

Section 1015 – ATV’s, Special Vehicles and Snowmobiles

Section 1015:00. All Terrain Vehicles (ATV), Motorized Golf Carts, and Special Vehicles

Subd. 1. Definitions. For purposes of this section, the following terms are defined as follows:

All Terrain Vehicle (ATV): a motorized vehicle as defined by Minnesota Statutes Section 84.92 Subd. 8, as may be revised.

Special Vehicle: a utility task vehicle or 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.

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

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.

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. 2. Unauthorized Use. It shall be unlawful for any person to operate an ATV or Special Vehicle on any public roadway, sidewalk, boulevard, park or city owned property, or on any private property without specific permission of the owner or person in control of said property.

Subd. 3. Limited Authorized Use of ATVs and Special Vehicles. Notwithstanding the prohibitions contained in Subd. 2, an ATV may be operated on a public roadway in an emergency when and at such locations where the conditions of the roadway render travel by an automobile impractical, and if the ATV or Special Vehicle has the following equipment:

- A. Brakes adequate to control, stop, and hold the ATV or Special Vehicle under any condition of operation.
- B. A safety or so-called “deadman” throttle in good operating condition.
- C. A headlamp and taillight as defined and specified whereby 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

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 ATV or Special Vehicle is being operated.

- D. 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.
- E. Reflector material of a minimum area of sixteen square inches mounted on each side forward of the handlebars.
- F. A sled, trailer, or other device being towed must be equipped with reflective materials as required by rule of the Commissioner of Public Safety.

Subd. 4. 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:

- A. 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.
- B. 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.
- C. 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 / 65B.48, Subd. 5.
- D. 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.
- E. Nothing in this chapter 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.

- F. 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.
- G. 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.
- H. 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 Section 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.
- I. 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 1015:01. Snowmobiles.

Subd. 1. Scope of Application. Notwithstanding provisions of this Chapter to the contrary, this Section shall apply to control of traffic and regulation of that certain class of vehicles falling within the definition of snowmobiles as to matters set forth herein. All

provisions of this Chapter, not relating to matters herein stated, apply as equally to snowmobiles as other vehicles.

Subd. 2. 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. 3. 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. 4. Intersection. 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. 5. 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 Subdivision.

Subd. 6. 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. 7. 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 – 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.