terrain Vehicles (ATV), Utility Task Vehicles (UTVs), Motorized Golf Carts, Snowmobiles and Special Vehicles

Section 1015:01. PURPOSE. Because the operation of All-Terrain Vehicles (ATVs), Utility Task Vehicles (UTVs), Motorized Golf Carts, and Snowmobiles in an uncontrolled manner endangers the public peace, health and safety of the City's inhabitants, the City adopts the following rules to regulate the operation and use of such vehicles and provide penalties for their improper use to greatly decrease the danger and to provide greater protection to the public peace, health and safety of the inhabitants of the City while such vehicles are operated and used in the City.

Section 1015:02. DEFINITIONS. The following terms shall have the meaning ascribed to them:

Subd. 1: Utility Task Vehicle (UTV): a motorized 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 as defined by Minnesota Statute § 169.045, Subd. 1(3) or successor statute.

Subd. 2: All-Terrain Vehicle (ATV): a motorized vehicle with: (1) not less than three, but not more than six low pressure or non-pneumatic tires; (2) a total dry weight of 2,000 pounds or less; and (3) a total width from outside of tire rim to outside of tire rim that is 50 inches or less as defined by Minnesota Statute § 84.92, Subd. 9 or successor statute.

Subd. 3: Special Vehicle: a mini truck, all as may be defined in Minnesota Statutes Chapter 169 and successor statutes as may be revised; Special Vehicle shall not include a Motorized Golf Cart as defined in this Ordinance.

Subd. 4: Motorized Golf Cart: any Electric Golf Cart or Gas Powered Golf Cart.

Subd. 5: Electric Golf Cart: an electric powered cart with three or four smooth, low pressure tires and a total dry weight not exceeding 800 pounds and equipped to carry not more than four persons in the seated position.

Subd. 6: Gas Powered Golf Cart: a gasoline powered cart with an engine displacement not exceeding 400 cubic centimeters and with three or four smooth, low pressure tires and a total dry weight not exceeding 800 pounds and equipped to carry not more than four persons in the seated position.

Subd. 7: Owner: a person, other than a lienholder, having the title to a UTV, ATV, snowmobile, Motorized Golf Cart, Recreational Vehicle, or Special Vehicle and entitled to the use or possession of the vehicle.

Subd. 8: Operate: to ride in or on and control the operation of a UTV, ATV, snowmobile, Motorized Golf Cart, Recreational Vehicle, or Special Vehicle.

Subd. 9: Operator: every person who operates or is in actual physical control of a UTV, ATV, snowmobile, Motorized Golf Cart, Recreational Vehicle, or Special Vehicle.

Subd. 10: Person: includes an individual, partnership, corporation, the state, and its agencies and subdivision and anybody of persons, whether incorporated or not.

Subd. 11: Public Property: any real property owned by the City including all city parks and recreation areas.

Subd. 12: Recreational Vehicle: any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including but not limited to snowmobile, trail bike or other all-terrain vehicle, hovercraft, or motor vehicle licensed for highway operation that is being used for off-road recreational purposes.

Section 1015:03: AUTHORIZED USE OF MOTORIZED GOLF CARTS. Motorized Golf Carts are authorized on the roadways of all streets within the City of Foley, subject to the following standards:

Subd. 1. Public Roads. No Motorized Golf Cart shall be operated on City streets until the owner has obtained a permit from the Police Department, such permit shall be affixed to or displayed upon the Motorized Golf Cart at all times in an area that is easily visible. Permits are issued to the Motorized Golf Cart not to the operator; those with multiple Motorized Golf Carts will be required to purchase a permit for each Motorized Golf Cart intended to be used on City streets. Permits will be issued for a three year term at a fee of \$50.00. There is a \$15.00 fee for a replacement permit sticker. Permits are non-transferable.

Subd. 2. Permit. An individual's permit may be revoked by the Chief of Police (or its designee) if there is any material misrepresentation made in the permit application, liability insurance is no longer in effect, or there is evidence that the permittee cannot safely operate the Motorized Golf Cart. A permittee may appeal any such revocation or denial to the City Council. Appeals shall be submitted in writing to the City Administrator within 30 days of the date of revocation.

- A. Every permit holder shall have in possession at all times while operating a Motorized Golf Cart and shall produce on demand of a peace officer proof of insurance as specified in Minnesota Statutes §§ 169.791 and 65B.48, Subd. 5.
- B. Only persons at least eighteen years of age and holding a valid driver's license recognized by the State of Minnesota are permitted to operate a Motorized Golf Cart on the streets of Foley. No person shall operate a Motorized Golf Cart whose driver's license has been suspended, revoked or canceled.
- C. Nothing in this ordinance shall be construed as an assumption of liability by the City for any injuries to persons on which may result from the operation of a Motorized Golf Cart by a permit holder or the failure by the City to revoke the permit. All Motorized Golf Carts and their drivers must carry liability insurance with limits as required by Minnesota Statute § 65B.49 Subdivision 3 at all times when operating a Motorized Golf Cart on a public street.

Subd. 3 Equipment. Motorized Golf Carts shall display the slow moving vehicle emblem provided for in Minnesota Statutes § 169.522 and an orange or blaze pennant extending at least five feet above the bumper of the cart when operated on a City street. The Motorized Golf Cart must have brakes adequate to control the movement or to stop under all conditions. The Motorized Golf Cart shall be equipped with an operational parking brake as well as a rearview mirror to provide the driver with adequate vision to the rear. The Motorized Golf Cart should have reflective material at a size no less than “3”x3” on all four corners of the Motorized Golf Cart.

Subd. 4. Hours of Operation. Motorized Golf Carts may only be operated from the hours of sunrise to sunset. They shall not be operated in inclement weather or when visibility is impaired by weather, smoke or other conditions, or at any time when there is insufficient light to clearly see the person on a designated street at a distance of five hundred feet or less.

Subd. 5. Application of State Law. Every person operating a Motorized Golf Cart under this permit on a designated roadway has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minnesota Statutes Chapter 169, as amended, except when those provisions cannot reasonably be applied to Motorized Golf Carts and except as otherwise specifically provided in Minnesota Statutes § 169.045, Subdivision 7, as amended. Except for the requirements of Minnesota Statutes Section 169.70, the provisions of Minnesota Statutes Chapter 169 relating to equipment on vehicles is not applicable to permitted Motorized Golf Carts. If the Motorized Golf Cart is NOT equipped with working taillights and brake lights, the motorized golf cart should make every attempt possible to travel on the most right section of the roadway. Motorized Golf Carts are NOT allowed to travel on any walkway, path or sidewalk within the City limits.

Subd. 6. Penalties. Any person violating any provision of this ordinance shall be guilty of a petty misdemeanor punishable by a fine and may have his or her permit to operate a Motorized Golf Cart revoked. Any person found in violation of this ordinance shall be subject to the following fine schedule. First violation is a \$25.00 fine, second violation within six months is double to a fine of \$50.00. Third violation within six months shall be a fine of \$100.00 and an automatic revocation of permit use for one year from the date of the violation. Failure to pay violation within 30 days of being issued the fine is subject to be doubled, first violation to \$50.00, second violation to \$100.00, and third violation \$200.00.

Section 1015:04: OPERATION OF OTHER VEHICLES. A UTV, ATV, or Recreational Vehicle may be operated within the City limits as follows:

Subd. 1: Public Roads. UTVs/ATVs/Recreational Vehicles shall not operate on the portion of any right-of-way of any public highway, street, road, trail or alley used for motor vehicle travel, except the most right-hand lane, (except in passing) which is used for vehicle traffic in the same direction, other than on freeways, interstate, trunk, county state aid, or county highways.

Subd. 2: Hours of Operation. UTVs/ATVs/Recreational Vehicles may only be operated between the hours of 7am – 10pm. This time restriction coincides with the City’s regular noise ordinance. Unless otherwise permitted by Chief of Police.

Subd. 3: Sidewalks and Boulevards. UTVs/ATVs /Recreational Vehicles are prohibited on sidewalks and boulevards.

Subd. 4: Private Property. UTVs/ATVs/Recreational Vehicles are prohibited on private property without specific permission of the owner or person in control of the property.

Subd. 5: Public Property. UTVs/ATVs/Recreational Vehicles are prohibited from operating on public property other than permitted roads and parking areas. This prohibition includes parks and recreational areas.

Subd. 6: Speed. No person shall operate a UTV/ATV/Recreational Vehicle at a rate of speed greater than reasonable and proper under all surrounding circumstances. No person shall operate a UTV on public roadways at speeds greater than thirty (30) miles per hour.

Subd. 7: Recklessness. No person shall operate a UTV/ATV/Recreational Vehicle at any place in a careless, reckless or negligent manner or heedlessly in disregard of the rights or safety of others, or in a manner so as to endanger or be likely to endanger or cause injury or damage to any person or property.

Subd. 8: Towing. No person shall operate a UTV/ATVs/Recreational vehicle so as to tow any person or thing in a public street or highway.

Section 1015:05: UTV EQUIPMENT. No Person shall operate a UTV within the City unless it is equipped with the appropriate equipment required by this ordinance and state law.

Subd. 1: Lighting. All UTVs must be equipped with functioning turn signals, rear-facing brake lights, taillights, and headlights. UTVs must have the headlights and taillights on at all times.

Subd. 2: Belt Restraints. Lap and shoulder belts must worn at all times by all operators and passengers in a UTV.

Subd. 3: Helmets. Refer to MN State Statute.

Subd. 4: Insurance. Every UTV/ATVs/snowmobile/other recreational vehicle must have current insurance that includes coverage for operation on public roads. A valid and current insurance card must be in the UTV/on person at all times.

Subd. 5: License Requirement: Refer to MN State Statute.

Section 1015:06: SNOWMOBILES.

Subd. 1. Unauthorized Use. Except as herein specifically permitted and authorized, it is unlawful to operate a snowmobile within the corporate limits of this municipality:

- A. On the portion of any right of way of any public highway, bridge, street, road, trail or alley used for motor vehicle travel, except on the right-hand side of said right-of-way and in the same direction as vehicular traffic on the nearest lane of the roadway adjacent thereto, other than on freeways, interstate, trunk, county state-aid, or county highways. Snowmobiles may also be operated upon the ditch bottom or otherwise of trunk, county state-aid and county highways where such highways are so configured within the corporate limits.

- B. At a rate of speed greater than reasonable or proper under all surrounding circumstances; and when operated on public roadways, in no case greater than the posted speed limit.
- C. In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
- D. During the hours of 10:00 p.m. to 7:00 a.m. of any day, closer than one hundred (100) feet to any dwelling which is usually occupied by one or more persons, except while returning home by direct route.
- E. So as to tow any person or thing in a public street or highway, except if attached by a rigid frame hitch and no more than thirty-six inches shall be allowed between towed vehicle and rear of snowmobile.
- F. Notwithstanding the prohibitions contained in this Subdivision, a snowmobile may be operated on a public thoroughfare in an emergency that renders travel by an automobile impractical.
- G. It is unlawful for any person to operate a snowmobile on a public sidewalk, on boulevards, or above the curb, in any public park, path, recreation area, wetlands or storm water holding ponds, including pond slopes, or on private property without specific permission of the owner or person in control of said property.

Subd. 2. Crossings. A snowmobile may be operated across a street or highway only as herein set forth, and it is unlawful to do so otherwise.

- A. The crossing shall be made at an angle of approximately ninety degrees with the direction of the street or highway, and at a place where no obstruction prevents a quick and safe crossing;
- B. The snowmobile shall be brought to a complete stop before crossing the shoulder or main traveled way;
- C. The driver shall yield the right of way to all oncoming traffic which constitutes an immediate hazard; in crossing a divided street, the crossing shall be made only at an intersection of such street or highway with another public street or highway; and
- D. If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise, or during conditions of reduced visibility, it shall be made only if both front and rear lights are on and in operating condition.

Subd. 3. Intersections. It is unlawful to enter any intersection with a snowmobile without yielding the right of way to any other vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard.

Subd. 4. Operators.

- A. No person under fourteen years of age shall operate a snowmobile on a street or make a direct crossing of a trunk highway, county state aid or county highway, or other street. A person fourteen years of age or older, but less than eighteen years of age, may operate a snowmobile on streets and highways as permitted by this Section and make such direct crossings of streets and highways only if he has in his immediate possession a valid snowmobile safety certificate issued by the Commissioner, as provided by MN Statute Section 84.872.
- B. It is unlawful for the owner of a snowmobile to permit its operation in violation of this Ordinance.

Subd. 5. Prohibitions. It is unlawful for any person to leave a snowmobile in a public place without locking the ignition, removing the key, and taking the key away from the snowmobile. No person may intentionally drive, chase, run over or kill any animal with a snowmobile.

Subd. 6. Equipment. It is unlawful to operate a snowmobile unless it is equipped as follows:

- A. 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, by-pass, straight pipe or similar device on a snowmobile motor.
- B. Brakes adequate to control the movement of and to stop and hold the snowmobile under any condition of operation.
- C. A safety or so-called "deadman" throttle in operating condition. A safety or "deadman" throttle is defined as a device which, when pressure is removed from the engine accelerator throttle, causes the motor to be disengaged from the driving track.
- D. When operated between the hours of one-half hour after sunset and one-half hour before sunrise, or at times of reduced visibility, at least one clear headlamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead during the hours of darkness under normal atmospheric conditions. Such headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming snowmobile operator. It shall also be equipped with at least one red taillight having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of five hundred feet to the rear during hours of darkness under normal atmospheric conditions. The headlamp and taillight must be functioning anytime the snowmobile is being operated.
- E. A pennant flag of red or blaze material, of a size not less than twelve inches by nine inches, at a height of not less than six feet from the ground level at any time when the vehicle is operated on public streets.
- F. Running lights or reflective material at least sixteen square inches on each side, forward of the handlebars so as to reflect or beam light at a ninety-degree angle.

Section 1015:07: CROSSING STREETS OR HIGHWAYS. A UTV/ATV/snowmobile/Recreational Vehicle may make a direct crossing of a street or highway provided:

Subd. 1: The crossing is made at an angle of approximately ninety (90) degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing.

Subd. 2: The vehicle is brought to a complete stop before crossing the shoulder or main traveled way.

Subd. 3: The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

Subd. 4: In crossing a divided street or highway, the crossing is made only at an intersection of such street or highway with another public street or highway.

Section 1015:08: EMERGENCIES. Notwithstanding any prohibitions in this Ordinance, a UTV/ATVs/snowmobile/other recreational vehicle may be operated on a public thoroughfare in an emergency during the period of time when, and at locations where; snow upon the roadway renders travel by automobile impractical.

Section 1015:09: ANIMALS. No person shall intentionally drive, chase, harass, run-over or kill any animal with a UTV.

Section 1015:10: TRAFFIC LAWS. City Traffic Ordinances, including but not limited to Ordinance 50, shall apply to the operation of UTVs/ATVs/snowmobile/other recreational vehicle upon streets and highways, except for those relating to required equipment and except those which by their nature have no application.

Section 1015:11: ALCOHOL AND DRUGS. No person shall operate any vehicle within the City limits while under the influence of alcohol or drugs, as defined by Minnesota Statute 169A.20 or successor statute.

Section 1015:12: OPERATION BY MINORS.

Subd. 1: No person under the age of eighteen (18) shall operate a UTV/ATV/snowmobile/Recreational Vehicle in the City.

Subd. 2: No owner of a UTV/ATVs/snowmobile/Recreational Vehicle shall permit the vehicle to be operated contrary to the provisions of this Ordinance or state law.

Section 1015:13: PENALTY: Any person convicted of violation any provision of this ordinance is guilty of a petty misdemeanor and subject to penalty.

Section 1015:14: ADOPTION OF MINNESOTA STATUTES. Minn. Stat. §84.81 to 84:929 and the following sections of Minnesota Statutes Chapter 169 are adopted by reference and shall be applicable to UTVs/ATVs/snowmobiles/Recreational Vehicles.

Section 1015 – Snowmobiles of the 1974 Code of Ordinances was amended and repealed in its entirety by Ordinance Number 350, passed and adopted March 16, 2004 and published April 13, 2004.

Section 1015 of the 1974 Code of Ordinances was amended by Ordinance Number 407, adopted November 6, 2012 and published December 18, 2012.

Section 1015 of the 1974 Code of Ordinances was amended authorizing use of motorized golf carts with permit obtained from Police Dept by Ordinance Number 409, passed and adopted May 7, 2013 and published May 28, 2013.

Section 1015 of the 1974 Code of Ordinances was repealed in its entirety by Ordinance Number 444 and replaced to include all-terrain vehicles (ATVs), utility vehicles (UTVs), motorized golf carts, snowmobiles and special vehicles, passed and adopted June 4, 2019 and published June 18, 2019.