



**City Council – Meeting Agenda
October 2, 2018 – 5:30 P.M. – Foley City Hall**

1. Call the meeting to order.
2. Pledge of Allegiance.
3. Approve the agenda.
4. Consent Agenda:
 - Approve minutes of September 4, 2018.
 - Accept resignation Ashley Holtz from police department.
 - Approve part-time eligibility list.
 - Approve hiring of two part-time officers from eligibility list.
 - Approve sale/disposal of Chevy Impala (police squad).
 - Approve payment of bills.
5. Public Hearing – Poplar Place – Condition Use Permit – PUD
 - Adopt Resolution #2018-24 Approving Conditional Use Permit/PUD
 - Approve PUD Agreement.
6. Advanced Disposal – Update on recycling program – Bob Pfiser
7. 2018 Dewey/2nd/3rd/Gopher/Broadway Improvements – Set Final Public Hearing
 - Adopt Resolution #2018-23 Setting Final Public Hearing for Assessments
8. Foley Fire Department – Discussion on township contract & fire charges.
9. Mayor's Comments & Open Forum.
10. Department Reports:
 - Police Department –Katie McMillin
 - City Engineer – Jon Halter
 - Public Works – Mark Pappenfus
 - Administration – Sarah Brunn
 - Update on wastewater facility plan.
 - Update on Safe Routes to School.
11. Old Business
 - Update on Foley Lumber land sale.
12. New Business
13. Adjourn

CITY OF FOLEY, MINNESOTA
CITY COUNCIL MEETING – September 4, 2018

The Foley City Council held a regular meeting on September 4, 2018, at 5:30 p.m. at the Foley City Hall.

Members Present: Mayor Gerard Bettendorf, Councilmembers Jeff Gondeck, Kris du'Monceaux, and Gary Swanson.

Members Absent: Mike Kasner

The pledge of allegiance was recited.

Motion by Swanson, seconded by Gondeck, to approve the agenda. Motion carried, unanimous.

Consent Agenda

Motion by du'Monceaux, seconded by Gondeck, to approve the consent agenda which includes the following:

- Approve minutes of August 7, 2018.
- Approve minutes of August 21, 2018.
- Authorize hiring process for part-time police officer eligibility list.
- Approve change order on 2018 Dewey project.
- Approve fire department hiring of Jay Howard, Kraig Rudolph and Benjamin Garrison.
- Approve payment of bills paid for by checks #

Motion carried, unanimous.

DMZ Trucking – 140 3rd Avenue W – Site Plan Review

Brunn gave an overview of the site plan of DMZ Trucking. Motion by Gondeck, seconded by du'Monceaux, to approve the site plan contingent on structural engineered drawings being provided. Motion carried, unanimous.

Public Hearing – K&K Auto – Preliminary Plat Application for 187 Highway 23 W

Mayor Bettendorf recessed the regular city council meeting at 5:32 p.m. to conduct the public hearing on the preliminary plat application of K&K Auto to subdivide the K&K Auto building from the prior Jax Firehouse building. Mayor Bettendorf reconvened the regular city council meeting at 5:33 p.m. Motion by Swanson, seconded by du'Monceaux, to approve the preliminary plat application. Motion carried, unanimous.

Brad du'Monceaux – Progressive Builders/Sherburne Land LLC

Denny Nelson, 17207 198th Avenue NW, Big Lake, MN, was present at the meeting to request an early start to townhouses. Motion by Gondeck, seconded by du'Monceaux, to approve the early start contingent on a \$10,000 security being provided and an agreement being signed. Motion carried, unanimous.

Discussion on 2019 Budget

Motion by Gondeck, seconded by Swanson, to adopt Resolution #2018-22 Preliminary Levy. Motion carried, unanimous.

Mayor's Comments & Open Forum

Jack Brosh, 453 Stanley Drive, was at the meeting to question how the two-year term will be handled in the election since no one is running. City Administrator Brunn indicated that the city will be required to take a write-in candidate. If no write-in candidate accepts the position, the council will move to the appointment process.

Department Reports

Police Chief Katie McMillin gave an overview of the monthly law enforcement. McMillin also indicated the new squad will be ready by the end of this week/early next. McMillin also reviewed the activities of the first day of school. Gondeck questioned any TZD hours worked in the prior month. Bettendorf asked Chief McMillin to provide samples of ATV/side-by-side ordinances to the council in the future

Jon Halter, City Engineer, updated the council on the project and the gas main hit from the week prior. Halter also presented the quotes for the radar feedback signs as requested by the council. Design Electric provided a low quote of \$15,454 or \$17,942 depending on the design chosen. The council would be required to pay for these signs out of local funds and they would not be eligible for grant reimbursement if done early. There was discussion if the school would be willing to support this early install. There was discussion on different funding options. Motion by Swanson, seconded by du'Monceaux, to accept the quotes installing a west side pedestal, east side metal bar configuration contingent on school funding match covering 100% of the cost. Motion carried, unanimous.

Public Works Director Mark Pappenfus updated the council on the activities of the department, including the Lion's Park building roof, crack sealing, and the new loader. Pappenfus also gave an overview of some improvements to the Norman Avenue N and Glen Street crosswalk. Halter elaborated on the pedestrian ramps and some of the improvements in the area near the project. The estimated costs are around \$8,000 to make these improvements. The county was also approached about cost-sharing on this portion. The council requested the public works director reach out to the county, but gave direction to proceed if the county is willing to share in costs.

City Administrator Sarah Brunn updated the council on the wastewater facility plan, swimming pool, safe routes planning grant, and Foley Area C.A.R.E. Touching Tables event. Brunn also provided the council with a copy of the Albany special vehicle ordinance, which Councilmember Kasner requested the council receive.

Old Business

Brunn updated the council that she has spoken to Foley Lumber regarding the sale of the city owned property abutting his property. She has yet to receive a response.

New Business

Motion by Gondeck, seconded by Swanson, to adjourn at 6:04 p.m. Motion carried, unanimous.

Sarah A. Brunn, Administrator

September 5th, 2018

Mrs. Katie McMillin, Chief of Police
Foley Police Department
251 4th Avenue N
Foley, MN 56329

Dear Chief McMillin,

Regretfully, I am writing to inform you that I have accepted a fulltime position with Wright County Sheriff's Office. I anticipate starting on Monday, Sept. 17th, 2018 which would make my last day with Foley Police Department Friday, Sept. 14th, 2018.

I am excited to start a new venture as a fulltime Deputy, but this decision was not an easy one and involved many hours of serious consideration, particularly regarding my own future plans both personally and professionally. I would like you to know that my career goal is to work full time for the City of Foley and I am confident that this step will be make me a better and more experienced Officer should that opportunity one day arise.

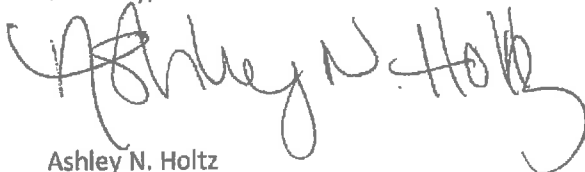
I would also like to thank you for extending me the opportunity to pursue my dream of being a Police Officer and helping me every step of the way. If it had not been for your leadership and the environment you cultivate in your department, I probably would not have continued a career in Law Enforcement after being licensed. Under your guidance I have grown exponentially as a public servant and have found that there is no other career for me. Within my first few weeks as a solo Officer, I remember all the kids in town mistaking me for you. Their waves and screams of excitement to see you very clearly shined through to me as one of my biggest career goals and I believe that I will be able to accomplish that because you helped mold the foundation of who I am as an Officer and also that of who I want to be as an Officer.

I cannot express my gratitude enough or begin to explain the amount of pride I've felt representing such a great City and Department.

My main goal from this point forward is to complete any projects that I still have open and spend as much time in the community as I can before I go.

Once again, thank you the opportunity to serve your community. I have cherished every moment of it.

Sincerely,

A handwritten signature in black ink, reading "Ashley N. Holtz". The signature is fluid and cursive, with the first name "Ashley" being the most prominent part, followed by "N." and "Holtz".

Ashley N. Holtz

Bills List - October 2, 2018

Gross Salaries	Payroll - 9/14/18	\$	24,253.48
EFTPS	Federal Withholding	\$	4,611.03
MN Dept of Revenue	State Withholding	\$	1,044.73
State Treas. PERA	PERA	\$	4,388.36
Nationwide	Deferred Comp	\$	695.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$	80.00
SelectAccount	HSA Contribution	\$	480.00

Gross Salaries	Payroll - 9/28/18	\$	22,904.18
EFTPS	Federal Withholding	\$	4,447.59
MN Dept of Revenue	State Withholding	\$	989.68
State Treas. PERA	PERA	\$	4,043.56
Nationwide	Deferred Comp	\$	695.00
Pacific Life Ins	Deferred Comp/Roth IRA	\$	80.00
SelectAccount	HSA Contribution	\$	480.00

To Be Paid - 10/2/18

Adam Foss	Mowing	\$	50.00
Advanced Disposal	Garbage	\$	282.55
Advanced Graphix	PD - Graphics install and remover on squads	\$	700.00
Alert-All	FD Open House Supplies	\$	927.50
AllSpec Services, LLC	Inspection Fees	\$	6,381.75
Auto Value	Pool, Street, & Fire Supplies	\$	149.20
Benton County Highway Department	PD Fuel	\$	868.08
Benton County Recorder	Mobile Home Properties Recording	\$	46.00
Billings Service	PD Tire Repairs	\$	617.52
Braun Intertec	Dewey, nd Ave, 3rd Ave, Gopher Testing	\$	5,112.00
Briggs	Bond Counsel Services	\$	8,000.00
Central McGowan	PD & Street Medical Equipment	\$	44.62
Cintas	Uniforms & Mats	\$	320.22
Cloudnet	Server Fee	\$	10.00
Coborn's	Office & Cleaning Supplies	\$	110.97
Delta Dental	Employee Dental Insurance	\$	877.15
Diamond Vogel	Street Paint	\$	18.80
Ess Brothers and Sons	Street Supplies	\$	1,500.00
Ferguson Waterworks	Water Supplies	\$	696.08
First National Bank of Omaha	Credit Card Purchases	\$	900.93
Flaherty & Hood	Antideg WWTF	\$	1,588.75
Foley Fire Relief Association	2018 State Aid	\$	52,434.31
Foley Hardware	Public Works Supplies	\$	320.72
Foley Physical Rehab	FD Employee Physical	\$	345.00
Further	HSA Admin Fee	\$	17.70
Gopher State One Call	Email Tickets	\$	79.65
Hall & Associates	Antideg WWTF	\$	1,209.53
Hawkins	Water Chemicals	\$	1,728.68
Ickler	Street Repairs	\$	213.16
Knife River	Street Supplies	\$	823.14
Kuechle Underground	2018 Dewey, 2nd, 3rd & Gopher	\$	426,470.18
Marco	Copier Lease	\$	318.72
ME Plumbing & Heating	Piping Install	\$	3,025.00
Midco	Phone Services	\$	250.58
MN Dept of Revenue	Sales & Use Tax	\$	95.00
MN Fire Service Certification Board	FD Recertifications	\$	965.00
MN Pollution Control	MRWA Annual Conference	\$	23.00
MN State Fire Chiefs Association	FD Cheifs Conference	\$	600.00
M-R Sign Co	Street Signs	\$	301.16
MTI Distribution	Park Supplies	\$	96.46
Murphy Chevrolet	PD Squad	\$	99.85
Resources Training & Solutions/BCBS	Employee Health Insurance	\$	7,859.00

RevTrak
Rinke Noonan

RWB Emergency Lighting
SEH
St. Cloud Technical College
Stearns DHIA
Surplus Services
US Able Life
Verizon
Xcel Energy

Credit Card Service Fee	\$	237.08
Legal - General, Zoning, I&I, Union, 4th/Dewey	\$	6,035.00
Wastewater, Gopher Ave, Gas Main, DMZ, Foley Locker, Poplar		
PD Squad Repair	\$	1,575.00
Engineering-General, Starr Lot, Dewey, WWTF	\$	57,838.08
FD Education	\$	2,370.00
Water and Sewer Testing	\$	199.00
Public Works Tools	\$	156.00
Employee Life Insurance	\$	173.00
Cell Phones	\$	295.49
Utilities	\$	2,849.49

Additional To Be Paid - 10/2/18

\$ 667,398.71

City of Foley
Conditional Use Permit
Findings & Order

Applicant Name: Sherburne Land Company LLC
Date of Complete Application: 8/24/18
Property Location: Lots 1-8, Large Estates Fourth Addition
Zoning of Property: R-2
Type and Description of Proposed Use: Renewal of PUD Approval initially by city resolution 2001-25

The Foley Planning Commission/City Council makes the following findings:

1. Will the use create an excessive burden on existing parks, schools, streets and other public facilities and utilities, which serve or are proposed to serve the area?

Yes ☐ No ☒

Describe why or why not: existing utilities and platted lots.

If yes, are there any conditions or restrictions that could address this issue?

Yes ☐ No ☐

List the conditions or restrictions: surrounding land use is R-1 & Ag

2. Will the establishment of the Conditional Use impede the normal and orderly development and improvement of surrounding vacant property for existing and planned uses in the area?

Yes ☐ No ☒

Describe why or why not: 

If yes, are there any conditions or restrictions that could address this issue?

Yes ☐ No ☐

List the conditions or restrictions: _____

3. Will the use have an adverse effect on adjacent properties because of its appearance, traffic, noise, odors, fumes, dust, vibration, light levels, emission levels, or other features?

Yes ☐ No ☒

Describe why or why not: residential uses

If yes, are there any conditions or restrictions that could address this issue?

Yes ☐ No ☐

List the conditions or restrictions: _____

4. Is the use reasonably related to the overall needs of the City and to existing land uses?

Yes ☒ No ☐

Describe why or why not:

R-1 + R-2 are planned for in area

5. Is the proposed use in compliance with the Land Use Plan and other portions of the Comprehensive Plan adopted by the City?

Yes ☒ No ☐

Describe why or why not:

abuts other R-1 + planned growth is

If no, are there any conditions or restrictions that could address this issue?

Yes ☐ No ☐

List the conditions or restrictions:

6. Will the proposed use cause a traffic hazard or congestions?

Yes ☐ No ☒

Describe why or why not:

County road abuts - private road will provide access

If yes, are there any conditions or restrictions that could address this issue?

Yes ☐ No ☐

List the conditions or restrictions:

7. Have adequate measures been taken to provide sufficient off-street parking and loading space to serve the proposed use?

Yes ☒ No ☐

Describe why or why not:

restriction in PUD agreement on parking on private road recommended

If no, are there any conditions or restrictions that could address this issue?

Yes ☒ No ☐

List the conditions or restrictions:

PUD agreement

8. Will the proposed use be detrimental to the public health, safety, comfort and general welfare of the City?

Yes ☐ No ☒

If yes, why:

If yes, are there any conditions or restrictions that could address this issue?

Yes ☐ No ☐

If yes, list the conditions or restrictions: _____

9. If the property is located in a Floodplain District, have the criteria set out in the Floodplain Ordinance been met?

Yes ☒ No ☐

Explain: _____

◆ Facts supporting the answer to each question above are hereby certified to be the Findings.

THE FOLEY PLANNING COMMISSION RECOMMENDS THE CONDITIONAL USE:

Approved ☐ Not Approved ☐

Subject to the conditions above and the following conditions and restrictions:

1. Easements for utilities provided and recorded.
2. Confirm wetland replacement plan was completed for original proposal and certified. Does it meet wetland characteristic?
3. _____
4. _____

9/10/18
Date


Chair, Foley Planning Commission

THE FOLEY CITY COUNCIL DETERMINES THE CONDITIONAL USE:

Approved ☐ Not Approved ☐

Date of Public Hearing: 10/2/18

Time: 5:30pm

Results: _____

Subject to Conditions and Restrictions as Attached:

Yes ☐ No ☐

Date

Mayor

City of Foley

Conditional Use Permit Application (CUP)

Street Location of Property: POPLAR PLACE (651 - 741)
 Legal Description of Property: LOTS 1 THROUGH 8, BLOCK 1, LANGE ESTATES FOURTH ADD
 Current Zoning of Property: R-1 Proposed Zoning: R-1 PUD
 Type of Request: RENEWAL OF PREVIOUS PUD APPROVED BY CITY RESOLUTION
 *** (Attach narrative describing details of project scope) *** 2001-25

Property Owner: SHERBURNE LAND COMPANY LLC 763-263-2227
 Name 17207 198TH AVE Phone 763-263-2220
 Address BIG LAKE MN Fax
 Email bradeprogressivebuildingsmn.com
 Applicant: SAME AS ABOVE
 Name
 Address
 Phone
 Fax
 Email

Type of Request & Fee Amount:

<input type="checkbox"/> D	Rezoning/Amendment	\$250.00
<input checked="" type="checkbox"/> D	Conditional Use Permit	\$250.00
<input type="checkbox"/> D	Variance	\$250.00
<input checked="" type="checkbox"/> D	Planned Unit Development	\$250.00

<input type="checkbox"/> D	Preliminary Plat	\$500.00
<input type="checkbox"/> D	Final Plat	\$
<input type="checkbox"/> D	Annexation	\$400.00 +
<input type="checkbox"/> D	Site Plan Review/Other	
Total Fees Paid		\$

Has a request been made previously on this property? ☒ Yes ☐ No Explain: PREVIOUSLY APPROVED IN 2001 - RESOLUTION 2001-25

This application must be completed in full, be typewritten or clearly printed, and must be accompanied by all information, supporting documents and plans as required by applicable City Ordinance provisions. A determination of completeness of the application shall be made within ten business days of the application submittal. A written notice of application deficiencies shall be mailed to the applicant.

This is to certify that I am making application for the described action by the City and that I am responsible for all City requirements with regard to this request. This application should be processed in my name and I am the party whom the City should contact regarding any matter pertaining to this application. I have attached a copy of proof of ownership (either copy of Owner's Duplicate Certificate of Title, Abstract of Title or purchase agreement), or I am the authorized person to make this application and the fee owner has also signed this application.

- ☐ D Supporting Documents Attached
☐ D Appropriate Fees Paid
☐ D Review by City Staff
☒ D Completed Application Accepted

Application Filed: 8/24/18
 Date Fees Paid: 8/24/18
 Staff Initials: SB
 Date Application Accepted: 8/24/18

[Signature] 8-24-18
 Signature of Applicant Date

[Signature] 8-24-18
 Signature of Fee Owner Date

City of Foley

Conditional Use Permit Supplementary Application

Please use this form to explain how your request for a conditional use permit meets the zoning requirements.

Block 1, LANGE ESTATES FOURTH ADDITION, PUD Request

(1) Not a Burden on Public Facilities

The subject lots along with the respective utilities and public facilities were approved in 2001 by the City of Foley as part of Resolution 2001-25. The sewer and water utility lines were constructed at that time. No additional utility lines are proposed at this time, resulting in no proposed additional burden on Public Facilities.

(2) Compatible with Existing and Planned Adjacent Uses

Adjacent property to the east is zoned R2-PUD Multi-Family Residential. Adjacent property to the west is zoned R-1 Single and Two Family Residential. The proposed uses for the subject property are townhouses containing four units, allowed as a Conditional Use according to Zoning Ordinance – Section 13 R-1 Residential. The proposed use is compatible with existing and planned adjacent uses.

(3) No Adverse Affect on Adjacent Properties

The subject property is detached from adjacent houses to the west by Stoney Brook. Adjacent property to the east was developed after the subject property was approved and developed in 2001. Said adjacent property to the east was the beneficiary of sewer and water utility lines designed and constructed as part of the development of the subject property. No adverse affect on adjacent properties is anticipated.

(4) Related to the Needs of the City

This plat was approved in 2001 by the City of Foley as part of Resolution 2001-25, meeting the needs and demands of the City. A demand for housing currently exists. Street infrastructure and utility lines are already in place and ready for new house construction to fill these needs.

(5) Consistent with the Comprehensive Plan

This request is consistent with the Comprehensive Plan and was found to be consistent by the City in 2001. According to Section III.8 of the Comprehensive Plan: *New housing is a vital component in long-term economic interest of the community. As the local economy strengthens and new employment opportunities are created, new residential development will be needed to accommodate rural retirees and first-time home buyers... Flexible housing options should always be considered...* Townhomes are one of the recommended housing types found in the Comprehensive Plan. Once again, Street infrastructure and utility lines are already in place and ready for new townhouse construction.

(6) Not a Traffic Hazard

This development was designed with a private frontage road. The frontage road guides traffic away from County Road No. 51 (55th St NE).

(7) Adequate Parking and Loading

Once again, this development was designed with a private frontage road. Between the frontage road and individual driveways, there will be adequate parking and loading areas.

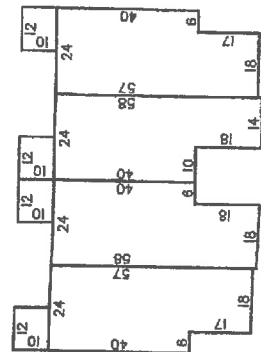
(8) Not detrimental to Health, Safety and Welfare

This development was designed to be consistent with character of the community. It is not detrimental to Health, Safety and Welfare.

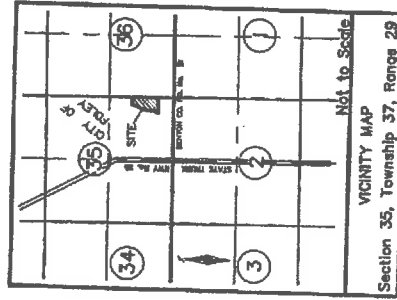
(9) Floodplain

The Base Flood Elevation is 1100.9 feet above sea level, per FEMA and Benton County Department of Development. The proposed lowest floor elevations of the townhomes and the lowest adjacent grades will be around 1106 feet above sea level, around 5 feet above the Base Flood Elevation.

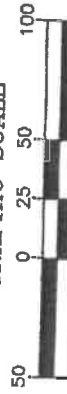
□ A conditional use permit SHALL NOT be granted unless evidence is presented that satisfies the conditions above. Failure to adequately provide such information may result in a denial of your request for a conditional use permit. (Attach additional sheets if necessary.)



TYPICAL 4-PLEX
NO SCALE



GRAPHIC SCALE



1 inch = 50 feet

DATE: 08/08/01
BK/PG: N/A
DRAWN BY: KGA
CHECKED BY: KGA

REVISIONS:

John Oliver & Associates, Inc.
Civil Engineering, Land Surveying, Land Planning

500 Dodge Avenue
St. Mary, Minnesota 55080
763-441-8778 FAX 763-441-8863

Office on St. Mary, Burnsville
and Breckinridge Park, Burnsville

DRAWING FILE: 7883.40 EXH	FILE NO. 7883.40-03
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Signed: _____ Date: X Reg. No. X

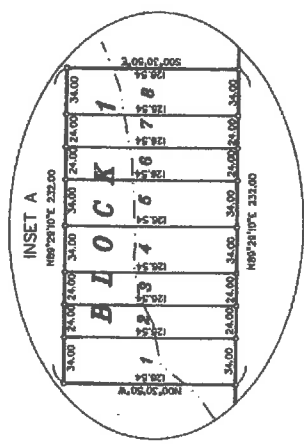
8/24/18

Proposed P.U.D. Minimum Standards for LANGE ESTATES FOURTH ADDITION:

R-1: Single and Two Family Residential, P.U.D.

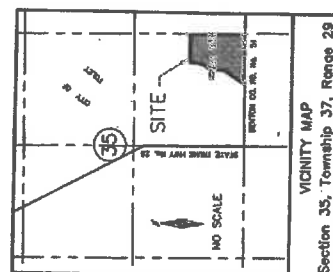
Zoning Standards:

Minimum Lot Width	24'
Minimum Lot Depth	126'
Minimum Lot Area	3,036 sq. ft.
Front Yard Setback	25' from private drive
Side Yard Setback	0' interior lot lines, 20' between buildings, 10' exterior lot lines
Rear Yard Setback	15'




For the purposes of this plot, the East line of the S 1/2 of the SE 1/4, Section 35, Township 37, Range 28, Benton County, is assumed to bear N40°22'07" E.

- Denotes a 1/2 inch x 14 inch iron monument with a plastic plug stamped M.L.S. 21739, to be set within one year after recording this plat.
- Denotes iron monument found
- Denotes Relinquetted Wetland boundary.
- Denotes Access Control dedicated to the County of Benton per the recorded plat of LAMBE ESTATES.



John Over & Associates, Inc.
One Rutherford Lane, Springfield, Land Planning
520 Dodge Avenue
St. Louis, Missouri 63108
783-461-1573 FAX 783-461-5545
Offices in St. Louis, Kansas City
and Springfield, Missouri

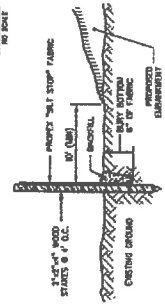
I hereby certify that this plan
specifically, or report was prepared by
me or under my direct supervision and
I am a duly Licensed Professional
Engineer under the laws of the state of
Minnesota.

Signature: 
Date: 12/23/02
Reg. No. 12599

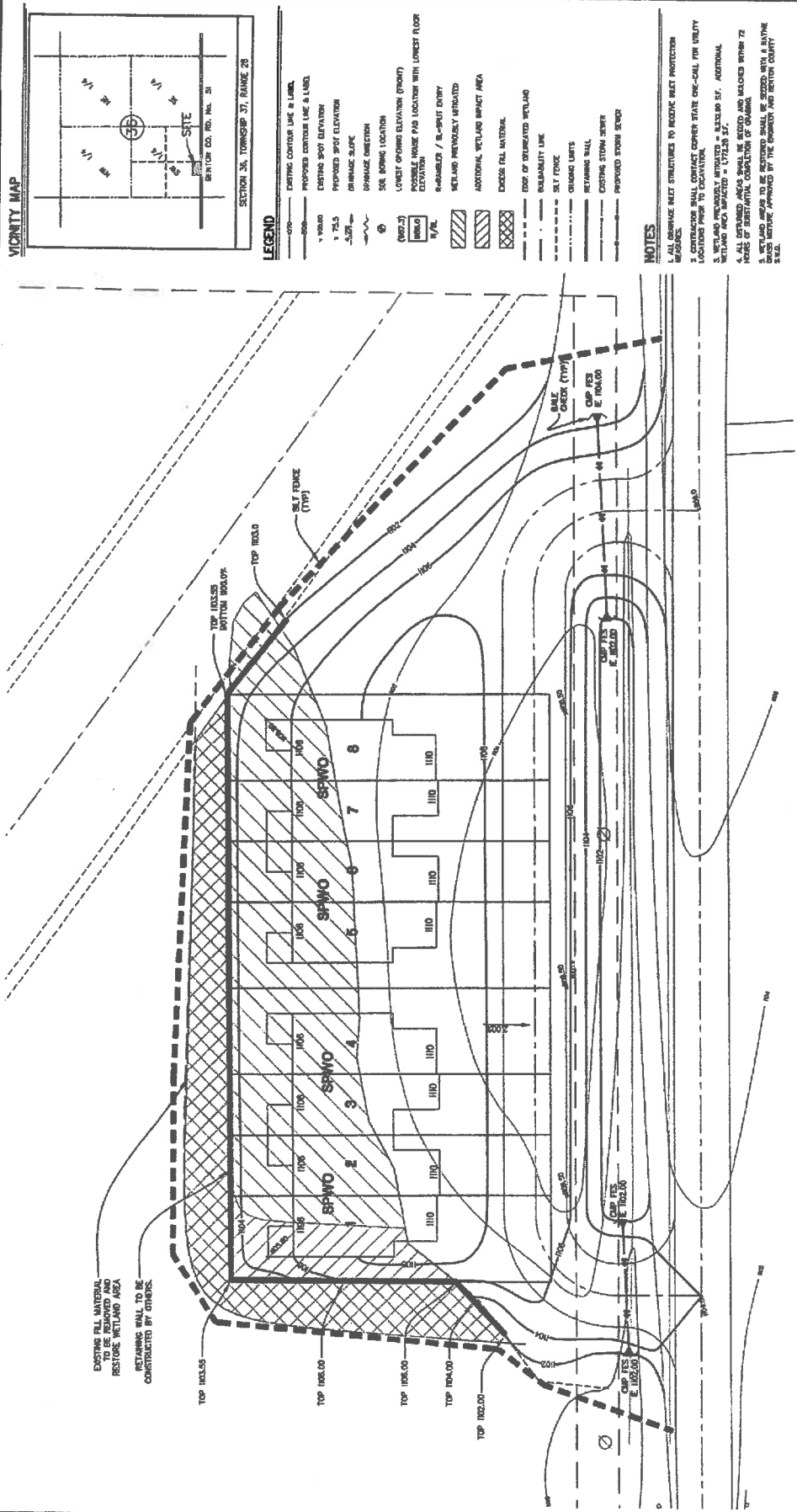
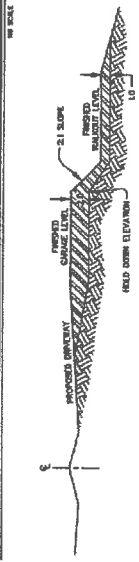
DATE:	12/23/02
DESIGN BY:	WS
DRAWN BY:	PRC
CHECKED BY:	WS
DWG:	0003-20-GRAD
TEXT:	NONE
FILE NO.:	780040-1

[illegible]

**EROSION CONTROL SILT FENCE
AND CATCH BASIN PROTECTION DETAIL**
























PAD HOLD-DOWN DETAIL



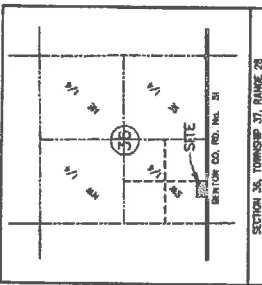
NOTES

1. ALL OVERSEAS INLET STRUCTURES TO RECEIVE INLET PROTECTION MEASURES.
2. CONSTRUCTION SHALL COMPLY WITH STATE ONE-CALL FOR UTILITY LOCATIONS PRIOR TO CONSTRUCTION.
3. WETLAND PERCENTAGE MINIMUM = 8,332.80 SF. ADDITIONAL WETLAND AREA IMPACTED = 1,712.80 SF.
4. ALL DEFINED AREAS SHALL BE SEEDING AND MULCHED WITHIN 72 HOURS OF SUBSTANTIAL COMPLETION OF CHANNEL.
5. WETLAND AREAS TO BE SEEDING SHALL BE SEEDING WITH A BAYVIEW DENSE MIXTURE APPROVED BY THE PROPERTY AND SECTION COUNTY S.E.C.

LEGEND

- | | |
|---|-------------------------------|
|  | EXISTING CONTOUR LINE & LINES |
|  | PROPOSED CONTIGR LINE & LINES |
|  | EXISTING SPOT ELEVATION |
|  | PROPOSED SPOT ELEVATION |
|  | ORANGE SURF |
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VICINITY MAP



LANGE ESTATES FOURTH ADDITION - EASEMENT EXHIBIT

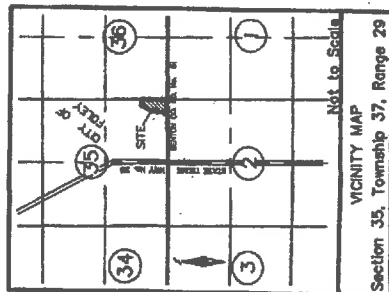
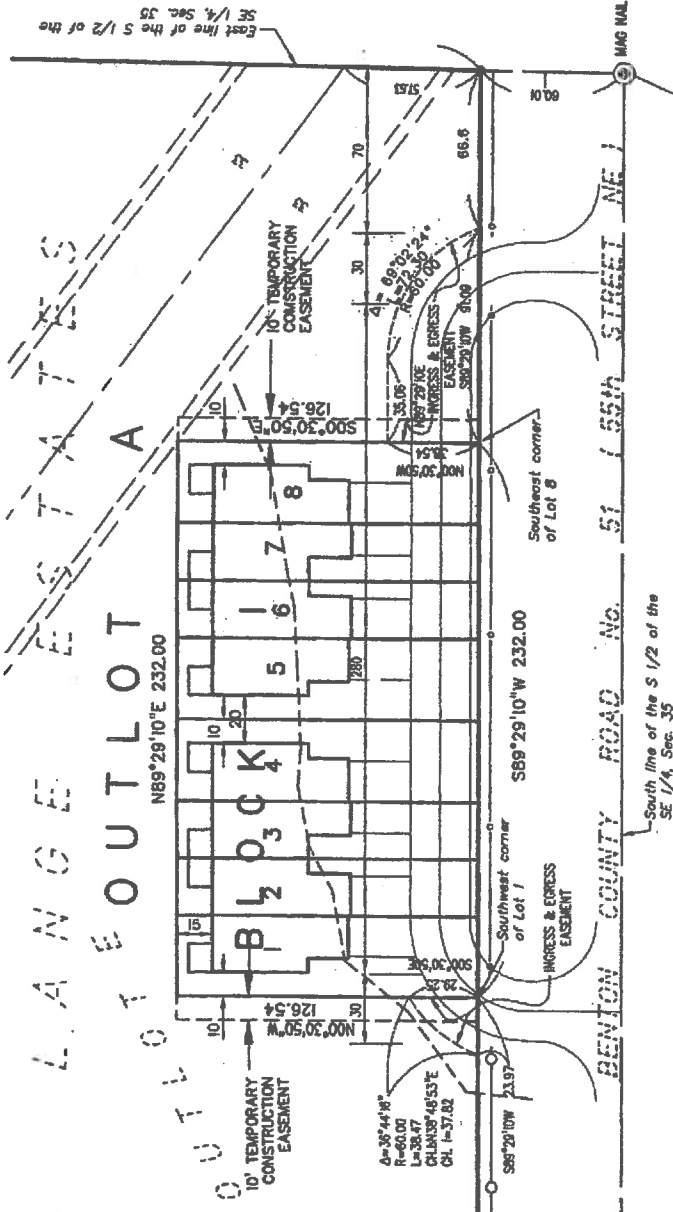
An easement for ingress and egress purposes and a temporary construction easement, over, under and across the following described property.

Outlot A, LANGE ESTATES FOURTH ADDITION, Benton County, Minnesota, according to the recorded plat thereof.

Said easement is described as follows: Beginning at the Southwest corner of Lot 1, Block 1, LANGE ESTATES FOURTH ADDITION, Benton County, Minnesota, according to the recorded plat thereof; thence South 89 degrees 29 minutes 10 seconds West along the South line of Outlot A, said LANGE ESTATES FOURTH ADDITION, a distance of 23.97 feet; thence northerly and northeasterly along a non-tangential curve concave to the southeast, having a radius of 60.00 feet and a central angle of 36 degrees 44 minutes 16 seconds, a distance of 38.47 feet to the West line of said Lot 1, the chord of said curve bears North 38 degrees 48 minutes 53 seconds East, distant 37.82 feet; thence South 00 degrees 30 minutes 50 seconds East along the West line of said Lot 1, a distance of 29.25 feet to the point of beginning.

Together with an easement for ingress and egress purposes over, under and across that part of said Outlot A described as follows: Beginning at the Southeast corner of Lot 8, Block 1, LANGE ESTATES FOURTH ADDITION, Benton County, Minnesota, according to the recorded plat thereof; thence North 00 degrees 30 minutes 50 seconds West along the East line of said Lot 8, a distance of 38.54 feet; thence North 89 degrees 29 minutes 10 seconds East, a distance of 35.06 feet; thence easterly and southeasterly along a tangential curve concave to the southwest, having a radius of 60.00 feet and a central angle of 69 degrees 02 minutes 24 seconds, a distance of 72.30 feet to the south line of Outlot A, said LANGE ESTATES FOURTH ADDITION; thence South 89 degrees 29 minutes 10 seconds West along said South line, a distance of 91.09 feet to the point of beginning.

Said temporary construction easement is described as follows: That part of Outlot A, LANGE ESTATES FOURTH ADDITION, Benton County, Minnesota, lying adjacent to and 10.00 feet westerly of the West line of Lot 1, Block 1, said LANGE ESTATES FOURTH ADDITION and lying adjacent to and 10.00 feet easterly of the East line of Lot 8, Block 1, said LANGE ESTATES FOURTH ADDITION. Said temporary easement to expire December 31, 2003.



GRAPHIC SCALE



1 inch = 50 feet

DATE: 09/17/01
BK/PG: N/A
DRAWN BY: KGA
CHECKED BY: BS-RB

REVISION: 1/25/02 VICINITY MAP

I hereby certify that this survey, plan, or report, was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Signed: *Rick M. Blum*
Date: 9/17/01 Reg. No. 21729

John C. Blum & Associates, Inc.
Land Surveyors
100 West Broadway, Suite 200
St. Paul, Minnesota 55102
612-224-1872 FAX 612-224-1872

DRAWING FILE: 7804-41-PAK
FILE NO.: 7804-41-PAK

John Oliver & Associates, Inc.

Civil Engineering
Land Surveying
Land Planning

580 Dodge Avenue, Elk River, Minnesota 55330 763-441-2072, Fax 763-441-5665
Offices in: Elk River, Burnsville and Brooklyn Park, Minnesota

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under State of Delaware Date 9/21/01 No. Reg. No. 17823

SANITARY SEWER, WATERMAIN, CULVERT & STREET IMPROVEMENTS

16

LANOE ESTATES FOURTH ADDITION
POLY, MN
EDNA DEVELOPMENT CORPORATION
SHEET INDEX

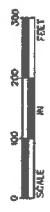
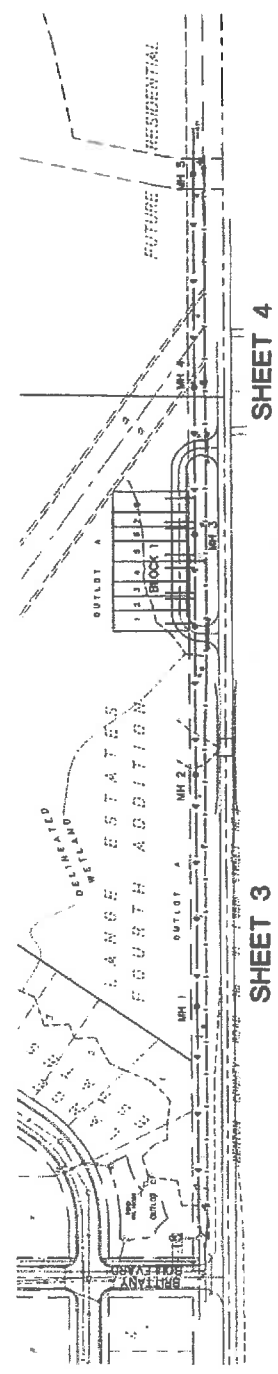
John Orter & Associates, Inc.
Civil Engineering, Land Surveying, and Planning
620 Dodge Avenue
St. Mary, Minnesota 55580
763-641-5972 FAX 763-641-5985
Office for St. Mary, Minnesota
and Brooklyn Park, Minnesota

Signature: *John Orter*
Date: 9/21/01 Reg. No. 17823
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the state of Minnesota.

DATE: 9/21/01
DESIGN BY: BJC
CHECKED BY: RS
DWG FILE: 2-DWG
TEXT FILE: NONE
FILE NO.: 782M-40-03

REV	DATE	DESCRIPTION
1	10/3/01	

TITLE SHEET	1
SHEET INDEX	2
55TH STREET NE	3 & 4
DETAILS	5 & 6



SHEET 4

SHEET 3

SANITARY SEWER AND WATERMAIN

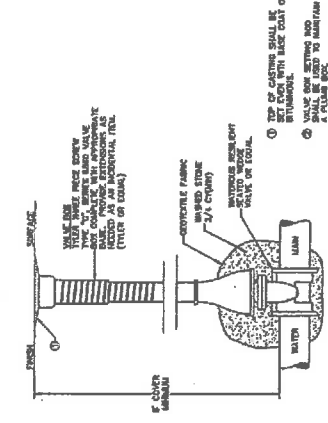
LANGE ESTATES FOURTH ADDITION
 POLEY, WA
 EDINA DEVELOPMENT CORPORATION
 DETAILS

John Oliver & Associates, Inc.
One Montgomery Lane, Springfield, Mass. 01103
220 Dodge Avenue
Rte. 1, Springfield, Mass. 01103
783-641-5875 FAX 783-641-5805
Offices in: New York, Philadelphia
and Brooklyn, Pa., Minnesota

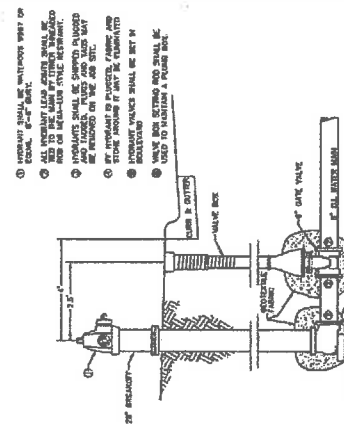
I hereby
affirm,
one or more
and that
essential
the state

DATE:	9/21/01	REV	1	DATE	10/5/01	CITY COMMENTS
DESIGN BY:	AS					
DRAWN BY:	AS					
CHECKED BY:	MS					
DATE:	5-DET					
TEXT:	NONE					
FILE NO.:	7888-40-03					

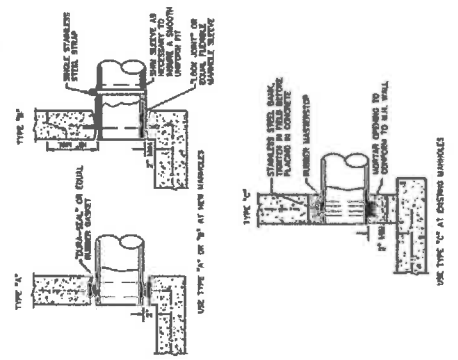
GATE VALVE & BOX DETAIL
NOT TO SCALE



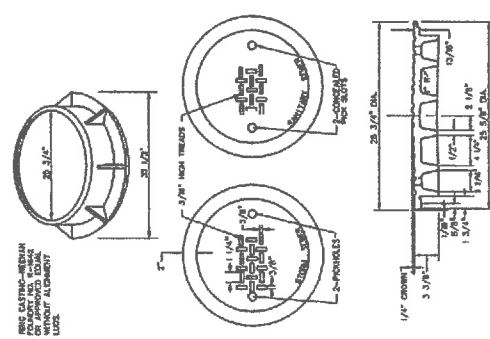
HYDRANT & VALVE DETAIL
NOT TO SCALE



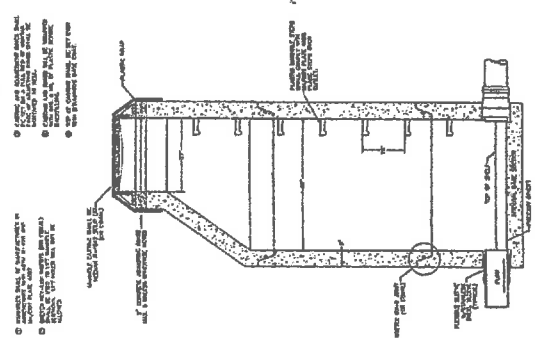
TYPICAL PIPE TO MANHOLE CONNECTIONS



STANDARD MARBLE CASTINGS



STANDARD SANITARY MANHOLE DETAIL
NOT TO SCALE



Certificate of Survey

for

Progressive Builders

**Lots 1-4, Block 1, LANGE ESTATES FOURTH ADD.
City of Foley, Benton County, Minnesota**

NO EXCAVATION OR CONSTRUCTION CAN BEGIN UNTIL THIS PLAN IS APPROVED BY THE LOCAL BUILDING INSPECTOR

LOWEST FLOOR ELEVATION IS SUBJECT TO SOIL AND WATER TABLE CONDITIONS.

ALL BEARING AND DISTANCE INFORMATION IS PER THE RECORDED PLAT.

EXAMINATIONS ARE SHOWN PER RECORDED PLAT UNLESS OTHER DOCUMENTATION WAS PROVIDED TO US.

THE LOWEST FLOOR ELEVATION IS SUBJECT TO THE ACTUAL DEPTH AND ELEVATION OF THE SEWER SERVICE.

PRIOR TO ANY EXCAVATION, EXCAVATOR MUST COMPARE SURVEY WITH HOUSE PLAN AND BUILDER TO VERIFY TYPE OF HOUSE, DIMENSIONS AND FINAL ELEVATIONS(S).

PROPOSED HOUSE ELEVATIONS

Top of Block Elev = 1100.3
Garage Floor Elev = 1100.0
Lowest Floor Elev = 1100.3

ELEV. PER GRADING PLAN
Plans by Olive Surveying & Engineering, Inc.
Garage Floor Elev = 1100.0
Lowest Floor Elev = 1100.3
SWMS - 0101 Without

REFERENCE BENCHMARK

Top of Hub on west side of Golf Course
THE BANKS AT STONE CREEK
Elevation = 1102.75 feet

PROJECT BENCHMARK

Top of Hub with rock at the most SE'ly
of the corner monument
Elevation = 1102.75 feet

SETBACKS

25' Front from edge of Paved Plaza
10' Side
10' Side

ZONING

F.U.D.

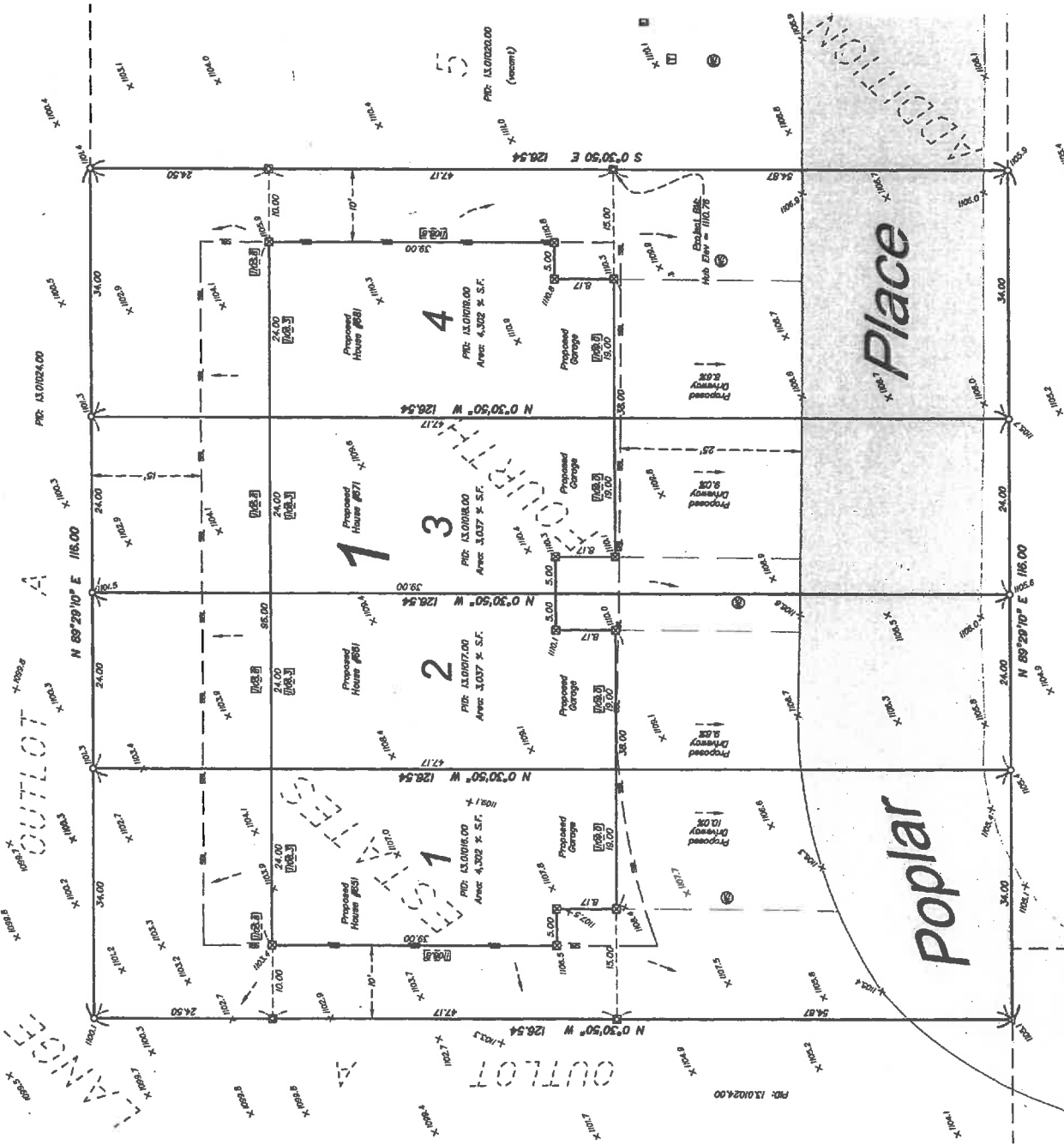
HOUSE TYPE

Fourplex

LEGEND

- Circle with dot: Denotes set iron monument
- Circle with cross: Denotes set nail
- Circle with dot: Denotes set hub
- Circle with cross: Denotes set hub
- Circle with dot: Denotes existing ground elevation
- Circle with cross: Denotes proposed elevation
- Circle with dot: Denotes proposed drainage flow
- Circle with cross: Denotes electrical cabinet
- Circle with dot: Denotes water service
- Circle with cross: Denotes telephone pedestal
- Circle with dot: Denotes aluminum surface
- Circle with cross: Denotes easement
- Circle with dot: Denotes existing easement
- Circle with cross: Denotes existing easement
- Circle with dot: Denotes existing easement

SCALE: 1" = 10'



SHEET NO.

Certificate of Survey
Progressive Builders
Lots 1-4, Block 1
LANGE ESTATES FOURTH ADD.
Benton County, Minnesota



**BOGART, PEDERSON
& ASSOCIATES, INC.**
LAND SURVEYING
CIVIL ENGINEERING
MAPPING
10071 FIRST STREET, BECKER, MN 55304-3322
TEL 763-388-0822 FAX 763-388-0844

I hereby certify that this survey, plan, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

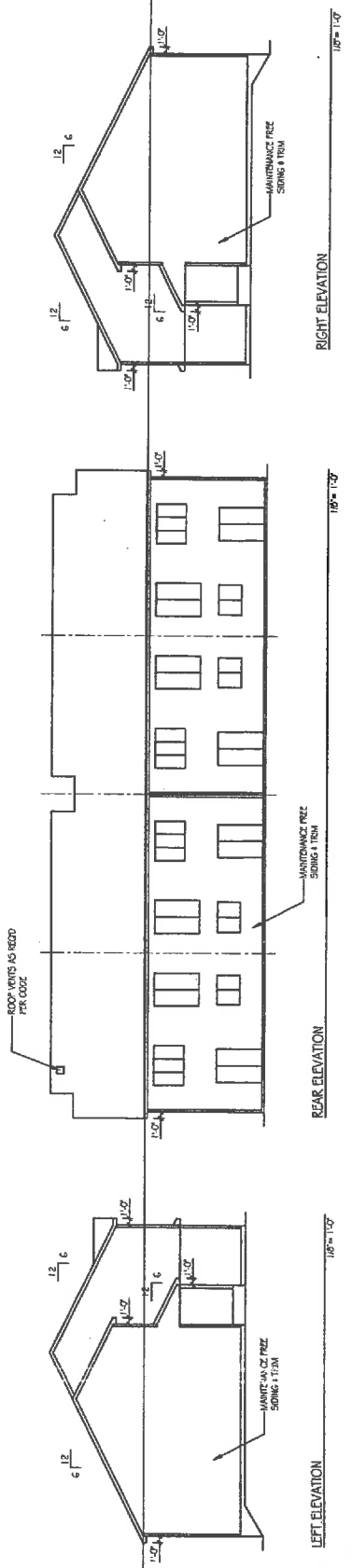
Signed: Craig W. Wenzel
Date: 8/7/18 Reg. No. 47466

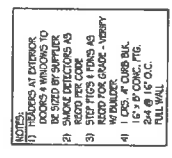
DATE: 8/7/18
DESIGN BY: DJU
DRAWN BY: DJU
CHECKED BY: CAW
DWG FILE: 18-0277c09
FILE NO.: 18-0277.00

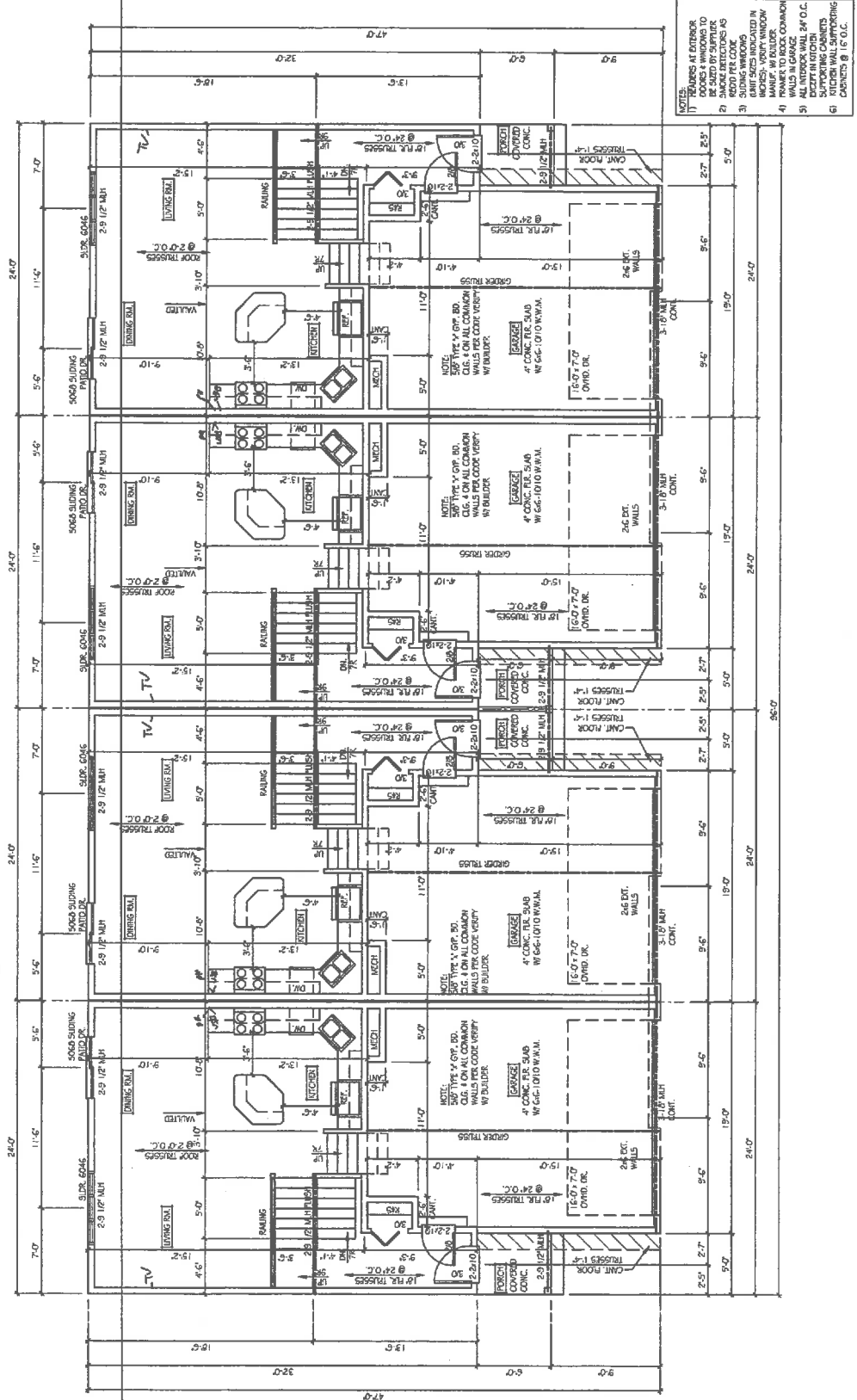
DESCRIPTION

REV NO.

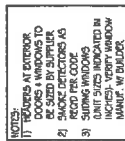
DATE



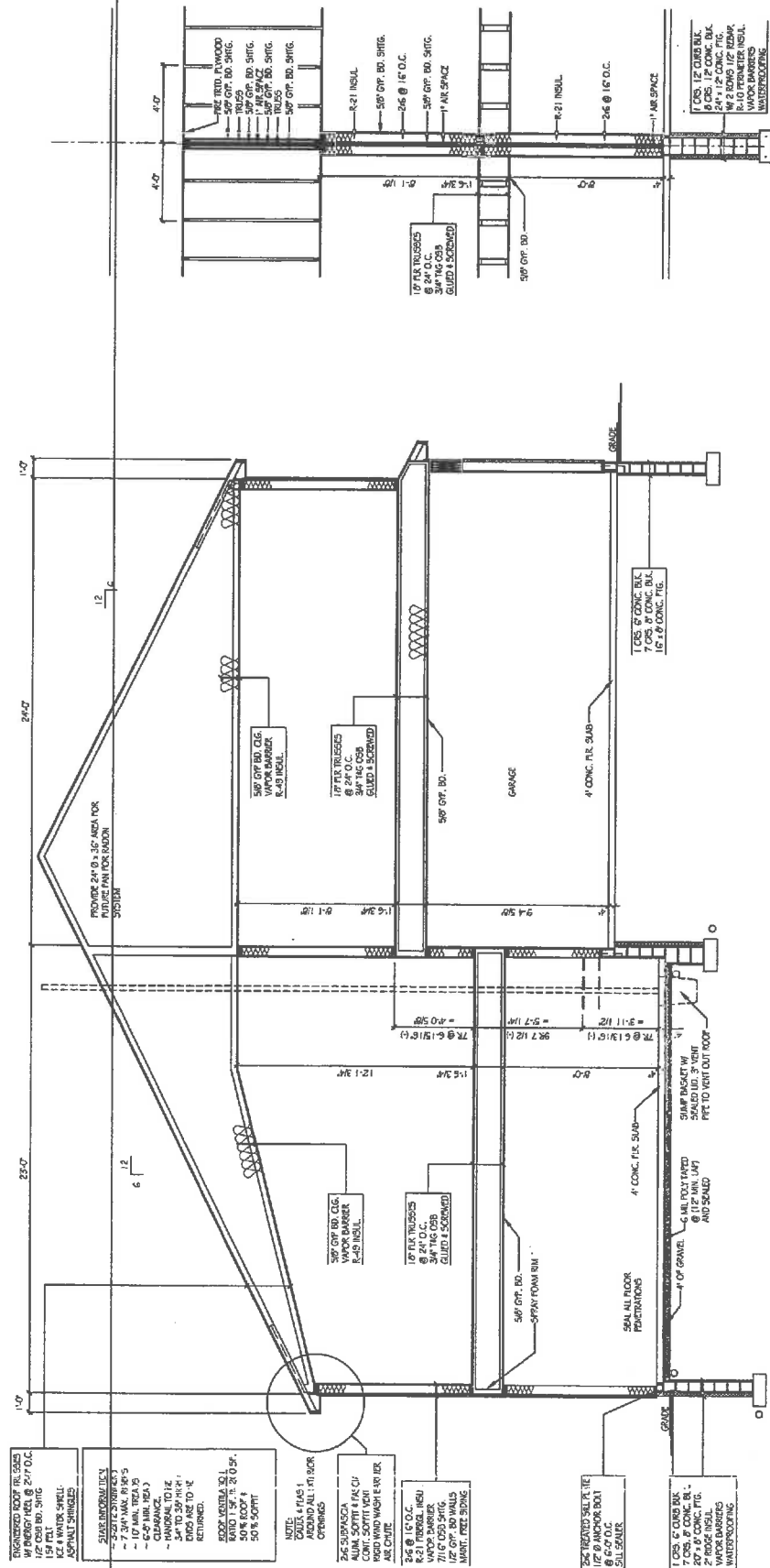




FIRST FLOOR PLAN
612 SFT. (UNIT 1,2,3,4) 441 SFT. (GARAGE 1,2,3,4)



SECOND FLOOR PLAN
562 ST. (UNIT 2,3,4)



BUILDING SECTION @ COMMON WALL
SEE BUILDING SPECIFICATION FOR BUILDING MATERIALS

See comments in red below,

Jon M. Halter, P.E. | Associate | Project Manager
SEH | 1200 25th Avenue South | P.O. Box 1717 | St. Cloud, MN 56302-1717
320.229.4344 direct | 320.250.6084 cell | 888.908.8166 fax
www.sehinc.com
SEH—Building a Better World for All of Us™

From: Sarah Brunn <sbrunn@ci.foley.mn.us>
To: "Scott, Nancy" <nscott64@hotmail.com>, Mark Pappenfus <mpappenfus@ci.foley.mn.us>, "Ripple, Adam" <aripple@rinkenoonan.com>, "Halter, Jon" <jhalter@sehinc.com>
Date: 08/09/2018 01:34 PM
Subject: Popular Place

Brad du'Monceaux from Progressive just dropped off 4 new construction permit applications for Popular Place. We knew they were researching this development to add more housing but never expected it this fast. The plan is for 2 sets of 4 townhome type structures, where the shared wall is on the property line.

A number of items need to be sorted out:

- Is there a development agreement associated with this area? My understanding is Stone Creek Estates had not included Popular. I do not believe our most recent agreement with Progressive and Golf Court addresses anything in this area.
- Our understanding is Popular Place is a private road with no curb and gutter and possibly only one lift of bituminous. Who is responsible for this road in the future and is it in acceptable form? At a minimum the developer should finish the wearing course of bituminous. If the city is to take ownership of the road, we should consider requiring them to add curb and gutter and lighting.
- Are the water and sewer services acceptable? It does not appear that the existing sewer and water mains or services are with r/w or easements. We would want the developer to dedicate easements over the mains and services up to the curb stops.
- Is there a PUD or was there just talk of a PUD at one point?

I think my comments are embodied in the PUD draft. The big issues are utility easements as Mark points out, private access easements so that each lot has legal access over the private road, and figuring out appropriate fees.

Adam A. Ripple
Attorney

RINKE NOONAN
Suite 300, US Bank Plaza
P.O. Box 1497
St. Cloud, MN 56302

The only item that I have a comment on is do we need Easements for the Water services since the curbboxes are quite a ways up into the lots on the North side of the private roadway.

Thanks, Mark
Mark Pappenfus
City of Foley Public Works Director
320-290-9186

**Planning Commission Minutes
September 10, 2018, 6:30 P.M.
Foley City Hall**

Members Present: Judy Weis, Amanda Welle, Jeff Gondeck, Rosalie Musachio, Noel Lewandowski, Bill Bronder

Chair Welle called the meeting to order at 6:30pm.

Motion by Gondeck seconded by Weis to approve agenda. Motion carried.

Motion by Gondeck seconded by Bronder to approve the minutes with name corrections on July 9, 2018 made. Motion carried, unanimous.

Member Gondeck provided an update of the city council activities.

Sherburne Land LLC – Poplar Place PUD Renewal

Craig Wensmen of Bogart Pederson was the meeting to overview the renewal of the PUD at Poplar Place. A prior PUD was issued back in 2001 but requires a renewal since the use wasn't established. The city council did grant an early start to Sherburne Land with an agreement at the last city council meeting. Bronder questioned the wetland delineation plan. Weis questioned the certificate of survey and whether its current. Brunn overviewed the staff comments and recommended easements be a condition if recommended for approval by planning. Bronder requested to see the wetland replacement plan as the initial plan notes wetlands and the city will need confirmation of the action or replacement was done.

Judy Weis left the meeting at 6:56pm.

There was discussion on the conditional use findings and order. There was extensive discussion on the building standards and wetlands.

Motion by Musachio seconded by Bronder to approve with conditions of easements being provided for the utilities and the confirmation of wetland replacement being done on the impacted area. Motion carried, unanimous. The city administrator will follow-up with the county on the wetland issue.

Next month's planning meeting will be October 15th.

Motion by Gondeck seconded Lewandowski to adjourn at 7:24pm. Motion carried, unanimous.



City of Foley

251 4th Avenue North • P.O. Box 709

Foley, Minnesota 56329

(320) 968-7260 • Fax (320) 968-6325

www.ci.foley.mn.us • email: contactus@ci.foley.mn.us

September 12, 2018

Dear Property Owner,

Enclosed you will find a Notice of Public Hearing scheduled for 5:30 p.m. on October 2, 2018 on the application of Sherburne Land Company LLC to obtain a conditional use permit for a Planned Unit Development in an "R-2" Multiple Family Residential District.

You are receiving the enclosed Notice of Public Hearing according to the City of Foley Zoning Ordinance, Sections 21 and 22, whereby individual property owners within 350 feet of the property included in the request shall receive written notice of the public hearing's time, place and purpose for the opportunity to comment on the request.

If you have any questions concerning this notice, please contact the Foley City Hall, 968-7260. Thank you for your time in this matter.

Sincerely,

Sarah A. Brunn
City Administrator

**NOTICE OF PUBLIC HEARING
TO OBTAIN A CONDITIONAL USE PERMIT**

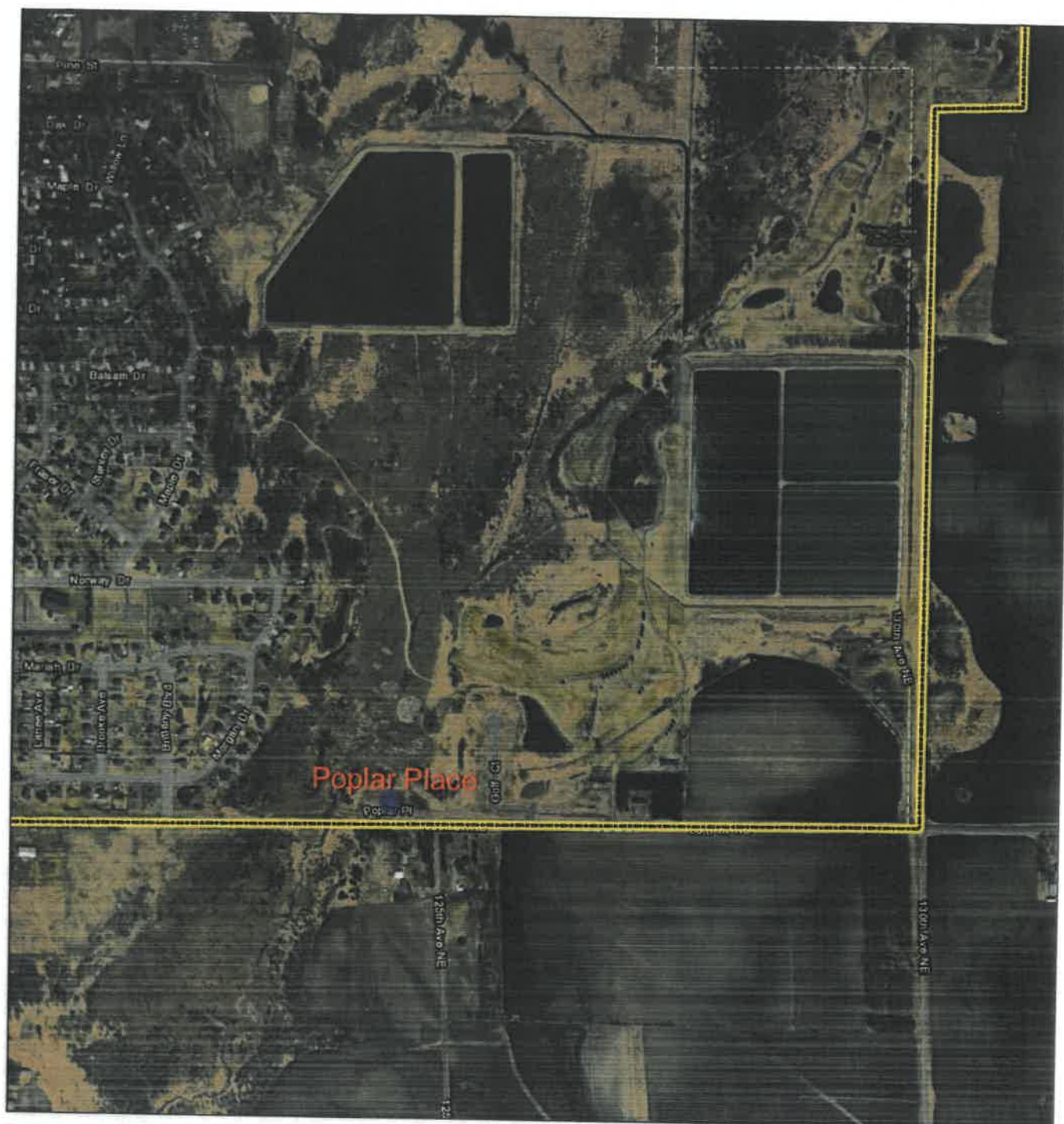
Notice is hereby given that on the 2nd day of October, 2018, at 5:30 P.M., at the Foley City Hall, in the City of Foley, pursuant to the City of Foley Zoning Ordinance Section 22, Subdivision 2, the City Council and the Planning Commission will hold a joint public hearing relating to the request of Sherburne Land Company LLC to obtain a conditional use permit to create a planned unit residential development within a "R-2" Multiple Family Residential District. The property is legally described as follows:

Lots 1-8, Block 1, Lange Estates Fourth Addition, Benton County, Minnesota.

Anyone wishing to appear with reference to the above conditional use permit request will be heard at this meeting.

Sarah A. Brunn
City Administrator

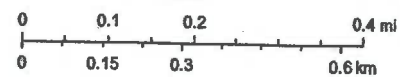
SmartConnect Map



September 11, 2018

 **Municipal Boundary**

1:9,028



Esri, HERE, Garmin, © OpenStreetMap contributors
Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS
user community
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics,
CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User

Benton Co MN GIS | Esri, HERE, IPC | USDA FSA, DigitalGlobe, GeoEye, CNES/Airbus DS | Esri, HERE, Garmin, IPC | SmartConnect User

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2018-24

A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING APPLICANT
SHERBURNE LAND COMPANY LLC FOR A CONDITIONAL USE PERMIT

WHEREAS, the City of Foley received a conditional use permit (“CUP”) application from Sherburne Land Company LLC (the “Applicant”) on August 24, 2018; and

WHEREAS, the CUP application was forwarded to the Foley Planning Commission at its September 10, 2018 meeting for review and recommendation to the Foley City Council; and

WHEREAS, the Foley Planning Commission’s recommendation to the Foley City Council is to approve the CUP with certain conditions including providing utility easements; and

WHEREAS, the City properly published and mailed notice of a public hearing which was conducted on October 2, 2018; and

WHEREAS, the Foley City Council has considered the application and finds as follows:

FINDINGS OF FACT

1. Applicant Sherburne Land Company LLC owns property within the City legally described as Lots 1 – 8, Block 1 of Lange Estates Fourth Addition (the “Property”).
2. The Applicant proposes to establish a Planned Unit Development for eight units of townhomes.
3. The Property was previously approved for this use in 2001 by City of Foley Resolution #2001-25 and is requesting to renew the expired conditional use permit.
4. The Property is zoned R-2 multi-family residential. The proposed townhomes are allowed within this zoning district.
5. A Planned Unit Develop Agreement has been drafted with the specifications of the allowed use and development requirements.

NOW THEREFORE BE IT RESOLVED BY THE FOLEY CITY COUNCIL THAT:

1. The above Findings of Fact are adopted.
2. The Foley City Council hereby approves the Applicant's request for a conditional use permit subject to the following conditions:
 - A. Utility easements must be provided and recorded as required by the City Engineer and Public Works Director.
 - B. A development agreement between the Applicant and City must be executed prior to the CUP becoming effective.

PASSED AND ADOPTED by the City Council of the City of Foley, Minnesota this 2nd day of October, 2018.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, City Administrator

STATE OF MINNESOTA)
COUNTY OF BENTON) SS

On this ____ day of _____, 2018, before me, a Notary Public for this County, personally appeared Gerard L. Bettendorf, who, being by me duly sworn, did say that he is the Mayor of the City of Foley, a Minnesota municipal corporation, and that this instrument was signed on behalf of said corporation by authority of its City Council and acknowledged said instrument to be the free act and deed of said corporation.

Notary Public

[illegible]

On this ____ day of _____, 2018, before me, a Notary Public for this County, personally appeared Sarah A. Brunn, who, being by me duly sworn, did say that she is the City Administrator of the City of Foley, a Minnesota municipal corporation, and that this instrument was signed on behalf of said corporation by authority of its City Council and acknowledged said instrument to be the free act and deed of said corporation.

Notary Public

Planned Unit Development Agreement
(Poplar Place)

THIS AGREEMENT is made effective October 2, 2018, between the **CITY OF FOLEY**, a Minnesota municipal corporation (the "City") and Sherburne Land Company, LLC, a Minnesota limited liability company (the "Developer").

RECITALS:

A. Developer is the owner of the property legally described as in the attached **Exhibit A** (the "Property").

B. On August 21, 2001 the City approved a plat of the Property, which is attached as **Exhibit B** (the "Plat").

C. On September 18, 2001, the City approved a conditional use permit for a Planned Unit Development on the Property (the "CUP").

D. The CUP was never recorded and was never exercised, so it has long since lapsed.

E. Developer has requested to renew the approval of the expired CUP and presented a request for a Planned Unit Development for the Property consistent with its development concept, which is attached hereto as **Exhibit C** (the "Plan").

F. The Planning Commission reviewed the renewed CUP request and the Plan and recommended conditional approval.

G. After due notice, a public hearing was held before the City Council on October 2, 2018, to consider Developer's request.

H. On October 2, 2018, the City Council considered the matter and approved a conditional use permit on the Property for a Planned Unit Residential Development ("PUD") subject to the terms and conditions contained herein.

I. This Planned Unit Development Agreement shall govern the zoning of and Planned Unit Development standards for the Property.

NOW, THEREFORE, the parties agree as follows:

1. **ZONING.** The Property is approved for a conditional use permit for a PUD overlay district. The Property is zoned R-1 single and two-family residential. Planned Unit Residential Developments are a conditional use within the R-1 zoning district. Permitted uses of the Property include all permitted uses, permitted accessory uses, and PUD as provide in Section 13 of the Foley zoning ordinance.

2. **VARIANCES FROM PERFORMANCE STANDARDS.** The PUD shall be exempt from the lot requirements of the R-1 underlying zoning district and the subdivision requirements of the City Code and the following variances from the minimum lot standards shall apply:

A. **Front Yard Setback.** No front yard setbacks shall apply, except that structures shall be setback at least 15 feet from public road right of way.

B. **Side Yard Setback.** The interior side yard setback shall be zero feet; Lot 1 and Lot 8 shall have a 10 feet exterior side yard setback. Any structure with less than a 5 foot side yard setback shall comply with fire and building codes for firewalls.

C. **Rear Yard Setback.** The rear yard setback shall be 10 feet to allow access for emergency services.

D. **Lot Area.** The Property may contain lots smaller than required under the R-1 district as shown in the Plat. Lots may not be further subdivided.

E. **Floor Area Ratio.** No floor-area-ratio shall apply to the Property.

F. **Lot Width.** The Property may contain lots narrower than required under the R-1 district as shown in the Plat.

G. **Lot Depth.** The lot depth must be at least 126 feet.

H. **Building Height.** No structure may exceed 35 feet in height

I. **Accessory Buildings.** Accessory buildings are permitted and shall be subject to Section 13 of the Foley zoning ordinance except that within the PUD no interior side yard setbacks shall apply.

J. **Parking.** Two off-street parking spaces per dwelling are required. Parking spaces on the private road commonly referred to as Poplar Street shall not be considered in off-street calculations.

3. **ROADS.** The existing private road, commonly referred to as Poplar Place, does not meet City road standards and shall remain a private road. Developer shall ensure that proper easements are granted over the private road to ensure that each lot has adequate, legal access to a public road. Developer shall provide lighting, street name signage and stop signs at both exits to the development. Developer or its successor owners' association shall remain responsible for all maintenance and repair of the private street including snow removal. No parking shall be allowed on the Poplar Street in order to preserve adequate space for emergency service vehicles. No sidewalks are required within the PUD.

4. **CLUSTERED MAILBOXES.** The Developer acknowledges that clustered mailboxes will likely be required by the Postal Service. All clustered mailboxes shall be installed at Developer's sole cost and repaired and maintained by the owners' association.

5. **FEEES**

A. **SAC/WAC.** \$1,200/unit SAC - \$1,500/unit WAC

B. **Park Dedication.** \$150 per unit, paid with each building permit.

C. **Trunk.** Based on .672 acres - \$1,014.72 Water Trunk - \$2,103.36 Sewer Trunk

D. **Building permit, meters.** Based on current fee schedule and actual meter cost.

E. **City costs.** The Developer shall pay all costs incurred by it or the City, including, but not limited to, legal, planning, engineering, and inspection expenses, in connection with the approval, and acceptance of the Plans, the preparation of this Agreement, and any other required agreements. Developer shall pay in full all bills submitted by the City for obligations incurred under this Agreement within 30 days of submission to Developer, provided that Developer shall have the right to object to and request review of any bills submitted within said 30 days. Unless a timely objection is filed, failure to remit payment within 30 days shall constitute a default of this Agreement.

6. **UTILITY EASEMENTS.** Existing utilities are installed throughout the Property. Developer acknowledges that existing public utility easements shall remain in place. Further, Developer agrees to dedicate all additional public utility easements necessary to service Property by separate easement documents prior to the issuance of building permits.

7. **DECLARATION OF COVENANTS/ASSOCIATION.** In order to preserve repair and maintain the private road on the Property, ensure consistency with the Plan approved by the City, the development of the Property shall be regulated by private covenants and enforced by a private owners' association established by the Developer.

8. **EARLY START AGREEMENT.** Developer and the City may enter into an 'Early Start' agreement by separate document to allow Developer to install footings and foundations in advance of final land use approvals.

9. **REMEDIES.** Upon a default by Developer under this Agreement, the City may avail itself of any remedy afforded by law and any of the following cumulative, non-exclusive remedies: City may specifically enforce this Agreement; the City may deny building and occupancy permits for buildings; the City may, at its sole option, perform the work or improvements to be performed by the Developer, in which case the Developer shall within 30 days after written billing by the City, reimburse the City for any costs and expenses incurred by the City. In the alternative, the City may in whole or in part, specially assess any of the costs and expenses incurred by the City; and the Developer hereby waives any and all procedural and substantive objections and appeal rights to the installation and construction of the work and improvements and the special assessments resulting therefrom, including, but not limited to notice and hearing requirements and any claim that the special assessments exceed the benefit. Developer shall be responsible for the City's costs in enforcing this Agreement, including attorney's fees. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient. In order to entitle the City to exercise any remedy reserved to the City, it shall not be necessary to give notice.

10. **INDEMNIFICATION.** Developer shall and does hereby indemnify, defend, and hold the City, its Council, agents, employees, attorneys, and representatives harmless against and in respect of any and all claims, demands, actions, suits, proceedings, losses, costs, expenses, obligations, liabilities, damages, recoveries, and deficiencies, including interest, penalties, and attorney's fees that the City incurs or suffers, which may arise out of, result from, or relate to this Agreement.

15. **AMENDMENTS.** This Agreement may only be amended in writing signed by the authorized agent of the City. Any changes to the Plan shall require the approval of the City.

16. **RECORDING OF AGREEMENT.** This Agreement shall be recorded in the office of the Benton County Recorder, shall run with the Property, and shall be binding upon the heirs, successors, administrators, and assigns of the Developer.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

DEVELOPER.

By _____
Its _____

By _____
Its _____

By _____
Its Mayor

City Administrator-Clerk

On this _____ day of _____, 2018, before me, a Notary Public for this County, personally appeared _____, to me personally known, who, being by me duly sworn did say that he is the _____ of _____, and that said instrument was signed on behalf of said corporation by authority of its Board of Directors and acknowledged said instrument to be the free act and deed of said corporation.

On this _____ day of _____, 2018, before me, a Notary Public for this County, personally appeared _____, to me personally known, who, being by me duly sworn did say that he is the Mayor of the City of Foley, a Minnesota municipal corporation, named in the foregoing instrument, and that said instrument was signed on behalf of said corporation by authority of its City Council and acknowledged said instrument to be the free act and deed of said corporation.

Notary Public

STATE OF MINNESOTA)
) SS
COUNTY OF _____)

On this _____ day of _____, 2004, before me, a Notary Public for this County, personally appeared _____, to me personally known, who, being by me duly sworn did say that she is the City Administrator of the City of Foley, a Minnesota municipal corporation, named in the foregoing instrument, and that said instrument was signed on behalf of said corporation by authority of its City Council and acknowledged said instrument to be the free act and deed of said corporation.

Notary Public

THIS INSTRUMENT DRAFTED BY:

RINKE-NOONAN (aar)
300 US Bank Plaza
P.O. Box 1497
St. Cloud, MN 56302
(320) 251-6700

EXHIBIT A
(Legal Description of Property)

EXHIBIT B

(Reduced Copy of Development Plan)

CITY OF FOLEY
COUNTY OF BENTON
STATE OF MINNESOTA

RESOLUTION 2018-23

A RESOLUTION FOR HEARING ON PROPOSED ASSESSMENT

WHEREAS, by a resolution passed by the council on October 2, 2018, the city administrator was directed to prepare a proposed assessment of the cost of improving Dewey Street, 2nd Avenue, 3rd Avenue, and Gopher Avenue, and Broadway Avenue Sidewalk Improvements; and

WHEREAS, the administrator has notified the council that such proposed assessment has been completed and filed in his office for public inspection;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FOLEY, MINNESOTA:

1. A hearing shall be held on the 13th day of November, 2018, in the city hall at 5:30 p.m. to pass upon such proposed assessment, and at such time and place all persons owning property affected by such improvement will be given an opportunity to be heard with reference to such assessment.
2. The city administrator is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and she shall state in the notice the total cost of the improvement. She shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearings.

3. The owner of any property so assessed may, at any time prior to certification or the assessment to the county auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City of Foley, MN, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. They may at any time thereafter, pay to the City of Foley, MN the entire amount of the assessment remaining unpaid, with interest accrued to December 31st of the year in which such payment is made. Such payment must be made before November 30th or interest will be charged through December 31 of the succeeding year.

Adopted by the Council this 2nd day of October, 2018.

Gerard L. Bettendorf, Mayor

ATTEST:

Sarah A. Brunn, Administrator

City of Foley, Minnesota

Wastewater Treatment Facility (WWTF) Anticipated Project Schedule

<u>Event</u>	<u>Anticipated Date</u>
Draft Facility Plan complete	By October 31, 2018
Review draft Facility Plan with staff	By November 15, 2018
Workshop with Council to discuss Facility Plan	By November 30, 2018
Public Hearing	By January 15, 2019
Submit Facility Plan to MPCA ¹	By January 31, 2019
Request Placement on FY2020 Intended Use Plan (IUP)	By June 7, 2019
Receive Preliminary Approval of Facility Plan ²	By June 30, 2019
Point Source Implementation Grant application due	By July 31, 2019
Draft FY2020 IUP released – funding status known	Around August 15, 2019
Final FY2020 IUP issued and Start design of WWTF improvements	Around September 15, 2019
Submit application for NPDES permit modification ³	By January 15, 2020
Submit plans and specs to MPCA ⁴	Around March 15, 2020
Receive NPDES permit modification	By June 15, 2020
Receive plan and spec approval and certification from MPCA ⁵	By June 30, 2020
Bid project ⁶	July 31, 2020
City award and contract signing	August 31, 2020
Start construction (pond dredging if applicable) ⁶	September 30, 2020
Complete construction ⁶	November 30, 2021

¹Facility Plans must be submitted by March 1, 2019 to ensure priority review.

²The anticipated date shown for receiving preliminary approval of Facility Plan is the latest date MPCA can provide approval if the Facility Plan is submitted prior to March 1. The City may receive preliminary approval earlier than the date shown.

³Plans and specs must be submitted by this date (MPCA/PFA requirement) to ensure plan review, approval, and certification by June 30. This date is set six months from issuance of the Final FY2020 IUP.

⁴A permit modification is required for any project anticipating construction. The permit modification must be received prior to plan and spec approval and is required for certification. The permit modification process takes 30 days for MPCA to write new permit, 30 days for City to review draft permit, 60 days for public comment, and approximately 10 days to issue the final permit.

⁵June 30, 2020 is the last day to get certification and become eligible for FY2020 funding.

⁶Dates for bidding, start of construction, and completion of construction are somewhat flexible. The dates in this schedule reflect the earliest dates for these events.

TO: FOLEY CITY COUNCIL
FROM: SARAH BRUNN, CITY ADMINISTRATOR
SUBJECT: 10-02-18 COUNCIL MEETING
DATE: SEPTEMBER 28, 2018

Consent Agenda

The consent agenda contains approval of a part-time officer eligibility list. Interviews for these positions are being conducted on Friday, September 29th so a ranking list is not yet available. That list will be provided at the meeting on Tuesday. After the approval of the list, staff is requesting permission to hire the top two candidates on the list to fill the vacancies in the department.

The council will need to approve the disposal (sale) of the old police squad through the consent agenda. Staff is estimating receiving approximately \$2,000 for this vehicle.

Poplar Place – Conditional Use Permit & Development Agreement

Following the public hearing the council can address the Conditional Use Permit of Sherburne Land Company for Poplar Place. The planning commission is recommending easements are provided as a condition of the approval which are already in progress by the applicant. City staff did verify with Benton County that appropriate wetland replacement was done for this development. The council should also address the planned unit development agreement following the conditional use permit.

Advanced Disposal

Bob Pfiser from Advanced Disposal is planning to attend the council meeting to review some changes in the recycling industry that may impact the City of Foley's hauling contract in the future.

2018 Street Improvements

The council will need to set the final hearing for the 2018 Improvements. This will be the final assessment hearing prior to certification of the assessment rolls to the county. The council should adopt the resolution included in your packet to set the hearing for the November 13th council meeting.

Foley Fire Department – Discussion on Township Contracts & Charges

Mark Pappenfus will provide an overview tentative contract at the council meeting. Our current township contracts expire at the end of the year and must be renewed. The council will be asked to attend a meeting tentatively scheduled for October 30th to discuss this contract with township officials before moving forward with final language.

Update on wastewater facility plan

City staff is very happy to report that we have finished our discussions with the MPCA and were able to successfully remove the sulfate parameter in our proposed limits. This means we can officially move forward and finish our facility plan which is necessary to get on funding lists. I've asked our wastewater engineer Jessica Hedin to provide a tentative timeline on how the project will move forward from this point and that is included in your council packet.

Safe Routes to School

Staff has been working with the county and school on kicking off our Safe Routes to School planning grant. The planning grant process includes student tally's, parent surveys and planning sessions. There are also opportunities for community members to map their routes to school and provide input on what types of improvements are needed at the school campus and within the surrounding community. Feel free to check

the city website, Facebook page or contact myself or one of the team leaders, Monica Shaw & Corri Gross if you have more questions or want to get involved.

Walk to School

This event is planned for October 10th and I will be asking council members to help with the walk and handing out promotional materials at the G.A. Church. Mark your calendars!

Discussion on potential land sale of PID 130004183

I spoke with the interested buyer and they are hoping to connect with me on an update prior to the meeting on Tuesday. I will communicate any conversations with the council at that time.

ATV Ordinances

Sample ordinances have been provided in the packet as requested of Chief McMillin.

Planning Commission

The preliminary and final plat for Gopher Avenue has been submitted. It will be reviewed by planning on October 15th. We are also anticipating the review of the final plat for K&K Auto – Foley Locker.

Upcoming Reminders:

- Walk to School Day – October 10th – I would appreciate council volunteers from approximately 7:15-8:00am!
- Planning Commission Meeting – October 15th - this meeting was re-scheduled due to Columbus Day holiday.
- Touching Tables for Foley Area C.A.R.E. – October 16th from 12-1pm @ First Pres. Church.
 - Council - Please confirm your attendance with City Hall.
- October 30 – Fire Contract Meeting with Township Officials @ Foley Fire Hall – 7pm – Councilmembers should attend!
- November 6th – General Election
- November 13th – Council Meeting – The November meeting occurs one week later due to the need to certify election results.



INFORMATION MEMO

Special Vehicles Operating on City Streets

Vehicles showing up on or along city streets and sidewalks include all-terrain vehicles (ATVs), golf carts, motorcycles, autocycles, pedicabs, rickshaws, mini-trucks, motorized foot scooters, pocket bikes, mini-motorcycles, motorized bicycles, and electric-assisted bicycles. Learn what traffic and vehicle regulations state and federal laws impose, and additional possible regulations cities can enact through local ordinances. Links to model ordinances regulating recreational and special vehicles.

RELEVANT LINKS:

Minn. Stat. ch. 169.
Minn. Stat. § 169.04.
See Appendix A, Definitions.

See Appendix B, State and federal regulations.

Minn. Stat. § 84.787, subd. 7.
Minn. Stat. § 84.788, subd. 12.
Minn. Stat. § 168.002, subd. 18 (f).
Minn. Stat. § 84.788, subd. 12 (d).
Minn. Stat. §§ 84.787-84.796.

Dept. of Public Safety: Off-Highway Motorcycle Dual Registration FAQs 2015.
Dept. of Public Safety: Certificate Checklist -Off Highway Motorcycle.

I. Laws controlling particular vehicles

Most traffic and vehicle regulations are provided in state and federal law. This memo focuses only on particular vehicles, applicable federal and state laws, and possible additional local regulations.

II. State law definitions and regulations

A. State law: definitions

The Department of Natural Resources (DNR) regulates the operation of many types of vehicles, some defined and some not. The six main vehicle categories, and those that are defined, include off-highway motorcycles (OHMs), off-highway vehicles (OHVs), off-road vehicles (ORVs), snowmobiles, recreational motor vehicles and all-terrain vehicles (ATVs). Some vehicles fit multiple categories. For example, an ATV may be an off-highway vehicle and a recreational motor vehicle depending on where and how it is being operated. State DNR law defines these vehicles as follows.

- **Off-highway motorcycle (OHM):** A motorized, off-highway vehicle traveling on two wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control, including a vehicle that is registered for highway use if it is also used for off-highway operation on trails or unimproved terrain. An OHM, commonly known as a dirt bike, may obtain dual registration for use off road or on public ways, if it is modified to meet federal and state traffic regulations such as emission, noise and lighting standards. If so modified, and OHM meets the definition of a motor vehicle. Off-highway motorcycle does not include a golf cart; mini truck; dune buggy; go-cart; moped; pocket bike; gray market vehicle; or vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

RELEVANT LINKS:

Minn. Stat. §§ 84.773-.781.

Minn. Stat. § 84.797, subd. 7.
Minn. Stat. §§ 84.771-
84.781.

Minn. Stat. §§ 84.81-.89.
Minn. Stat. § 84.81, subd. 3.

Minn. Stat. § 84.92, subd. 8-
10.

Minn. Stat. § 84.90.

Minn. Stat. § 84.90.

- **Off-highway vehicles (OHVs):** defined as an off-highway motorcycle, an off-road vehicle, or an all-terrain vehicle, may operate only in certain public areas and on designated OHV trails.
- **Off-road vehicles (ORVs):** A motor-driven recreational vehicle capable of cross-country travel on natural terrain without benefit of a road or trail. Many vehicles are specifically exempted from the definition of an off-road vehicles, including but not limited to snowmobiles, all-terrain vehicles, motorcycles, watercraft, farm vehicles being used for farming; vehicles used for military, fire, emergency, or law enforcement purposes; a construction or logging vehicle used in the performance of its common function; a motor vehicle owned by or operated under contract with a utility, whether publicly or privately owned, when used for work on utilities; a commercial vehicle being used for its intended purpose; snow-grooming equipment when used for its intended purpose; or an aircraft.
- **Snowmobiles:** a self-propelled vehicle designed for travel on snow or ice and steered by skis or runners. State law classifies snowmobiles as recreational vehicles.
- **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.
- **Recreational motor vehicles:** As used in DNR law, this catch all term means any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including but not limited to snowmobiles, trail bikes, ATVs, hovercraft, and other motor vehicles licensed for highway operation which is being used for off-road recreational purposes.

B. State law: operating regulations

1. Recreational motor vehicles

State law regulating where “recreational motor vehicles” may operate is specific:

RELEVANT LINKS:

Minn. Stat. § 473.121, subd. 2.

Minn. Stat. § 84.90, subd. 6.

Minn. R. 6102.0050.

For DNR Water Surface sample ordinance, checklist, worksheet, and joint powers agreement, contact: Minnesota Department of Natural Resources:

Lieutenant Adam Block,
State Boating Law
Administrator:
adam.block@state.mn.us or
(651) 259-5057.

Minn. Stat. §§ 84.773-.781.
Minn. Stat. § 84.773.
Minnesota Department of
Natural Resources: 2018-
2019 Off-Highway Vehicle
Regulations.
Minn. Stat. § 84.92, subds. 9-
10.
OHV Regulations in the
Agricultural Zone.
Minn. Stat. § 84.797 subds. 1,
7.

See section II-B-7, ATVs.

Minn. Stat. § 84.795, subd. 4.

- Within the seven-county metropolitan area, a person must have written or oral permission to operate a recreational motor vehicle on someone else's property.
- Outside the metropolitan area, a person must not operate a recreational motor vehicle after the owner provides notice not to do so, either orally or by a written or posted notice.

This law specifically allows cities to impose additional restrictions or prohibitions on operation of recreational motor vehicles on property not owned by the operator.

2. Recreational vehicles on public waters

The DNR governs the operation of such vehicles on public waters. In this context, a recreational vehicle is defined as an:

- ATV.
- Off-highway motorcycle.
- Off-road vehicle.

Subject to DNR approval, a city may, by ordinance, regulate the operation and the period of time within which recreational vehicles may operate on frozen public waters in their boundaries. According to the DNR, the best way to do this is to contact them and use their documents as needed.

3. Off-highway vehicles

State regulations of OHVs apply outside of city boundaries. A person may not operate an OHV on a trail or public land that is designated or signed for non-motorized use only; on restricted areas within public lands that are posted or where gates or other clearly visible structures are placed to prevent unauthorized motorized vehicle access; in public waters, except as specifically authorized by DNR law or rule; in a state park, scientific and natural area, or wildlife management area; in a DNR identified calcareous fen (rare and distinctive wetlands) or other wetlands.

Cities do not generally regulate OHVs because, by definition, they operate off-road. If an OHV, such as a motorcycle or a trail bike operates on public roads, it is subject to state law governing motorcycles. City regulation of ATVs (which may be defined as an 'off-highway vehicle') is discussed subsequently.

4. Off-highway motorcycles

A person may not drive or operate an off-highway motorcycle at speeds that are not reasonable under the conditions; in a careless, reckless, or negligent

RELEVANT LINKS:

Minn. Stats. §§ 84.787 -
84.795, Minn. R. ch. 6102.

Minn. Stat. §84.804, subd. 3.
DNR: Off-Road Vehicle
(ORV) Safety.

Minn. Stat. § 84.804, subd. 6.

Minn. Stat. §§ 84.797-804.

manner so as to endanger or to cause injury or damage to a person or property; in a tree nursery or planting in a manner that damages or destroys growing stock; without a hand or foot brake; at a speed exceeding ten miles per hour on the frozen surface of public waters within 100 feet of a person fishing or a fishing shelter; in a manner that violates operation rules; anywhere in this state or on the ice of any boundary water of this state while under the influence of alcohol or a controlled substance, or on an airport.

A county, city, or town, may regulate the operation of off-highway motorcycles on public lands, waters, and property under its jurisdiction other than public road rights-of-way within its boundaries, by resolution or ordinance and by giving appropriate notice, provided that the ordinance fits the following criteria:

- It must be consistent with state law and rules.
- It may not impose a fee for the use of public land or water under the jurisdiction of either the DNR or another state agency, or for the use of an access to it owned by the state, a county, or a city.
- It may not require an off-highway motorcycle operator to possess a motor vehicle driver's license while operating an off-highway motorcycle.

5. Off-road vehicles

According to state DNR law, a person may not drive or operate a vehicle off-road: at a rate of speed greater than is reasonable under the circumstances; in a careless, reckless, or negligent manner which may endanger or cause injury or damage to the person or property of another; without a functioning stoplight if so equipped; in a tree nursery or planting in a manner that damages or destroys growing stock; without a hand or foot brake or in a manner that violates rules; or on an airport.

Cities may, by ordinance, regulate the operation of off-road vehicles on public lands, waters, and property in city boundaries, other than public road rights-of-way within its boundaries, and by giving appropriate notice. The ordinance must meet the following criteria:

- It must be consistent with state law.
- It likely requires a public hearing or some notice before adoption.
- It may not impose a fee for the use of public land or water under the jurisdiction of the DNR or another agency of the state, or for the use of an access to the public land or water owned by the state, a county, or a city.

RELEVANT LINKS:

Minn. Stat. § 84.82.
Minn. R. 6100.5000.
Minn. Stat. § 84.872.
Minn. R. 6100.5200.
Minnesota Department of
Natural Resources: 2017-
2018 Snowmobile
Regulations.

Minn. Stat. § 84.85.
Minn. Stat. § 84.87.

Minn. R. 6100.5200, subp. 2.
Minn. Stat. § 84.795.
Minn. R. ch. 7460.

Minn. Stat. 84.928, subd. 1
(h).
DNR: Off-highway Vehicle
Regulations, 2018-19.

Minn. Stat. § 84.928, subd.
1(d).

Minn. Stat. § 84.928, subd.
1(d).

Minn. Stat. § 169.045.

6. Snowmobiles

There are extensive regulations in state law and rule that apply to operating a snowmobile, which are beyond the scope of this memo. In summary, however, most snowmobiles must be registered with the state, and young people under the age of 18 must comply with specific restrictions. Cities may also regulate the operation of snowmobiles in city limits.

Cities may, by ordinance, allow two-way operation of snowmobiles on either side of the right-of-way of a street or highway under city jurisdiction, where the city, as road authority, determines that two-way operation will not endanger users of the street or highway or riders of the snowmobiles using the trail. Many cities use one ordinance to regulate operation of ATVs, snowmobiles, or other recreational vehicles using the same map for all such vehicles, discussed subsequently.

City ordinances must comply with state law. Any penalties in a local ordinance for a particular offense must match the penalty in state law for that same offense. Cities must not charge fees to snowmobile operators and must not require that operators possess a driver's license while operating the snowmobile. Cities are not authorized to license snowmobiles.

7. ATVs

State law covers operation of ATVs on public (non-city) lands extensively. Basically, Minnesota law prohibits the riding of Class 1 ATVs in ditches (or rights-of-way) south of the agriculture line, roughly from Moorhead to Taylors Falls along Highway 10 and Highway 95, between April 1 and Aug. 1. This does not apply to ATVs licensed and used for agricultural purposes.

According to the DNR, Class 2 ATVs may not be operated on the shoulder of a state trunk highway.

Note that utility task vehicles (UTVs) fit the definition of a Class 1 or Class 2 ATV based on the width of the tire rim. Due to larger sized tires, most UTVs fit the definition of a Class 2 ATV when used for recreational purposes.

Cities have choices with respect to regulating Class 1 and 2 ATVs, including:

- Declining to regulate ATVs in the city and, by doing so, allowing state law regulating operation of ATVs to apply to any county or state road right-of-way in city boundaries.
- After a public hearing, prohibit operation of ATVs altogether in city boundaries.
- Allowing operation of ATVs on city streets by permit in the same way golf carts and mini-trucks are regulated and discussed below.

RELEVANT LINKS:

Minn. Stat. § 84.928, subd. 6
(b).

Minn. Stat. § 84.92 – 84.928.

See section III-A-2, ATVs.

Minn. Stat. § 84.928, subd.
1(d).

*Regulating Recreational
Vehicles, LMC Model
Ordinance.*

Minn. Stat. § 169.045.

*Regulating Special Vehicles,
LMC Model Ordinance.*

a. Regulation by resolution or ordinance

If a city council chooses to regulate ATVs under state law pertaining to the Department of Natural Resources, it must pass a resolution or an ordinance consistent with state law and rule.

- The city council must likely first hold a public hearing.
- An ordinance may not impose a fee for the use of public land or water under the jurisdiction of either the Department of Natural Resources or other agency of the state, or for access to land owned by the state county or city.
- An ordinance may not require an all-terrain vehicle operator to possess a motor vehicle driver's license while operating an all-terrain vehicle.

In theory, councils may pass ordinances allowing both ATV operation on city streets by permit—and ATV operation in the right-of-way.

b. Simultaneous city regulation of ATVs and snowmobiles

Some cities pass an ordinance combining the use of ATVs and snowmobiles along the same city street right-of-ways. Many cities use a map of the city to designate specific streets in the city where either ATVs or snowmobiles or both may operate in the right-of-way. This may include the larger Class 2 ATVs.

III. City regulation

A. Regulating golf carts, UTVs, ATVs, and mini-trucks (special vehicles)

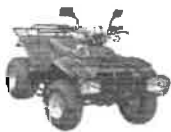
Cities may adopt an ordinance permitting the operation of golf carts, smaller ATVs, utility task vehicles, and mini-trucks on city streets. This is a local decision, so if a city does not specifically permit the use of these special vehicles, they may not operate on city streets. Note that city regulation of special vehicles does not apply to their use on private property. If vehicles operating on private property cause other problems, such as excessive noise, it may become a nuisance issue, but the operation of the vehicles on private property is not otherwise subject to city regulation. Descriptions of the special vehicles cities may regulate by permit are as follows.

RELEVANT LINKS:

Minn. Stat. § 169.045, subd. 1.



Minn. Stat. § 169.045, subd. 1.



Minn. Stat. § 169.045, subd. 1 (3).



"Untitled by Diamond Back Truck Covers" is licensed under CC BY 2.0.

Minn. Stat. § 169.011, subd. 40a.
Minn. Stat. § 169.045.



1. Golf carts

The term "motorized golf carts" is not further defined in state law.

Regardless, operation of a motorized golf cart on city streets may only be done with a city-issued permit. There are many types of golf carts, including electric and gas powered, but all generally have a small wheel base and are not completely enclosed.

2. ATVs

For permitting purposes, an "all-terrain vehicle" means 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. It includes a class 1 and class 2 ATVs.

3. Utility task vehicles

State law was amended in 2011 to allow cities to issue permits to operate utility task vehicles on city streets. As with the other special vehicles—motorized golf carts, all-terrain vehicles, or mini-trucks—operation of a utility task vehicle on city streets is authorized only by a city-issued permit. A UTV is 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. UTVs differ from ATVs; they are heavier, have side-by-side front seats, and some sort of roof structure.

4. Mini-trucks

A "mini-truck" is a motor vehicle that:

- Has four wheels.
- Is propelled by an electric motor or an internal combustion engine with an enclosed cabin and a seat for the vehicle operator.
- Commonly resembles a pickup truck or van, including having a cargo area or bed located at the rear of the vehicle.

RELEVANT LINKS:

Minn. Stat. § 169.045.
Minn. Stat. § 169.022.

Beckius v. City of Canby, No.
A07-1497 (Minn. Ct. App.
July 1, 2008) (unpublished
decision).

Minn. Stat. § 169.045.
Minn. Stat. § 169.345, subd.
2(f).

Minn. Stat. § 169.045, subd.
4 citing Minn. Stat. §
169.522.

- 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.

B. City permitting ordinance

City regulation of these special vehicles requires a permitting scheme. Cities may issue permits as spelled out in a local ordinance so residents may operate mini-trucks, golf carts, UTVs, or ATVs on designated roadways under city jurisdiction. Such ordinances must:

- Regulate only what the state law allows a city to regulate.
- Be merely additional and complementary to a state law by covering specifically what the statute covers generally.
- Provide the same procedural protections as the state law when prosecuting offenses covered by an ordinance.
- Not prohibit what state law allows.

One case provides some guidance concerning a local ordinance regulating golf carts. This is an unpublished case, which means it does not set precedent or carry much weight legally, but it may be instructive in general terms. The case found that uniformity is the goal of the state law on permitting special vehicles. So if cities allow special vehicles on city streets, the regulations should generally be consistent from city to city. The Minnesota Court of Appeals found that a city ordinance requiring that not only drivers but also passengers on a golf cart have a permit (and a disability) to ride on a golf cart goes beyond what state law allows. The Court found that state law pre-empts such a unique restriction by one city. Thus, local ordinances governing special vehicles may not prohibit what state law allows or allow what state law prohibits.

1. Permitting scheme in ordinance

Local ordinances must describe the application process for a permit. A city ordinance may also set out conditions a person must meet to get an operator's permit. Cities may revoke permits if owners show an inability to operate the vehicles safely but cities must allow a person to dispute the revocation.

2. Specific vehicle requirements

State law includes some vehicle-specific requirements that must be in each city ordinance. Specifically, the local ordinance must:

RELEVANT LINKS:

Minn. Stat. § 169.045, subd. 5.
Minn. Stat. § 169.045, subd. 7.
Minn. Stat. § 169.70.
Minn. Stat. § 169.045, subd. 7a.

Minn. Stat. § 169.045, subd. 8.
Minn. Stat. § 65B.48, subd. 5.

Regulating Special Vehicles, LMC Model Ordinance and Regulating Recreational Vehicles, LMC Model Ordinance.



Minn. Stat. § 169.011, subd. 47.
Minn. Stat. § 169.011, subd. 39.
49 C.F.R. § 571.500.

- Require all golf carts to display a slow-moving vehicle emblem.
- Limit the operation of golf carts, UTVs, and ATVs on designated roadways to between sunrise and sunset, unless equipped with original equipment headlights, taillights, and rear-facing brake lights.
- Prohibit the operation of golf carts, UTVs, and ATVs 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 or vehicles on the roadway at a distance of 500 feet.
- Likely not require that UTV, ATV, and golf cart operators have a driver's license. (However, operators must be old enough to purchase insurance on the special vehicle, discussed below).
- Require mini-trucks to have at least two headlamps, at least two tail lamps, and front and rear turn-signal lamps.
- Require mini-truck operators to have a valid driver's license.
- Allow the operators of any special vehicle to cross any street or highway that intersects a designated roadway.
- Require all special vehicles to have rear-view mirrors.
- State law requires insurance—on all four types of special vehicles—that complies with insurance for a motorcycle. City ordinances must require evidence of insurance complying with state law. Therefore, a person must present proof of insurance on the golf cart, UTV, ATV, or mini-truck before the city issues them a permit. If a person cannot get insurance on a special vehicle, the state insurance plan offers coverage.

The model ordinances linked here set forth the basic requirements for permitting these special vehicles in a city. Before adopting any of these ordinances, a city should review it with its attorney to adapt it to the city's specific circumstances. Because provisions in these ordinances are related to state statutes and affect state and federal constitutional rights, the city attorney should review any modifications to ensure they conform to current state law and legal decisions.

IV. Regulating neighborhood electric vehicles, medium-speed electric vehicles, and natural gas vehicles in cities

A "neighborhood electric vehicle" (NEV) is an electrically powered motor vehicle that has three or four wheels, and has a speed attainable in one mile of at least 20 miles per hour, but not more than 25 mph on a paved level surface.

RELEVANT LINKS:



49 C.F.R. § 571.500.

Minn. Stat. § 169.224.

Minn. Stat. § 169.011, subd.
46a.
Minn. Stat. § 169.824, subd.
3 (b).

“Medium-speed electric vehicles” (MSEV) are very similar, but must be completely enclosed and can go slightly faster than an NEV. An MSEV is an electrically powered four-wheeled motor vehicle that:

- Is equipped with a roll cage or crushproof body design.
- Can attain a maximum speed of 35 mph on a paved level surface.
- Is fully enclosed and has at least one door for entry.
- Has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater.
- Meets or exceeds regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements, except with respect to maximum speed.

Federal law, referenced in Minnesota statutes, requires that NEVs or MSEVs operating on public streets and highways meet these safety and equipment standards.

State law also governs operation of these small car-like vehicles on public roadways, allowing operation only on a street or highway with a speed limit less than 35 mph (except to make a direct crossing of that street or highway). A person may operate a three-wheeled neighborhood electric vehicle without a two-wheeled vehicle endorsement, provided the person has a valid driver's license. State law also gives cities the authority to prohibit or further restrict operation of NEVs and MSEVs on city streets, but gives no particular instruction on how cities might do this. Best practice suggests consultation with the city attorney before further regulating these tiny cars.

“Natural gas vehicle” or “NGV” means a motor vehicle that is capable of being propelled by natural gas, including compressed natural gas and liquefied natural gas. An NGV may exceed typical weight restrictions. State and federal law regulate NGVs.

V. Other vehicles subject to limited city regulation

Some low-power vehicles are subject to limited city regulation. Cities cannot generally prohibit use of non-motorized bicycles, motorized foot scooters (like motorized Razor™ scooters) pocket bikes, mini-motorcycles, motorized bicycles, or electric-assisted bicycles. State law governs operation of these vehicles on public roadways but cities may also regulate where some of these vehicles operate with city boundaries.

RELEVANT LINKS:

Minn. Stat. § 169.011, subd. 4.

Minn. Stat. § 169.011, subd. 27.

Minn. Stat. § 169.011, subd. 45.

Minn. Stat. § 169.222.

Minn. Stat. § 169.72, subd. 1.

Minn. Stat. § 169.222, subd. 6.

Minn. Stat. § 169.222, subd. 4.

Minn. Stat. § 169.222, subd. 10.

Minn. Stat. § 160.263, subd. 2.

A. Bicycles and electric-assisted bicycles

A “bicycle” is defined by state law to be any device capable of being propelled solely by human power upon which any person may ride, having two tandem wheels and including any device generally recognized as a bicycle though equipped with two front or rear wheels. The term “bicycle” includes electric-assisted bicycles which are bicycles with electric motors that travel up to 20 mph. Electric-assisted bikes have additional regulation in state law.

The term “bicycle” does not include mopeds, scooters, motorized foot scooters, or similar devices. “Bicycles” are also not be confused with motorized bicycles which have a gas or electric motor and travel between 20 and 30 mph at most.

1. Bicycles in general

Persons operating bicycles have all of the rights and duties applicable to the driver of any other vehicle, except as provided by law. A city cannot prohibit persons from riding in the road, even if a bicycle path is available.

State law governs bicycle tires and brakes. Persons operating a bicycle upon a roadway are required to ride as close as practicable to the right-hand curb or edge of the roadway, with certain exceptions. Cities may, by ordinance, prohibit riding a bike on local sidewalks. A person riding a bike on the shoulder of a roadway must travel in the same direction as the adjacent vehicular traffic.

Bicycle events, parades, contests, or racing on a highway are legal if state or local authorities having jurisdiction over that highway approve the event. Participants in an approved bicycle highway event may be exempt from complying with traffic laws if traffic control is adequate to assure the safety of all highway users.

A city may, by ordinance, designate any roadway or portion of a roadway under its jurisdiction as a bicycle lane, and designate any sidewalk or portion thereof under its jurisdiction as a bicycle way, provided the designation does not destroy a pedestrian way or pedestrian access.

A city that designates a bicycle way or bicycle lane may:

- Designate the type and character of vehicles or other modes of travel that are allowed on the lanes or ways, provided this operation is not inconsistent with the safe use and enjoyment of bicycles.
- Establish priority rights of way on the lane or way, and otherwise regulate the use of the lane or way.

RELEVANT LINKS:

Minn. Stat. § 160.263, subd. 4.

Minn. Stat. § 169.011, subd. 27.

49 C.F.R. § 571.1.
16 C.F.R. § 1512.



Minn. Stat. § 168A.03, subd. 1.

Minn. Stat. § 160.263, subd. 2.

Minn. Stat. § 169.222, subd. 4.

- Paint lines, construct curbs, or establish other physical separations to exclude the use of the lane or way by vehicles other than those specifically permitted by the city.

The city council may, after public hearing, prohibit through-traffic on any highway or a highway portion if the council has designated it as a bicycle lane. Through-traffic on a trunk highway may not be prohibited. The city must erect and maintain official signs giving notice of the regulations and priorities, and must also mark all bicycle lanes and bicycle ways with appropriate signs.

The city council may, by resolution or ordinance, and without an engineering or traffic investigation, designate a safe speed, not lower than 25 mph, for any street or highway with an established bicycle lane. The ordinance or resolution designating a safe speed is effective when the city has erected appropriate signs designating the speed.

2. Electric-assisted bicycles in particular

An electric-assisted bicycle is defined as a bicycle that:

- Has two or three wheels that has a saddle and fully operable pedals for human propulsion.
- Meets the requirements of federal motor vehicle safety standards for a motor-driven cycle or for bicycles under federal law, and
- Has an electric motor that has a power output of not more than 1,000 watts; is incapable of propelling the vehicle at a speed of more than 20 miles per hour; is incapable of further increasing the speed of the device when human power alone is used to propel the vehicle at a speed of more than 20 miles per hour, and; disengages or ceases to function when the vehicle's brakes are applied.

An electric-assisted bicycle that fits the above definition does not require a state-issued certificate of title.

A governing body may not prohibit or restrict operation of an electric-assisted bicycle on any bikeway, roadway, or shoulder unless the governing body determines that operation of the electric-assisted bicycle is not consistent with the safety or general welfare of bikeway, roadway, or shoulder users, or with the terms of any property conveyance. Otherwise, a person may operate an electric-assisted bicycle (like any other bicycle) on the shoulder of a roadway, on a bikeway, or on a bicycle trail if not otherwise prohibited by state law.

RELEVANT LINKS:

Minn. Stat. § 85.018, subd. 4.

Minn. Stat. § 169.222, subd. 6a.

Minn. Stat. § 221.091, subd. 2.

Minn. Stat. § 221.021.

Minn. Stat. § 169.011, subd. 27 (3).

Minn. Stat. § 169.011, subd. 46.
Minn. Stat. § 169.225.



Minn. Stat. § 169.225.

Minn. Stat. § 169.225, subd. 6.

While no motorized vehicle may be operated on state trails designated for non-motorized use, this does not apply to electric-assisted bikes (or motorized devices operated by an individual with a physical disability)

No one under age 15 may operate an electric-assisted bicycle anywhere in the state.

B. Pedicabs, rickshaws, or other similar vehicles

A statutory or home rule charter city that licenses and regulates small vehicle passenger service must do so by ordinance. The ordinance must, at a minimum, provide for driver qualifications, insurance, vehicle safety, and periodic vehicle inspections.

A statutory or home rule charter city that has adopted an ordinance complying with this subdivision may enforce the registration requirement found in state law.

A statutory or home rule charter city that regulates, by ordinance, pedicabs, rickshaws, or other similar vehicles used for passenger service may permit authorized vehicles to be equipped with an electric motor that meets the requirements for an electric-assisted bicycle under state law.

C. Motorized foot scooters

A “motorized foot scooter” is a device with handlebars that the operator can stand or sit on, powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion. It has no more than two 12-inch diameter or smaller wheels and has an engine or motor that is capable of a maximum speed of 15 mph on a flat surface. If operated under conditions when motor vehicle lights are required, a scooter must have a headlight and a taillight that comply with standards established by the commissioner of Public Safety.

Motorized foot scooter operators have the same rights and responsibilities as bicycle riders. Operators must comply with the following rules: They must not operate on a sidewalk, except when necessary to enter or leave adjacent property. They must not carry passengers. They must be at least 12 years old. If under 18, they must wear a helmet.

A person operating a motorized foot scooter on a public street must ride as close as practicable to the right-hand curb or edge of the roadway, except in the following situations:

RELEVANT LINKS:

Minn. Stat. § 169.225, subd. 6(3) (b).

Minn. Stat. § 169.011, subd. 45.

MN DPS Motorcycle and Motorized Bicycle Manual.

Minn. Stat. § 169.223, subd. 1.

16 C.F.R. § 1203.

Minn. Stat. § 169.223, subds. 1 and 4.

Minn. Stat. § 169.222, subd. 9.

Minn. Stat. § 171.02, subd. 3.
Minnesota Motorcycle Safety Center.

Minn. Stat. § 169.223, subd. 2.

- When overtaking and passing another vehicle proceeding in the same direction.
- When preparing for a left turn, in which case the operator shall stop and dismount at the right-hand curb or right edge of the roadway, and shall complete the turn by crossing the roadway on foot, as a pedestrian must do.
- When reasonably necessary to avoid impediments or conditions that make it unsafe to continue along the right-hand curb or edge.

Cities cannot prohibit or regulate motorized foot scooters on city streets. A city may, however, prohibit motorized foot scooters on a bike path, lane, trail, or bikeway designated for non-motorized use only and governed by a local ordinance.

D. Motorized bicycle

Similar in function to an electric-assisted bicycle, the more powerful “motorized bicycle” or moped is a bicycle that fits the following parameters:

- Is propelled by an electric or a liquid fuel motor of a piston displacement capacity of 50 cubic centimeters or less.
- Has a maximum of two brake horsepower.
- Can travel not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.

A motorized bicycle does not include an electric-assisted bicycle as defined above and in state law. Motorized bicycles are registered with the state as “mopeds.”

Motorized bicycles are subject to state law governing operation of motorcycles with several exceptions, including the following:

- Protective headgear includes helmets that meet national standards for bicycle helmets.
- A motorized bicycle equipped with a headlight and taillight meeting the requirements of lighting for motorcycles may operate during nighttime hours.
- Protective headgear is not required for operators 18 years of age or older.
- Requirements for parking of motorized bicycles are the same as parking of regular bikes.

A motorized bicycle may be operated under either a driver’s license or a special permit (“moped permit”). The Minnesota Department of Public Safety issues both motorized bicycle operator’s permits and instructional permits.

A person under the age of 16 operating a motorized bicycle under permit is subject to the restrictions on motorcycles except that:

RELEVANT LINKS:

Minn. Stat. § 169.223, subd. 3.

Minn. Stat. § 169.011, subd. 44. Minn. Stat. § 169.011, subd. 3a.

Minn. Stat. § 169.011, subd. 44.

Minn. Stat. § 169.974.



Minnesota Department of Public Safety
Driver and Vehicle Services
Division: Motorcycle and Motorized Bicycle Manual
(includes autocycles).

Minn. Stat. § 171.02 subd. 2 (c) (9).

Minn. Stat. § 169.686, subd. 1.

- A parent or guardian of an operator under the age of 16 may also ride on the motorized bicycle as a passenger or operator if the motorized bicycle is equipped with a seat and footrests for a second passenger.
- A motorized bicycle equipped with a headlight and taillight meeting the requirements of lighting for motorcycles may be operated during nighttime hours.
- Operators under age 18 must wear protective headgear that meets national standards.

Motorized bicycles must not operate on a sidewalk at any time, except when such operation is necessary for the most direct access to a roadway from a driveway, alley, or building.

E. Motorcycles and autocycles

“Motorcycle” includes motor scooters and autocycles. It is a motor vehicle having a seat or saddle for the use of the rider. It is designed to travel on not more than three wheels in contact with the ground.

Note the term “motorcycle” does not include either motorized bicycles or electric-assisted bicycles (as defined in state law and this memo) or a tractor.

Motorcycle operators must have a valid standard driver’s license with a two-wheeled vehicle endorsement as provided by law. The commissioner of Public Safety will only issue a two-wheeled vehicle endorsement if the applicant has a valid two-wheeled vehicle instruction permit. The commissioner of Public Safety may issue a two-wheeled vehicle instruction permit to any person over 16 years of age. State law governs motorcycle equipment, driving rules, and noise limitations.

An autocycle is defined as a motorcycle that:

- Has three wheels in contact with the ground.
- Is designed with seating that does not require operators or any occupants to straddle or sit astride it.
- Has a steering wheel.
- Is equipped with antilock brakes.
- Is originally manufactured to meet federal motor vehicle safety standards for motorcycles in Code of Federal Regulations, title 49, part 571, and successor requirements.

A person may operate an autocycle without a two-wheeled vehicle, or motorcycle endorsement, provided the person has a valid Class D driver’s license. A driver and passengers of an autocycle must properly use shoulder and lap seat belts.

RELEVANT LINKS:



Minn. Stat. § 169.011, subd. 46.
Minn. Stat. § 169.011, subd. 44.
Minn. Stat. § 169.974.
Minn. Stat. § 65B.48, subd. 5.

F. Pocket bikes and mini-motorcycles

State law does not define or regulate the use of pocket bikes, also known as mini-motorcycles, mini-bikes, mini-pocket rockets, or mini-choppers. Marketed as toys, they stand only about 15 inches above the ground and reach speeds ranging from 30 to 50 mph depending on the vehicle, the rider's weight, and the riding surface.

Mini-motorcycles previously fit the definition of a motorized foot scooter in state law; however, current state law defines motorized foot scooters as having a wheel size of 12 inches. Since the wheel size on most mini-motorcycles is 10 inches, they no longer fit that definition. Thus, operation of mini-motorcycle with any size wheel on public roads must likely comply with state law governing motorcycles. And state law requires a valid driver's license or permit and insurance to operate a motorcycle on public roads.

VI. Vehicles used by pedestrians

Some low-power vehicles are for pedestrian use only and are not subject to city regulation.

These include Segways™, self-balancing scooters, manual or motorized wheelchairs, scooters, tricycles, or similar devices used by people with disabilities as a substitute for walking.

A. Segways™ and self-balancing scooters

State law defines a Segway as an "electric personal assistive mobility device," meaning a self-balancing device with two non-tandem wheels, designed to transport not more than one person, and operated by an electric propulsion system that limits the maximum speed of the device to 15 mph. It must have reflective material on the front, back, and wheels, visible at night from 600 feet when illuminated by the lower beams of headlamps of a motor vehicle.

Recently, there has been an increase in the use of self-balancing scooters, often called "hoverboards." Self-balancing scooters generally have two wheels and are connected to a self-balancing control mechanism using built-in gyroscopes and sensor pads. These devices are propelled by the user's balance and body position.

A person operating a Segway or self-balancing scooter has the rights and responsibilities of a pedestrian under state law and must also follow specific rules:

Minn. Stat. § 169.011, subd. 26.



Minn. Stat. § 169.212.

RELEVANT LINKS:

Minn. Stat. § 169.212, subd. 2.

- Operation may be on a bicycle path.
- No person may operate it on a roadway, sidewalk, or bicycle path at a rate of speed that is not reasonable and prudent under the conditions.
- It may not carry more than one person.
- A Segway operator must use due care in operating the device.

A Segway or self-balancing scooter may be operated on a roadway only under the following circumstances:

- While making a direct crossing of a roadway in a marked or unmarked crosswalk.
- Where no sidewalk is available.
- Where a sidewalk is so obstructed as to prevent safe use.
- When so directed by a traffic control device or by a peace officer
- Temporarily in order to gain access to a motor vehicle.

Minn. Stat. § 169.212, subd. 2.

A Segway or self-balancing scooter may not be operated at any time on a roadway with a speed limit of more than 35 mph except to make a direct crossing of the roadway in a marked crosswalk. A person operating these devices on a sidewalk must yield the right-of-way to pedestrians at all times. A person operating a Segway on a bicycle path must yield the right-of-way to bicycles at all times.

Minn. Stat. § 169.212, subd. 4.

State v. Greenman, 825 N.W.2d 387 (Minn. Ct. App. 2013).

A city may not prohibit or further regulate the operation of these devices, except that a city may allow and regulate their operation on roadways within its jurisdiction that have a speed limit of more than 35 mph. The Minnesota Court of Appeals has found that a Segway is not a "motor vehicle" for purposes of driving while intoxicated (DWI) statute.

Minn. Stat. § 169.011, subd. 93.

B. Wheelchairs, scooters, and tricycles

State law defines a "wheelchair" to include any manual or motorized wheelchair, scooter, tricycle, or similar device used by a disabled person as a substitute for walking.

Minn. Stat. § 169.21.
Minn. Stat. § 169.21, subd. 5.

A person using a wheelchair must comply with state law governing pedestrians because the definition of "pedestrian" is any person on foot or in a wheelchair. Specifically, a person using a wheelchair along a roadway must stay on the left side of the street or its shoulder giving way to oncoming traffic. Where there are accessible sidewalks pedestrians in wheelchairs must use them.

RELEVANT LINKS:

LMC information memo,
*Acquisition and Maintenance
of City Streets.*

VII. Conclusion

The proliferation of unique vehicles is likely to continue. The state recognizes city authority to regulate many of these vehicles to ensure safe local streets. Cities regulate particular vehicles by passing ordinances. Best practice suggests close consultation with the city attorney to ensure that local ordinances accomplish the desired level of regulation and are consistent with state and federal law.

Appendix A: Definitions

Definitions of conveyances that are not motor vehicles

All-terrain vehicle: 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:** "Class 2 all-terrain vehicle" means 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. Minn. Stat. § 84.92, subd. 8-10. **"Motor vehicle"** includes an all-terrain vehicle only if the all-terrain vehicle (1) has at least four wheels, (2) is owned and operated by a physically disabled person, and (3) displays both disability plates and a physically disabled certificate and does not include an all-terrain vehicle except (1) an all-terrain vehicle described in paragraph (b), or (2) an all-terrain vehicle licensed as a motor vehicle before August 1, 1985. Minn. Stat. § 168.002, subd. 18 (b) (c).

Bicycle: Every device capable of being propelled solely by human power upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or rear wheels. Bicycle includes an electric-assisted bicycle. "Bicycle" does not include scooters, motorized foot scooters, or similar devices. Minn. Stat. § 169.011, subd. 4.

Bicycle – electric-assisted: A bicycle with two or three wheels that: has a saddle and fully operable pedals for human propulsion; meets the requirements: of federal motor vehicle safety standards for a motor-driven cycle in Code of Federal Regulations, title 49, sections 571.1 et seq.; or for bicycles under Code of Federal Regulations, title 16, part 1512, or successor requirements; and has an electric motor that has a power output of not more than 1,000 watts, is incapable of propelling the vehicle at a speed of more than 20 miles per hour, is incapable of further increasing the speed of the device when human power alone is used to propel the vehicle at a speed of more than 20 miles per hour, and disengages or ceases to function when the vehicle's brakes are applied. Minn. Stat. § 169.011, subd. 27.

Electric personal assistive mobility device: A self-balancing device with two non-tandem wheels, designed to transport not more than one person, and operated by an electric propulsion system that limits the maximum speed of the device to 15 miles per hour. Minn. Stat. § 169.011, subd. 26. **"Motor vehicle"** does not include an electric personal assistive mobility device. Minn. Stat. § 168.002, subd. 18 (d).

Motorized foot scooter: A device with handlebars designed to be stood or sat upon by the operator, and powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion, and that has no more than two 12-inch or smaller diameter wheels and has an engine or motor that is capable of a maximum speed of 15

miles per hour on a flat surface with not more than one percent grade in any direction when the motor is engaged. An electric personal assistive mobility device, a motorized bicycle, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter. Minn. Stat. § 169.011, subd. 46. *"Motor vehicle" does not include a motorized foot scooter. Minn. Stat. § 168.002, subd. 18 (e).

Snowmobile: A self-propelled vehicle originally manufactured and designed for travel on snow or ice steered by skis or runners. Snowmobile does not include the following vehicles equipped with aftermarket ski and track configurations: an all-terrain vehicle; an off-highway motorcycle; an off-road vehicle; a mini truck; a utility task vehicle; or any other vehicle being operated off road. Minn. Stat. § 84.81, subd. 3.

***Snowmobile is not a motor vehicle:** "Motor vehicle" means any self-propelled vehicle including, but not limited to, automobiles, trucks, dune buggies, minibikes, motorcycles, trail bikes, and all-terrain vehicles (ATV's), but not including snowmobiles. Minn. Rule 6100.0500, subd. 7.

Wheelchair: Includes any manual or motorized wheelchair, scooter, tricycle, or similar device used by a disabled person as a substitute for walking. Minn. Stat. § 169.011, subd. 93.

Definitions of motor vehicles

Autocycle: A motorcycle that: has three wheels in contact with the ground; is designed with seating that does not require operators or any occupants to straddle or sit astride it; has a steering wheel; is equipped with antilock brakes; and is originally manufactured to meet federal motor vehicle safety standards for motorcycles in Code of Federal Regulations, title 49, part 571, and successor requirements. Minn. Stat. § 169.011, subd. 3a.

Electric Vehicle Medium Speed Vehicle (MSV): An electrically powered four-wheeled motor vehicle, equipped with a roll cage or crushproof body design, that can attain a maximum speed of 35 miles per hour on a paved level surface, is fully enclosed and has at least one door for entry, has a wheelbase of 40 inches or greater and a wheel diameter of ten inches or greater, and except with respect to maximum speed, otherwise meets or exceeds regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements. Minn. Stat. § 169.011, subd. 39.

Electric Vehicle: Neighborhood Electric Vehicle (NEV): An electrically powered motor vehicle that has three or four wheels, and has a speed attainable in one mile of at least 20 miles per hour but not more than 25 miles per hour on a paved level surface. Minn. Stat. § 169.011, subd. 47.

Golf cart: Not specifically defined other than "motorized golf cart." Minn. Stat. § 169.045, subd. 1.

Mini truck: A motor vehicle that has four wheels; is propelled by an electric motor with a rated power of 7,500 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 2,200 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: a neighborhood electric vehicle or a medium-speed electric vehicle; or a motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements. Minn. Stat. § 169.011, subd. 40a.

Motor vehicles: Every vehicle that is self-propelled, other than an electric personal assistive mobility device [Segway] and any vehicle propelled or drawn by a self-propelled vehicle, and not deriving its power from overhead wires except snowmobiles. Minn. Stat. § 171.01, subd. 39.

Motorcycle: Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including motor scooters and autocycles. Motorcycle does not include motorized bicycles or electric-assisted bicycles or a tractor. Minn. Stat. § 169.011, subd. 44.

Motorcycle – off highway: A motorized, off-highway vehicle traveling on two wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control, including a vehicle that is registered under chapter 168 for highway use if it is also used for off-highway operation on trails or unimproved terrain. Minn. Stat. § 84.787, subd. 7. *"Motor vehicle" includes an off-highway motorcycle modified to meet the requirements of state traffic regulations. Minn. Stat. § 168.002, subd. 18 (f).

Motorized bicycle: A bicycle that is propelled by an electric or a liquid fuel motor of a piston displacement capacity of 50 cubic centimeters or less, and a maximum of two brake horsepower, which is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than one percent grade in any direction when the motor is engaged. Motorized bicycle does not include an electric-assisted bicycle or a motorcycle. Minn. Stat. § 169.011, subd. 44-45.

Motorized recreational vehicle: Any self-propelled, off-the-road, or all terrain conveyance, including but not limited to a snowmobile, minibike, amphibious vehicle, motorcycle, go-cart, trail bike, or dune buggy. Minn. Rule 9900.0100, subp. 6.

Natural gas vehicle (NGV): A motor vehicle under subdivision 42 that is capable of being propelled by natural gas, including compressed natural gas and liquefied natural gas. Minn. Stat. 169.011, subd. 46a.

Off-highway vehicles: For the purposes of sections 84.771 to 84.930, "off-highway vehicle" means an off-highway motorcycle [OHV], an off-road vehicle [ORV], or an all-terrain vehicle. Minn. Stat. § 84.771. In some situations, an OHV or and ORV is a motor vehicle, but an ATV is not one.

Off-road motorcycle: Off-highway motorcycle" means a motorized, off-highway vehicle traveling on two wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control, including a vehicle that is registered under chapter 168 for highway use if it is also used for off-highway operation on trails or unimproved terrain. Minn. Stat. § 84.787, subd. 7.

Off-road vehicle: A motor-driven recreational vehicle capable of cross-country travel on natural terrain without benefit of a road or trail. Off-road vehicle does not include a snowmobile; an all-terrain vehicle; a motorcycle; a watercraft; a farm vehicle being used for farming; a vehicle used for military, fire, emergency, or law enforcement purposes; a construction or logging vehicle used in the performance of its common function; a motor vehicle owned by or operated under contract with a utility, whether publicly or privately owned, when used for work on utilities; a commercial vehicle being used for its intended purpose; snow-grooming equipment when used for its intended purpose; or an aircraft. Minn. Stat. § 84.797, subd. 7.

Recreational vehicles: Any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including but not limited to snowmobiles, trail bikes, ATVs, utility task vehicles, hovercraft, and motor vehicles used for recreation. Minn. Stat. § 84.771. Certain recreational vehicles may be considered a motor vehicle in specific situations.

Trail bike: not specifically defined, but referred to in various statutes and rules. Minn. Stat. § 84.90; Minn. Rule 6105.0210; Minn. Rule 6100.0500; Minn. Rule 6136.0300; Minn. Rule 6232.0300. A trail bike may be a motor vehicle depending on the use and the location of operation.

Utility task vehicle (UTV): 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. Minn. Stat. § 169.045, subd. 1(3). Some UTVs may be considered motor vehicles depending on the use, operation and modifications.

Appendix B: State and federal regulations

Vehicles or conveyances and definitional citation	Operator regulations including licensure	Includes	Who regulates the operation	Statutory cites
All-terrain vehicles (ATVs). Minn. Stat. § 84.92, subd. 8.	DNR Registration. No driver's license required.	Class one and class two ATVs.	State and city. City by permit, resolution or ordinance.	Minn. Stat. §§ 84.92-84.928.
Bicycles Minn. Stat. § 169.011, subd. 4.	No title, driver's license, or registration required.	Human-powered bikes, electric assisted bicycles.	State and city only if city sets up a bike trail in city boundaries.	Minn. Stat. § 169.222. Minn. Stat. § 169.222, subd. 4(d). Minn. Stat. § 160.263, subd. 2.
Bicycle - Electric-assisted Minn. Stat. § 169.011, subd. 27.	No title, driver's license, or registration required. Minimum operator age is 15.		State. City may prohibit electric-assisted bicycles on trails for non-motorized use in some situations, only by local ordinance.	Minn. Stat. § 169.222. Minn. Stat. § 169.223, subd. 5 (3).
Bicycle, motorized (moped) Minn. Stat. § 169.011, subd. 45.	Title. Driver's license or operator's permit Registration tax.		State.	Minn. Stat. § 169.011, subd. 45. Minn. Stat. § 168A.05. Minn. Stat. § 171.02, subd. 3. Minn. Stat. § 168.013, subd. 1h.
Conveyances used by pedestrians Minn. Stat. § 169.011, subd. 93.	No driver's license, registration or tax applies.	Wheelchairs, scooters, tricycles.	State.	Minn. Stat. § 169.21
Electric cars-Neighborhood electric vehicles (NEVs) Minn. Stat. § 169.011, subd. 47.	Title. Valid driver's license. Registration.		State and city.	Minn. Stat. § 169.224. Minn. Stat. § 168A.05, subd. 9. Minn. Stat. § 171.02, subd. 1. Minn. Stat. § 168.013, subd. 1. 49 C.F.R § 571.500 and successor requirements.
Electric cars - Medium-speed electric vehicles (MSEVs):	Title. Valid driver's license. Registration.		State and city.	Minn. Stat. § 169.224. Minn. Stat. § 168A.05, subd. 9.

Vehicles or conveyances and definitional citation	Operator regulations including licensure	Includes	Who regulates the operation	Statutory cites
Minn. Stat. § 169.011, subd. 39.				Minn. Stat. § 168.013, subd. 1. 49 C.F.R § 571.500 and successor requirements.
Electric personal assistive mobility device Minn. Stat. § 169.011, subd. 26.	No driver's license, registration or tax applies.	Segways™ and self-balancing scooters.	State.	Minn. Stat. § 169.212
Motorcycles, autocycles. Minn. Stat. § 169.011, subd. 3a, 44, 45.	Title. Valid driver's license with a two-wheeled vehicle endorsement. Autocycle: driver's license only.	Autocycle.	State.	Minn. Stat. § 168A.05. Minn. Stat. § 169.974; Minn. Stat. § 169.011, subd. 3a.
Motorized foot scooters. Minn. Stat. § 169.011, subd. 46.	No driver's license, title, registration or tax required. The minimum operator age is 12 years old.	Razors™	State and city. City only by ordinance and may only prohibit on bike paths, trail or non-motorized bikeway.	Minn. Stat. § 169.225 Minn. Stat. §§ 168.002, subd. 18 (e); 168.013, subd. 1; 168.09, subd. 1; 169.011, subd. 46.
Natural gas vehicles (NGVs) Minn. Stat. 169.0911, subd. 46a.	Title. Valid driver's license. Registration.	Overweight NGVs allowed per Minn. Stat. § 169.824, subd. 3 (b) (c).	State.	Minn. Stat. § 168A.05, subd. 9. Minn. Stat. § 171.02, subd. 1. Minn. Stat. § 168.013, subd. 1
Off-highway motorcycle. Minn. Stat. § 84.787, subd. 7.	Limited to registration with DNR. May have dual registration to use on public roads.		State. City by ordinance or resolution.	Minn. Stat. §§ 84.787-84.796 .
Off-highway vehicles (OHV). Minn. Stat. § 84.771.	Limited to registration with DNR.	Off-highway vehicle means an off-highway motorcycle, an off-road vehicle, or an all-terrain vehicle.	State—outside city boundaries. Cities may regulate ORVs and ATVs in city boundaries.	Minn. Stat. §§ 84.771- 84.781 (off-highway vehicles). Stat. § 84.787, subd. 7. (off-highway motorcycle); Minn. Stat. § 84.797, subd. 7. (off-road vehicle) Minn. Stat. §§ 84.92-84.928 (all-terrain vehicles).
Off-road vehicle (ORV). Minn. Stat. § 84.797, subd. 7.	Driver's license required unless operated only off road.	Vehicles able to travel cross-county with no road or trail.	State and city.	Minn. Stat. §§ 84.771 – 84.781.

Vehicles or conveyances and definitional citation	Operator regulations including licensure	Includes	Who regulates the operation	Statutory cites
Pocket bikes. No definition in state law or rule.	Likely driver's license with a two-wheeled vehicle endorsement.	Pocket bikes, mini-motorcycles, mini-bikes, mini-choppers, mini-rockets.	State.	Minn. Stat. § 65B.48, subd. 5. Minn. Stat. § 84.788, subd. 12 (d).
Snowmobiles Minn. Stat. § 84.81, subd. 3.	Registration with DNR with exceptions. Minn. Stat. §84.82.	Snowmobiles on frozen public waters.	State. City, only in city boundaries and on frozen public waters with DNR permission.	Minn. Stat. §§ 84.81-84.915. Minn. R. 6100.5200, subp. 2. Minn. Stat. § 84.795, subd. 8 (3). Minn. Stat. § 84.85.
Special vehicles Minn. Stat. § 169.045.	City permit. Registration for ATVs, UTVs and mini trucks. Mini truck operators must have driver's license, possibly with an exception.	Motorized golf carts, UTVs, ATVs, and mini-trucks.	City in city boundaries. Non-city operation may be subject to state or county regulation.	Minn. Stat. § 169.045. Minn. Stat. § 169.045, subd. 7.

Royalton

ORDINANCE NO. 3.043

AN ORDINANCE REGULATING AND CONTROLLING THE USE OF SNOWMOBILES
ATV'S AND GOLF CARTS.

THE CITY OF ROYALTON HEREBY ORDAINS:

SECTION 1. DEFINITIONS.

- (a) For the purposes of this Ordinance the terms defined herein shall have the meaning ascribed to them.
- (b) "Person" includes an individual, partnership, corporation, the state and its agencies, and any body of persons, whether incorporated or not.
- (c) "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice or natural terrain steered by wheels, skis or runners.
- (d) "ATV" means All terrain vehicle including 3 wheelers.
- (e) "Operate" means to ride in or on and control the operation of a snowmobile or atv.
- (f) "Golf Cart" means any self propelled electric motorized or combustible fuel engine vehicle, manufactured for use on a golf course. Any modifications to a Golf Cart changing the mechanical operation may result in a change of classification to a class 1 or 2 ATV.

SECTION 2. UNLAWFUL USES.

EXCEPT AS HEREIN SPECIFICALLY PERMITTED, IT IS UNLAWFUL FOR ANY PERSON TO OPERATE A SNOWMOBILE, ATV OR GOLF CART WITHIN THE LIMITS OF THE CITY OF ROYALTON:

- (a) 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. Snowmobiles and ATV's may also be operated upon the ditch bottom where lawfully so posted or the outside bank of trunk, county state-aid and county highways where such highways go through the corporate limits of Royalton.
- (b) On a public sidewalk provided for pedestrian travel unless being used for snow removal.
- (c) On streets within the City of Royalton (except posted snowmobile / atv routes, see section 11 for Golf Carts see section 12) or being used for snow removal.
- (d) On private property of another without specific permission of the owner or person in control of said property.
- (e) On any other public place unless specifically permitted by other city ordinances.
- (f) At any place, while under the influence of alcohol or drugs as defined in M.S. 169.122, which is hereby incorporated herein by reference.
- (g) At a rate of speed greater than 15 M.P.H.
- (h) At any place, in a careless, reckless, 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.
- (i) At any time to tow any person or thing on a public street or highway, except through the use of a rigid tow bar attached to the rear of the snowmobile, atv or golf cart.

- (j) At any time within one hundred (100) feet of any fisherman, pedestrian, skating rink or sliding area where the operation of a snowmobile, atv or golf cart would conflict with or endanger other persons or property.

SECTION 3. CROSSING OF A STREET OR HIGHWAY

A SNOWMOBILE, ATV OR GOLF CART MAY MAKE A DIRECT CROSSING OF A STREET OR HIGHWAY, EXCEPT AN INTERSTATE HIGHWAY OR FREEWAY, PROVIDED:

- (a) The crossing is made at an angle of approximately 90 degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing.
- (b) The snowmobile, atv or golf cart is brought to a complete stop before crossing the shoulder or main traveled way.
- (c) The driver yields the right of way to all oncoming traffic which constitutes an immediate hazard.
- (d) 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.
- (e) If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, the front and rear lights must be on.

SECTION 4. CITY TRAFFIC ORDINANCES SHALL APPLY TO THE OPERATION OF SNOWMOBILES, ATVS AND GOLF CARTS UPON STREETS AND HIGHWAYS, EXCEPT FOR THOSE RELATING TO REQUIRED EQUIPMENT, AND EXCEPT THOSE WHICH BY THEIR NATURE HAVE NO APPLICATION.

SECTION 5. NO SNOWMOBILE, ATV OR GOLF CART SHALL ENTER ANY INTERSECTION WITHOUT YIELDING THE RIGHT OF WAY TO ANY VEHICLES OR PEDESTRIANS AT THE INTERSECTION, OR SO CLOSE TO THE INTERSECTION AS TO CONSTITUTE AN IMMEDIATE HAZARD.

SECTION 6. PERSONS UNDER 18 YEARS OLD.

- (a) No person under 16 years of age shall operate a snowmobile on streets or highways or make a direct crossing of a trunk, county state-aid, county highway or city street as the operator of a snowmobile. A person 16 years of age or older, but less than 18 years of age, may operate a snowmobile on streets and highways as permitted under this ordinance and make a direct crossing of such streets and highways, only if said person is in immediate possession of a valid safety certificate issued by the commissioner, as provided by M.S.A. section 84.872.
No person under 16 years of age shall operate an atv on streets or highways or make a direct crossing of a trunk, county state-aid, county highway or city street as the operator of an atv.
- (b) It is unlawful for the owner of a snowmobile or atv to permit the snowmobile or atv to be operated contrary to the provisions of this section.
- (c) Any person under the age of 18 years of age riding or operating a snowmobile or atv must wear a helmet.

- (d) Any person over 16 years of age born after July 1st 1987 must have an ATV safety certificate.

SECTION 7. EQUIPMENT.

IT IS UNLAWFUL FOR ANY PERSON TO OPERATE A SNOWMOBILE OR ATV ANY PLACE WITHIN THE CITY LIMITS OF ROYALTON UNLESS IT IS EQUIPPED WITH THE FOLLOWING:

- (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 cut out, by-pass, straight pipe or similar device on a snowmobile or atv motor.
- (b) Brakes adequate to control the movement of and to stop and hold the snowmobile or atv under any condition of operation.
- (c) One forward headlamp will be in operation at all times the vehicle is in use. It shall also be equipped with at least one red tail lamp that can be plainly visible from a distance of 500 feet during hours of darkness under normal atmospheric conditions.
- (d) All snowmobiles and ATV'S must have current registration as required.

SECTION 8. EVERY PERSON LEAVING A SNOWMOBILE, ATV OR GOLF CART ON A PUBLIC PLACE SHALL LOCK THE IGNITION, REMOVE THE KEY AND TAKE THE SAME WITH HIM OR HER.

SECTION 9. NOTWITHSTANDING ANY PROHIBITIONS IN THIS ORDINANCE, A SNOWMOBILE OR ATV MAY BE OPERATED ON A PUBLIC THOROUGHFARE IN AN EMERGENCY DURING THE PERIOD OF TIME WHEN AND AT THE LOCATIONS WHERE, SNOW UPON THE ROADWAY RENDERS TRAVEL BY AUTOMOBILE IMPRACTICAL.

SECTION 10. IT IS UNLAWFUL TO INTENTIONALLY DRIVE, CHASE, RUN OVER OR KILL ANY ANIMAL WITH A SNOWMOBILE, ATV OR GOLF CART.

SECTION 11. SNOWMOBILE / ATV ROUTE.

PERTAINING TO THE OUTLINE OF A ROUTE OF TRAVEL FOR SNOWMOBILES AND ATV'S WITHIN THE CITY OF ROYALTON. A ROUTE MARKED WITH TRIANGULAR SIGNS: (exceptions) shortest distance from house to gas station or shortest distance from house to marked snowmobile / atv route.

- (a) SEE ATTACHED MAP.

SECTION 12. LAWFUL USE OF GOLF CART.

- (a) It is lawful to operate a "Golf Cart" on any City street only after obtaining a permit from the City. The permit will be granted for a period of three years and then may be renewed. The "Golf Cart" must also have a slow moving vehicle sign attached to it and the driver must also have a valid driver's license.
- (b) Hours of operation are between sunrise and sunset, unless equipped with working headlamps and tail lamps.

SECTION 13. PENALTIES.

- (a) Any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor.

THIS ORDINANCE SHALL SUPERSEDE AND REPEAL ALL PRIOR AND CONSISTENT ORDINANCES. THIS ORDINANCE SHALL BE EFFECTIVE UPON PASSAGE AND PUBLICATION REQUIRED BY LAW.

DATED: 2018

CLERK

MAYOR

SECTION 6.08 ALL TERRAIN VEHICLES (ATV)

- Subd. 1. Unauthorized Use.** It shall be unlawful for any person to operate an all terrain vehicle (ATV) 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. 2. Authorized Use.** Notwithstanding the prohibitions contained in Subd. 1, an ATV may be operated on a public roadway in an emergency when and at such locations where the condition of the roadway renders travel by an automobile impractical, and if the ATV has the following equipment:
- A. Brakes adequate to control the ATV and to stop and hold the ATV under any condition of operation.
 - B. A safety or so-called "dead man" throttle in good operating condition.
 - C. A head lamp and tail lamp as defined and specified in Section 6.02 Subd. 7.D.
 - D. A pennant flag as defined and specified in Section 6.02 Subd. 7.E.
 - E. Reflector material of a minimum area of 16 square inches mounted on each side forward of the handlebars.
 - F. A sled, trailer, or other device being towed by an ATV must be equipped with reflective materials as required by rule of the Commissioner of Public Safety.

SECTION**6.02 SNOWMOBILES****Subd. 1. Purpose and Scope.**

Snowmobiles are used primarily for recreational purposes in open areas and on designated trails and pathways where the impact on other persons or property is limited. The operation of snowmobiles on or adjacent to public streets and sidewalks creates safety risks for pedestrians and other motorists and when operated at inappropriate times, disturbs the peace and tranquility of our neighborhoods. The intent of this Ordinance is to provide snowmobile access to and from established snowmobile trails by way of a direct route over public roadways. The operation of snowmobiles within the City for any other purpose, except during a declared snow emergency, is prohibited.

Notwithstanding provisions of this Code to the contrary, this Section shall apply to the control of traffic and the regulation of that certain classification of vehicles falling within the definition of snowmobiles as to matters set forth herein. All provisions of this Code, not relating to matters herein stated, apply as equally to snowmobiles as to other vehicles.

Subd. 2. Definitions.

For the purpose of this Section, the terms defined herein shall have the meaning set forth below:

- a. "Person" includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.
- b. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice or natural terrain steered by wheels, skis or runners.
- c. "Owner" means a person, other than a lien holder having the property in or title to snowmobile entitled to the use or possession thereof.
- d. "Operate" means to ride in or on and control the operation of the snowmobile.
- e. "Operator" means every person who operates or is in actual physical control of a snowmobile.
- f. "Street" or "Highway" means the entire width between the boundary lines of way or place when any part thereof is open to the use of the public in the City, as a matter of right, for the purpose of vehicular traffic.
- g. "Public roadway" means that portion of a street, highway, bridge, road, trail or alley that is improved, designed or ordinarily used for vehicular travel and is maintained by the city, county or state.

Subd. 3. Permitted Areas of Operation.

Snowmobiles may be operated in and on the following locations in the City:

- A. On the right-most portion of any public roadway that is normally used for motor vehicle travel and in the same direction as other vehicular traffic, other than on freeways, interstate, trunk, county state aid or county highways, for the purpose of traveling to and from established snowmobile trails by direct route.
- B. In the ditch bottom or otherwise of trunk, county state-aid, and county highways, in the manner allowed by State law and County Ordinance where such highways are so configured within the corporate limits.
- C. On private property owned by the snowmobile operator.
- D. On private property not owned by the snowmobile operator, with the written or spoken permission of the landowner.
- E. On groomed and signed snowmobile trails as designated by the State and County Snowmobile Trail Maps.

Subd. 4. Prohibited Areas of Operation.

No snowmobile may be operated in or on:

- a. Public sidewalks.
- b. Boulevards within any public right-of-way
- c. Private property of another without the written or spoken permission of the landowner.
- d. Any public trails, parks, paths, recreation areas, wetlands or stormwater holding ponds/basins (including pond slopes).
- e. Any City property.
- f. The Mississippi River

Subd. 5. Unauthorized Use.

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

- A. At a rate of speed greater than reasonable or proper under all surrounding circumstances; and, with the exception of State or grant-in-aid snowmobile trails, in no case greater than 20 miles per hour.
- B. 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.

- C. So as to tow any person or thing in a public roadway except through the use of a rigid tow bar attached to the rear of the snowmobile.
- D. Within one hundred feet of any fisherman, pedestrian, skating rink or sliding area where the operation would conflict with the use or endanger the safety of other persons or property.
- E. When traveling in groups of two or more, snowmobiles shall travel in single file.
- F. Without locking the ignition, removing the key, and taking the key away from the snowmobile when leaving the snowmobile in or on a public place.
- G. No person under fourteen years of age shall operate a snowmobile on a public roadway or make a direct crossing of a trunk highway, County State Aid or County Highway, or other public roadway. A person fourteen years of age or older, but less than eighteen years of age, may operate a snowmobile on public roadways as permitted by this Section and make such direct crossings of public roadways only if he has in his immediate possession a valid snowmobile safety certificate issued by the Commissioner, as provided by MS Chapter 84.872.
- H. It is unlawful for the owner of a snowmobile to permit its operation in violation of this Section.

Subd. 6. Equipment.

It is unlawful to operate a snowmobile any place within the limits of the City of Sauk Rapids 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, bypass, 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. Front and rear lights as required by state law shall be on at all times a snowmobile is in operation.
- d. Running lights or reflective material, at least sixteen (16) inches square on each side, forward of the handlebars, so as to reflect or beam light at a ninety-degree angle.

Subd. 7. Emergency Operation.

Notwithstanding any prohibitions in this Section, a snowmobile may be operated contrary to Subdivision 4 only in a police or government declared emergency or by any City employee involved in performing essential services for the City, or by any on-duty law enforcement officers responsible for the enforcement of this Chapter and the laws and order of the State of Minnesota.

Subd. 8. Penalty.

- A. Operator. Any person who operates a snowmobile in violation of any provision of this Section shall be guilty of a misdemeanor.
- B. Owner. Any person registered as the owner of a snowmobile found to be operated in violation of any provision of this Section may be fined an amount not to exceed \$300.

Rice

Katie McMillin

From: Ross Hamann <rhamann@cityofrice.com>
Sent: Wednesday, September 05, 2018 11:21 AM
To: Katie McMillin
Subject: RE: Ordinance
Attachments: Scanned Image

Katie,

I attached our ATV ordinance and copied it down below. It's kind of complicated but for the most part we do allow ATV's on our city streets. We do not allow golf carts but I see them trying to add those as well in the future. You guys allow them right?

Thank,
Ross

ORDINANCE 52 SNOWMOBILES AND OTHER RECREATIONAL VEHICLES

Section 52.01. PURPOSE. Because the operation and use of snowmobiles and other recreational vehicles 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 recreational vehicles and provide penalties for the improper use of recreational vehicles to greatly decrease the danger and to provide greater protection to the public peace, health and safety of the inhabitants of the City while snowmobiles and other recreational vehicles are operated and used in the City.

Section 52.02. DEFINITIONS. The following terms shall have the meaning ascribed to them.

Subd. 1. All-Terrain Vehicle. "All-terrain vehicle" means 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 the tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle include a class 1 all-terrain vehicle and a 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.

Subd. 2. Class 1 All-Terrain Vehicle. "Class 1 all-terrain vehicle" means 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.

Subd. 3. Class 2 All-Terrain Vehicle. "Class 2 all-terrain vehicle" means 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.

Subd. 4. Owner. A person, other than a lienholder, having the property in or title to a snowmobile or other recreational vehicle and entitled to the use or possession of the vehicle.

Subd. 5. Operate. To ride in or on and control the operation of a snowmobile or recreational vehicle.

Subd. 6. Operator. Every person who operates or is in actual physical control of a snowmobile or other recreational vehicle.

Subd. 7. Person. Includes an individual, partnership, corporation, the state and its agencies and subdivision and anybody of persons, whether incorporated or not.

Subd. 8. Public Property. Any real property owned by the City including all city parks and recreational areas.

Subd. 9. Recreational Motor Vehicle or Recreational Vehicle. Any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purpose, including but not limited to snowmobiles, trail bikes, other all-terrain vehicles, utility task vehicles, hovercraft, or motor vehicles licensed for highway operation being used for off-road recreational purposes.

Subd. 10. Roadway. That portion of a highway improved, designed, or ordinarily used for vehicular travel.

Subd. 11. Snowmobile. "Snowmobile" means a self-propelled vehicle originally manufactured and designed for travel on snow or ice steered by skis or runners. Snowmobile does not include the following vehicles equipped with aftermarket ski and track configurations:

- (1) an all-terrain vehicle defined in Minnesota Statute 84.92;
- (2) an off-highway motorcycle defined in Minnesota Statute 84.787;
- (3) an off-road vehicle defined in Minnesota Statute 84.797;
- (4) a mini truck defined in Minnesota Statute 169.11;
- (5) a utility task vehicle described in Minnesota Statute 169.045; or
- (6) any other vehicle being operated off road.

Section 52.03. SPECIAL VEHICLE USE ON ROADWAYS. The City of Rice does not have a permit program for motorized golf carts, all-terrain vehicles, utility task vehicles, or mini trucks. Therefore, per Minnesota Statute 169.045, operation of motorized golf carts, all-terrain vehicles, utility task vehicles, or mini trucks on designated roadways or portions thereof within the City of Rice is unlawful unless otherwise authorized by state law.

Section 52.04. OPERATION. Except as this Ordinance specifically permits and authorizes, no Person shall operate a snowmobile or all-terrain vehicle (Class 1 or Class 2) within the City limits:

Subd. 1. Public Roads. 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. A person may operate a snowmobile or all-terrain vehicle (Class 1 or Class 2) upon the ditch bottom or outside of trunk, county state aid and county highways where such highways are so configured within the corporate limits.

Subd. 2. Sidewalks. On a public sidewalk provided for pedestrian travel.

Subd. 3. Boulevards. On boulevards within any public right-of-way.

Subd. 4. Private Property. On private property of another without specific permission of the owner or person in control of the property.

Subd. 5. Public Property. On any other public property, including Parks and recreational areas, except as the City's Ordinances may specifically permit.

Subd. 6. Alcohol and Drugs. No person shall operate a snowmobile or all-terrain vehicle (Class 1 or Class 2) within the City limits at any place while under the influence of alcohol or drugs, as defined in MN Statute 169.121, which is incorporated by reference.

Subd. 7. Speed. No person shall operate a snowmobile or all-terrain vehicle (Class 1 or Class 2) at a rate of speed greater than reasonable and proper under all surrounding circumstances. No person shall operate a snowmobile or all-terrain vehicle (Class 1 or Class 2) on public roadways at speeds greater than thirty (30) miles per hour.

Subd. 8. Recklessness. No person shall operate a snowmobile or all-terrain vehicle (Class 1 or Class 2) 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 other person or property.

Subd. 9. Towing. No person shall operate a snowmobile or all-terrain vehicle (Class 1 or Class 2) so as to tow any person or thing in a public street or highway except through use of a rigid tow bar attached to the rear of the vehicle.

Section 52.05. CROSSING STREETS OR HIGHWAYS. A snowmobile or recreational vehicle may make a direct crossing of a street or highway except an interstate highway or freeway provided:

Subd. 1. The crossing is made at any 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.

Subd. 5. If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

Section 52.06. TRAFFIC LAWS. City Traffic Ordinances shall apply to the operation of snowmobiles and all-terrain vehicles (Class 1 or Class 2) upon streets and highways, except for those relating to required equipment and except those which by their nature have no application.

Section 52.07. YIELDING. No snowmobile or all-terrain vehicles (Class 1 or Class 2) shall enter any intersection without yielding the right-of-way to any vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard.

Section 52.08. OPERATION BY MINORS.

Subd. 1. No person under fourteen (14) years of age shall operate on streets or the roadway surface of highways, or make a direct crossing of a trunk, county state-aid, county highway or city street as the operator of a snowmobile. A person fourteen (14) years of age or older, but less than eighteen (18) years of age, may operate a snowmobile on streets and highways as permitted under this Ordinance and make a direct crossing of streets and highways only if he or she has in his or her possession a valid snowmobile safety certificate issued by the commissioner, as provided by M.S.A. 84.872.

Subd. 2. No owner of a snowmobile or all-terrain vehicle shall permit the vehicle to be operated contrary to the provisions of this Ordinance or state law.

Section 52.09. EQUIPMENT. No Person shall operate a snowmobile or all-terrain vehicle (Class 1 or Class 2) any place within the City limits unless it is equipped with the appropriate equipment required by state law.

Section 52.10. EMERGENCIES. Notwithstanding any prohibitions in this Ordinance, a snowmobile or 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 52.11. ANIMALS. No person shall intentionally drive, chase, run over or kill any animal with a snowmobile or recreational vehicle.

Section 52.12. ADOPTION OF MINNESOTA STATUTES. Minnesota Statutes 84.771 to 84.929 and the following sections of Minnesota Statutes Chapter 169 are adopted by reference and shall be applicable to snowmobiles and recreational vehicles.

Sections 169.045, 169.09, 169.15, 169.18, 169.19, 169.20, 169.201, 169.32, 169.33, 169.34, and 169.46.

Section 52.13. PENALTY. Any Person violating this Ordinance shall be guilty of a petty misdemeanor upon the first offense and a misdemeanor upon the second and subsequent

From: Katie McMillin [mailto:KMcMillin@ci.foley.mn.us]

Sent: Wednesday, September 5, 2018 10:50 AM

To: Ross Hamann <rhamann@cityofrice.com>

Subject: Ordinance

Good Morning,

Wondering if Rice has an ordinance on ATVs, Side by Sides, and snowmobiles?

If so can you forward it to me please.

Our Council is looking at revising our ordinance.

Thank you,

Katie

SEC. 8.10. SNOWMOBILE TRAFFIC CONTROL AND REGULATIONS.

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

- A. **"Snowmobile"** - A self propelled vehicle designed for travel on snow or ice steered by skis or runners.
- B. **"Owner"** - A person, other than a lienholder having a property interest in or title to a Snowmobile, or a person entitled to the use or possession thereof.
- C. **"Operate"** - To ride in or on and control the operation of a Snowmobile.
- D. **"Operator"** - Every person who operates or is in actual physical control of a Snowmobile.
- E. **"Deadman Throttle" or "Safety Throttle"** - A device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving mechanism.

Subd. 2. 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. 3. Operation. Except as otherwise herein permitted, it is unlawful for any person to Operate a Snowmobile not licensed as a motor vehicle as follows:

- A. On the portion of any right-of-way of any public highway, street, road, trail or alley used for motor vehicle travel, except upon the most right-hand lane of a street or alley and may in passing or making a left-hand turn, Operate on other lanes which are used for vehicle traffic in the same direction. A Snowmobile may also be operated upon the ditch bottom or the outside bank of trunk, County State-aid and County highways where such highways are located within the City limits.
- B. On a public sidewalk provided for pedestrian travel.
- C. On boulevards within any public right-of-way.
- D. On private property of another without specific permission of the owner or person in control of said property.

- E. At a rate of speed greater than ten (10) miles per hour.
- F. At any place in a careless, reckless or negligent manner or 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.
- G. During the hours from 10:00 o'clock P.M. to 6:00 O'clock A.M. of any day, closer than 100 feet to any dwelling which is usually occupied by one or more persons; provided, however, that Snowmobile operation shall be permitted during such hours when traveling directly to or from the residence of the Operator and the nearest City limits line.
- H. So as to tow any person or thing except through use of a rigid towbar attached to the rear of the Snowmobile.
- I. At any place while under the influence of alcohol or drugs as defined in Minnesota Statutes Section 169.121, which is hereby incorporated herein by reference.
- J. Within 100 feet of any pedestrian, fisherman, skating rink or sliding area where the operation would conflict with the use or endanger other persons or property.

Subd. 4. Special Orders. In addition to the regulations provided in Subdivision 3, it is unlawful to Operate a Snowmobile on any public place where prohibited by order of the City. The City Administrator shall have the power, by written order, to prohibit such operation whenever in his discretion the same would be likely to produce damage to property or endanger the safety or repose of other persons. Such areas shall be appropriately sign posted before such order shall become effective.

Subd. 5. Direct Crossings. A Snowmobile may make a direct crossing of a street or highway, except an interstate highway or freeway, provided:

- A. The crossing is made at an angle of approximately 90 degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing.
- B. The Snowmobile is brought to a complete stop before crossing the shoulder or main traveled way.
- C. The driver yields the right-of-way to all on coming traffic which constitutes an immediate hazard.

- D. 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.
- E. If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

Subd. 6. Yielding the Right-of-Way. It is unlawful for any person operating a Snowmobile to enter any intersection without yielding the right-of-way to any vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard.

Subd. 7. Persons Under Eighteen.

- A. It is unlawful for any person under the age of fourteen (14) years to Operate a Snowmobile on streets, in City parks or other public land, or the roadway surface of highways, or make a direct crossing of a trunk, County State-aid, or County highway as the Operator of a Snowmobile. A person fourteen (14) years of age or older, but less than eighteen (18) years of age, may Operate a Snowmobile as permitted under this Section, only if s/he has in his possession, a safety certificate issued by the Commissioner, as provided by M.S.A. 84.872.
- B. It is unlawful for the Owner of a Snowmobile to permit the Snowmobile to be operated contrary to the provisions of this Subdivision.

Subd. 8. Equipment. It is unlawful for any person to Operate a Snowmobile any place within the City unless it is equipped with the following:

- 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 cut-out, by-pass, straight pipe or similar device on a Snowmobile.
- 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.
- D. When operated between the hours of one-half hour after sunset to one-half hour before sunrise or at a time 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 and under normal atmospheric conditions. Such head lamp 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 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 the hours of darkness under normal atmospheric conditions.

- E. Reflective material at least sixteen inches on each side, forward of the handlebars, or steering device of a Snowmobile and at the highest practical point on any towed object, as to reflect light at a 90 degree angle.

Subd. 9. Locking Vehicles. It is unlawful for any person to leave a Snowmobile on a public place unless s/he shall lock the ignition, remove the key and take the same with him.

Subd. 10. Emergencies. Notwithstanding the prohibition of operating a Snowmobile upon a roadway to the contrary, a Snowmobile may be operated on a public thoroughfare in an emergency during the period of time when, at locations where, snow upon the roadway renders travel by automobile impractical.

Subd. 11. Animals. It is unlawful to intentionally drive, chase, run over or kill any animal with a Snowmobile.

Subd. 12. Signal From Officer to Stop. It is unlawful for a Snowmobile Operator, after having received a visible or audible signal from any law enforcement officer to come to a stop, to

- (1) Operate a Snowmobile in willful or wanton disregard of such signal, or
- (2) interfere with or endanger the law enforcement officer or any other person or vehicle, or
- (3) increase his speed or attempt to flee or elude the officer.

Subd. 13. Certain Statutes Adopted. Minnesota Statutes, Sections 84.81 through 84.911, inclusive, as amended in 1987, together with rules and regulations promulgated thereunder, are hereby adopted by reference, incorporated herein, and made a part hereof, except as otherwise provided herein.

SEC. 8.11. RECREATIONAL MOTOR VEHICLES.

Subd. 1. Purpose and Intent. The purpose of this Section is to provide reasonable regulations for the use of recreational motor vehicles on public and private property in the City. This Section is not intended to allow what Minnesota Statutes prohibit nor to prohibit what Minnesota Statutes expressly allow. It is intended to prevent a public nuisance, and to protect and promote the public peace, health, safety and general welfare.

Subd. 2. Definitions. For purposes of this Section, the term "recreational motor vehicle" means:

- A. Any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes including but not limited to trail bike, dirt bike, hovercraft, or any licensed or unlicensed motor vehicle or emergency vehicle as defined in Minnesota statutes, section 169.01, which is being used for off-road recreational purposes. This definition does not include snowmobiles or golf carts.

Source: Ordinance 27, 2nd series, Effective Date: 3-21-98

- B. Three-wheel off-road vehicles, as defined in Minnesota Statutes, Section 84.92.
- C. All-terrain vehicles, having tracks or wheels, two or more of which provide propelling force, capable of traveling on more than one terrain condition. This category includes four-wheel drive vehicles, amphibians, and sport tractors.
- D. Low profile, self-propelled recreational vehicles designed for conveyance of driver or passenger, commonly referred to as "go-carts".

Subd. 3. Unlawful Acts. It is a misdemeanor for any person to Operate a recreational motor vehicle in the City, as follows:

- A. On the private property of another without the specific written permission of the owner of said property. Written permission may be given by a posted notice of any kind or description, so long as it specifies the kind of vehicles that the owner, occupant, or lessee will allow, such as a notice stating: "Recreational Vehicles Allowed", "Trail Bikes Allowed", "All-Terrain Vehicles Allowed", or words substantially similar.
- B. On publicly owned property, including school grounds, parks, playgrounds, recreation areas, and golf courses, except where specifically permitted by this Section.
- C. In a manner so as to create a loud, unnecessary, or unusual noise which unreasonably disturbs, annoys, or interferes with the peace and quiet of other persons.
- D. On a public sidewalk or walkway provided or used for pedestrian travel.
- E. At any place while under the influence of intoxicating liquor, narcotics or habit-forming drugs.

- F. At a rate of speed greater than is reasonable or proper under all the surrounding circumstances.
- G. At any place in a careless, reckless, or negligent manner so as to endanger or to be likely to endanger any person or property, or to cause injury or damage thereto.
- H. On any public-street, highway, or right-of-way unless properly licensed pursuant to Minnesota law.
- I. To intentionally drive, chase, run over, or kill any animal, wild or domestic.
- J. To Operate or halt any recreational motor vehicle carelessly or heedlessly in disregard of the rights or the safety of others or in a manner so as to endanger or to be likely to endanger any person or property, or in excess of 25 miles per hour on publicly owned lands.
- K. Within 150 yards of any public recreational area, school, or public library. This provision does not apply to the occasional use of a recreational motor vehicle on private property for the purpose of loading or unloading it from a trailer or for mechanically checking it.
- L. In any public drainage or roadside ditch, or in any private irrigation or drainage ditch without express, written permission of the owner of such ditch.

Subd. 4. Street and Highway Crossings.

- A. It is a misdemeanor for any person under 14 years of age operating a recreational motor vehicle regulated herein to make a direct crossing of any street, highway, or public right-of-way.
- B. It is a misdemeanor for any person 14 years of age or older to make any street or highway crossing with a recreational motor vehicle, which is not in compliance with the applicable provisions of Minnesota law.

Subd. 5. Hours of Use. No recreational motor vehicle shall be Operated in the City between the hours of 10:00 o'clock P.M. and 8:00 o'clock A.M.

Subd. 6. Minimum Equipment Requirements.

- A. Mufflers of at least standard equipment noise-reduction capacity shall be properly attached and in constant operation upon recreational motor vehicles. No person shall use a muffler cut-out, by-pass, straight pipe, or similar device on a recreational motor vehicle motor; and the exhaust system shall not emit or produce a sharp popping, crackling, or similar sound.

- B. Brakes should be adequate to control the movement of and to stop and hold a recreational motor vehicle under any conditions of operation.
- C. At least one clear lamp shall be attached to the front of a recreational motor vehicle 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. Such headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming vehicle Operator. A recreational motor 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 500 feet to the rear during the hours of darkness under normal atmospheric conditions. This equipment shall be required and shall be in operating condition when the vehicle is Operated between the hours of one-half hour after sunset and one-half hour before sunrise or at times of reduced visibility.

Subd. 7. Designation of Public Areas for Use.

The Council may designate areas of public property for use of recreational motor vehicles by approval of a majority of the members of the Council. The areas designated may be changed from time to time by the Council. Any area designated shall be published in the official newspaper of the City in a conspicuous place after such approval. If an area is changed, such change shall be published in like manner in the official newspaper of the City. An up-to-date map of designated areas open for recreational motor vehicle use shall be kept on file in the office of the City Administrator or City Clerk and the City Administrator or Clerk shall provide on request a copy of such map together with the applicable rules, regulations, and this Section to each person requesting such information from the City. *Ordinance 48 2nd Series, Sept. 9, 2000*

- A. Unless designed by the Council as an area for recreational motor vehicles, the use of such vehicles on City park and other property shall constitute a misdemeanor. Further, the use of City parks designated by the Council shall be in accordance with all of the applicable provisions of this Section and the rules and regulations of the City regarding parks and recreation.

SECT. 8.12. MOTORIZED GOLF CARTS

Subd. 1. Purpose and Intent. The purpose of this section is to provide reasonable regulations for the use of motorized golf carts on public right-of-ways within the City to gain access to and from Pebble Creek Golf Course. It is intended to prevent public nuisances, and to protect and promote the public peace, health, safety, and general welfare.

Subd. 2. Definitions.

- A.** The term "Motorized Golf Cart" means any passenger conveyance being driven with three (3) or four (4) wheels with low pressure tires and as otherwise defined by Minnesota Statutes.
- B.** The term "driver" means the person driving and having physical control over the motorized golf cart and being at least 16 years of age and has a valid driver's license to access Pebble Creek Golf Course and to use a cart on the premises.

Subd. 3. Permit Required. No person shall operate a motorized golf car without obtaining a permit or authorization for the motorized golf cart as provided herein on an annual basis.

- A. Application.** Every application for a permit shall be made on a form supplied by the City of Becker and shall contain or include the following information:
 - 1. Name and Address of applicant
 - 2. Model, Make, Name and Cart ID/VIN number.
 - 3. Current Drivers License number.
 - 4. Applicant signature and date.
 - 5. Paid receipt for the annual trail fee at Pebble Creek Golf Course and documentation including a certificate of liability insurance in the amount of \$1,000,000. This shall be renewed on an annual basis or year-to-year.
 - 6. Other such information which the city may require.
 - 7. Only persons at least eighteen (18) years of age and holding a driver's license permitting the operation of motor vehicles in this state are eligible to obtain the permit(s).

B. Revoking of permit. Applications for permits will be revoke dif it is found that:

1. The applicant no longer has a valid driver' license.
2. Golf cart use at Pebble Creek has been terminated due to a violation of Pebble Creek's rules relating to course usage, cart usage, and/or conduct.
3. Failure to abide by the rules and regulations o this section of the code.
4. Failure to abide by traffic laws in the use of a golf cart on city streets to access Pebble Creek Golf Course.
5. Failure to grant right-of-way to pedestrians and bicyclists.
6. The holder of the permit cannot safely operate the motorized golf cart on the designated roadway or poses a threat to the safety of others.
7. A permit may be revoked by the Chief of Police at any time or denied if it is shown that the permittee cannot safely or legally operate.
8. A permittee may appeal any such revocation or denial to the City Council by filing a notice of appeal at the City Clerk's office no later than 14 days after the date of notice of action to be appealed from.

Subd. 4. Use of City Streets and right-of-ways.

- A. Motorized golf carts shall be operated on city streets which have been designated by the council as designated cart routes which are set by resolution of the council.
- B. Only persons who have a valid permit issued by the city shall be authorized to use a golf cart on designated city streets for access to and from Pebble Creek Golf Course.
- C. When a person who does not reside on a designated cart route, the permit holder shall use the most direct route available to reach a designated route from said residence, but shall not operate the cart on any other street not designated as a cart route.

Except:

1. Sherburne Avenue shall not be used for cart travel except for the detached trail off of the roadway between Bradley Boulevard and Edgewood Street. The crossing of Sherburne Avenue is the only designated use of Sherburne Avenue.

2. It is unlawful for any person to drive or operate a golf cart on any public sidewalk or public property designated for use as a pedestrian walkway or bicycle trail, except when crossing them to gain access to the other side, and as specified in 1 above.
- D. The use of golf cart on designated streets shall only be authorized from sunrise to sunset. They shall 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 in vehicles on a roadway at a distance of 500 feet.
- E. Motorized golf carts shall be equipped and display the slow moving vehicle emblem provided for in MS 169.522 when operated on designated routes and shall be affixed to the top portion of the cart near the rear.
- F. Motorized golf carts must yield right-of-way to all pedestrians and bicycle traffic.
- G. Motorized golf carts must travel as far to the right of the roadway as possible at all times.
- H. Every person operating a motorized golf cart under permit on designated route has all the right and duties applicable to the driver of any other vehicle under the provisions of Chapter 169 of MS, except when those provisions cannot reasonable be applied to motorize golf carts and except as otherwise specifically provided in MS 169.045, Subdivision 7.
- I. The number of occupants in the golf cart shall not exceed the design occupant load.
- J. The use of golf carts on designated city streets shall be authorized during the golf season as designated by the Director of Golf at Pebble Creek Golf Course.
- K. No person shall leave a key in the golf cart while unattended.

Subd. 5 Required Equipment

- A. Motorized golf carts shall not be operated unless they possess the following necessary equipment:
 1. A VIN Number or other identifying number
 2. Approved tires for use on the golf course
 3. Slow moving vehicle sign (Subd. 4E)

Subd 6. Liabilities. Nothing in this section of the code 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 by a permit holder or the failure by the City to revoke said permit. *Source: Ordinance 27, 2nd Series, Effective Date: 3-21-98,*

Source Ordinance 166, 2nd Series, Effective Date: March 4, 2013

(Sections 8.13 through 8.98, inclusive, reserved for future expansion.)

SEC. 8.99. VIOLATION A MISDEMEANOR OR PETTY MISDEMEANOR. A person violates a Section, Subdivision, Paragraph or Provision of this Chapter when that person performs an act thereby prohibited or declared unlawful, or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof, such violation shall be punishable as follows:

Subd. 1. Where the specific Section, Subdivision, Paragraph or Provision specifically makes the violation thereof a misdemeanor, the violation shall be punishable as a misdemeanor; where a violation is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property, the violation shall be punishable as a misdemeanor; where the violation constitutes the third or greater violation, exclusive of parking violations, the violation shall be punishable as a misdemeanor.

Subd. 2. Any violation not punishable as a misdemeanor under the provisions of this Subdivision, shall be punishable as a petty misdemeanor. *Source: Ordinance 134 2nd Series, Effective Date: 5-18-09,*

Source: Ordinance 166, 2nd Series, Effective Date: March 4, 2013

Pierz

Katie McMillin

From: Eric Hanneken <erich@pierzmn.org>
Sent: Wednesday, September 05, 2018 12:06 PM
To: Katie McMillin
Subject: RE: Ordinance

We do because we have a trail system that connects to the Soo-Line trail.



From: Katie McMillin <KMcmillin@ci.foley.mn.us>
Sent: Wednesday, September 05, 2018 10:53 AM
To: Eric Hanneken <erich@pierzmn.org>
Subject: RE: Ordinance

Do you allow them on your city streets?

From: Eric Hanneken [mailto:erich@pierzmn.org]
Sent: Wednesday, September 05, 2018 10:51 AM
To: Katie McMillin
Subject: Re: Ordinance

Katie,

We do not as of this time.

Thanks

Eric Hanneken
Pierz Police Department
Chief of Police

On Sep 5, 2018, at 10:49, Katie McMillin <KMcmillin@ci.foley.mn.us> wrote:

Good Morning,

Wondering if Pierz has an ordinance on ATVs, Side by Sides, and snowmobiles?
If so can you forward it to me please.
Our Council is looking at revising our ordinance.

Thank you,

Little Falls

Katie McMillin

From: Greg Schirmers <greg.schirmers@cityoflittlefalls.com>
Sent: Wednesday, September 19, 2018 12:08 PM
To: Katie McMillin
Subject: RE: ATV Ordinance

We do not have any ordinances regulating ATV's or Snowmobiles.

Greg H Schirmers

Police Chief
City of Little Falls

320-639-2302 Direct

320-616-5570 Main

320-616-5576 Fax

greg.schirmers@cityoflittlefalls.com

This electronic mail and any attached documents are intended solely for the named addressee(s) and may contain confidential information. If you are not an addressee, or responsible for delivering this email to an addressee, you have received this email in error and are notified that reading, copying, or disclosing this email is prohibited. If you received this email in error, immediately reply to the sender and delete the message completely from your computer system.

From: Katie McMillin <KMcmillin@ci.foley.mn.us>
Sent: Wednesday, September 19, 2018 10:49 AM
To: Greg Schirmers <greg.schirmers@cityoflittlefalls.com>
Subject: ATV Ordinance

Good Morning,

Wondering if Little Falls has an ordinance on ATVs, Side by Sides, and snowmobiles?
If so can you forward it to me please.
Our Council is looking at revising our ordinance.

Thank you,

Katie McMillin
Chief of Police
Foley Police Dept.

Sartell

Katie McMillin

From: Jim Hughes <jim@sartellmn.com>
Sent: Monday, September 24, 2018 7:05 AM
To: Katie McMillin
Subject: Re: ATV Ordinance

Sorry for the late response. We don't have an ordinance for ATVs or side by sides. Here is the link to the snowmobile ordinance. <http://www.sartellmn.com/Websites/sartellmn/images/pdf/snowmobiles6-4-1.pdf>

Jim Hughes
Chief of Police / Emergency Management Director
Sartell Police Department
310 2nd St. S; PO Box 334
Sartell, MN 56377
Phone: 320-251-8186
Fax: 320-258-3760
E-mail: jim@sartellmn.com
Police Department Website: <http://www.sartellmn.com/police-department>
City Website: www.sartellmn.com

The unauthorized disclosure or interception of this e-mail is a federal crime. See 18 U S C Sec 251(4). This e-mail is intended for the use of those whom it is addressed and may contain information that is privileged or confidential and exempt from disclosure under the law. If you have received this e-mail in error, do not distribute or copy it. Please return immediately to the sender with attachments, if any, and notify the sender by telephone. Thank you for your cooperation.

From: Katie McMillin <KMcmillin@ci.foley.mn.us>
Sent: Wednesday, September 19, 2018 10:56:27 AM
To: Jim Hughes
Subject: ATV Ordinance

Good Morning,

Wondering if Sartell has an ordinance on ATVs, Side by Sides, and snowmobiles?
If so can you forward it to me please.
Our Council is looking at revising our ordinance.

Thank you,

Katie McMillin
Chief of Police
Foley Police Dept.

CHAPTER 4
SNOWMOBILES

SECTION:

- 6-4-1: Definitions
- 6-4-2: General Operating Requirements And Restrictions
- 6-4-3: Crossing Roadways, Streets And Thoroughfares
- 6-4-4: Persons Under Eighteen Years Of Age
- 6-4-5: Equipment
- 6-4-6: Penalty

6-4-1: **DEFINITIONS:** For the purpose of this Chapter, the terms defined herein shall have the meaning as follows:

COMMISSIONER: The Commissioner of Conservation acting directly or through his/her authorized agent.

OPERATE: To ride in or on and to control the operation of a snowmobile.

OPERATOR: Every person who operates or is in physical control of a snowmobile.

OWNER: A person other than a lienholder, having a legal claim and/or the title to a snowmobile and entitled to the use and possession thereof.

PERSON: An individual, partnership, corporation, the State and its agencies and subdivisions and any body of persons, whether incorporated or not.

ROADWAY, STREET, THOROUGHFARE That portion of a thoroughfare, improved, designed or ordinarily used for vehicular travel.

SNOWMOBILE: A self-propelled vehicle designed for travel on snow, ice or a natural terrain steered by wheels, skis or runners. (Ord. 92-1,2-24-1992)

6-4-2: GENERAL OPERATING REQUIREMENTS AND RESTRICTIONS: Except as herein specifically permitted and it is unlawful to operate a snowmobile within the corporate limits

A. Public Rights Of Way:

1. **Extreme Right-Hand Side:** On the portion of any right of way of any public roadway, street or thoroughfare, except the most right-hand side, in the same direction as the traffic of the adjacent lane to the operator's left; other than on freeways, interstates, trunk, County State aid or County highways.

2. **Outside Slope Of Borrow Pit:** Snowmobiles may also be operated on the outside slope or bottom of a ditch of a trunk, County State aid or County highway where such highway may be configured within the City limits.

3. **Bridges:** Snowmobiles may be operated, as stated in this Section, on bridges designed for motor vehicle traffic.

B. Speed: At a rate of speed greater than reasonable or proper all surrounding circumstances; and when operated on roadways, not in excess of the posted speed limit.
under public

C. Hours Of Operation: During the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. of any day, closer than one hundred feet (100') to any dwelling which is usually occupied by one or more persons, except while returning home by direct route.

D. Towing: To tow any person or thing on a public street or highway, except if attached by a rigid frame hitch and no more than thirty six inches (36") shall be between the towed object and the snowmobile.

E. Emergencies: Notwithstanding the prohibitions contained in this Section, a snowmobile may be operated on a public roadway, street or thoroughfare in an emergency which renders travel by an automobile impractical.

- F. **Permission Required:** It is unlawful to operate a snowmobile on a public sidewalk, in a public park or recreation area, cemetery, school property or on any private property without specific permission of the owner or person in control of the property.
- G. **Special Events Or Circumstances:** The City Council or the Police Chief may designate specific areas or trails on public property for special events or circumstances which allow the operation of snowmobiles.
- H. **State Traffic Code:** All provisions of Minnesota Statutes chapter 169 shall apply to the operation of snowmobiles upon roadways, streets and thoroughfares, except for those relating to required equipment and those which by their nature have no application. (Ord. 92-1, 2-24-1992)

6-4-3: CROSSING ROADWAYS, STREETS AND THOROUGH-FARES: A snowmobile may make a direct crossing of a roadway, street or thoroughfare, provided:

- A. **Right Angle:** The crossing is made at a right angle of approximately ninety degrees (90) to the direction of the thoroughfare and at a place where no obstruction prevents a quick and safe crossing;
- B. **Complete Stop Required:** The snowmobile is brought to a complete stop before crossing the main traveled portion of the thoroughfare;
- C. **Yield Of Right Of Way:** The operator yields the right of way to all traffic which constitutes an immediate hazard; and
- D. **Divided Roadway; Intersection:** In crossing a divided roadway, all such crossings are made only at an intersection of such highway with another public street or highway. (Ord. 92-1, 2-24-1992)

6-4-4: PERSONS UNDER EIGHTEEN YEARS OF AGE:

- A. **Operation Prohibited:** No person under fourteen (14) years of age shall operate a snowmobile on a street or make a direct crossing of a trunk highway, County State aid highway, County highway or other street.

- B. **Safety Certificate:** A person fourteen (14) years of age or older, but less than eighteen (18) years of age, may operate a snowmobile on streets and highways as permitted by this Section and make such crossings of streets and highways, only if the operator is in possession of a valid snowmobile safety certificate issued by the Commissioner, as provided by Minnesota Statutes section 84.872.
- C. **Owner Responsibility:** It is unlawful for the owner of a snowmobile to permit its operation in violation of this Section. (Ord. 92-1,
2-24-1992)

6-4-5: EQUIPMENT: It is unlawful to operate a snowmobile in the City limits unless it is equipped as follows:

- A. **Muffler:** 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 motor.
- B. **Brakes:** Brakes adequate to control the movement of and to stop and hold the snowmobile under any condition of operation.
- C. **Deadman Throttle:** A deadman throttle in operating condition. A "deadman" throttle is defined as a device which, when pressure is removed from the engine accelerator throttle, causes the motor to cease operating.
- D. **Headlight; Taillight:**
 - 1. **Headlight Specifications:** 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 feet (100') 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 vehicle operator.
 - 2. **Taillight Specifications:** It shall also be equipped with at least one red taillamp having a minimum candle power of sufficient intensity to exhibit a red light plainly visible from a distance of five hundred feet (500') to the rear during hours of darkness under normal atmospheric conditions.
 - 3. **Continuous Operation:** The headlamp and taillight must be functioning any time the snowmobile is being operated.

6-4-5

6-4-6

- E. Pennant Flag: A pennant flag of red or blaze colored material, of a size not less than nine inches by twelve inches (9" x 12"), at a height not less than six feet (6') from the ground level may be used to enhance identification of a snowmobile. (Ord. 92-1, 2-24-1992)
- F. Running Lights; Reflective Material: Running lights or reflective material at least sixteen (16) square inches on each side, forward of the handlebars so as to reflect or beam light at a ninety degree (90) angle may also be affixed to enhance identification of a snowmobile. (Ord. 92-1, 2-24-1992; 1997 Code)

6-4-6: **PENALTY:** Any person who shall violate any provision of this Chapter or any regulation of the Commissioner of Conservation or Commissioner of Transportation promulgated pursuant to this Chapter shall be guilty of a misdemeanor and subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 92-1, 2-24-1992; 1997 Code)

Milaca

Katie McMillin

From: Todd Quaintance <tquaintance@milacacity.com>
Sent: Wednesday, September 05, 2018 2:11 PM
To: Katie McMillin
Subject: Re: ATV/Side by Side Ordinance

We do have an ordinance, but ours allows operation of 4 wheelers to and from trails which is really hard to enforce. It also allows operations of side by side in town. I can send you a copy but I would suggest something other than what we have.

Thanks
Todd

Sent from my iPhone

On Sep 5, 2018, at 10:47 AM, Katie McMillin <KMcmillin@ci.foley.mn.us> wrote:

Good Morning,

Wondering if Milaca has an ordinance on ATVs, Side by Sides, and snowmobiles?
If so can you forward it to me please.
Our Council is looking at revising our ordinance.

Thank you,

Katie

[Spam](#)

[Phish/Fraud](#)

[Not spam](#)

[Forget previous vote](#)

ALBANY Motor Vehicle

CHAPTER 5: TRAFFIC AND MOTOR VEHICLES

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- SIDE BY SIDE ARE MANUFACTURED STREET LEGAL
NEED TO ABIDE BY NORMAL DRIVING LAWS AND
NEED TO BE LICENSED. MUST BE 16 AND LICENSED.
- 4 WHEELERS MUST BE LICENSED. UNDER 18 MUST
WEAR A HELMET. ABIDE BY NORMAL DRIVING LAWS
MUST BE 16 TO OPERATE.
- * NO TIME LIMITS FOR EITHER

CHAPTER 5: TRAFFIC AND MOTOR VEHICLES

ORDINANCE 52 SNOWMOBILES AND OTHER RECREATIONAL VEHICLES

Section 52.01: PURPOSE. Because the operation and use of snowmobiles and other recreational vehicles 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 recreational vehicles and provide penalties for the improper use of recreational vehicles to greatly decrease the danger and to provide greater protection to the public peace, health and safety of the inhabitants of the City while snowmobiles and other recreational vehicles are operated and used in the City.

Section 52.02: DEFINITIONS. The following terms shall have the meaning ascribed to them.

Subd. 1: All-Terrain Vehicle. A motorized flotation-tired vehicle of not less than three (3) low pressure tires, but not more than six (6) tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds.

Subd. 2: Owner. A person, other than a lienholder, having the property in or title to a snowmobile or other recreational vehicle and entitled to the use or possession of the vehicle.

Subd. 3: Operate. To ride in or on and control the operation of a snowmobile or recreational vehicle.

Subd. 4: Operator. Every person who operates or is in actual physical control of a snowmobile or other recreational vehicle.

Subd. 5: Person. Includes an individual, partnership, corporation, the state and its agencies and subdivision and any body of persons, whether incorporated or not.

Subd. 6: Public Property. Any real property owned by the City including all city parks and recreation areas.

Subd. 7: Recreational Motor Vehicle or 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.

Subd. 8: Roadway. That portion of a highway improved, designed, or ordinarily used for vehicular travel.

CHAPTER 5: TRAFFIC AND MOTOR VEHICLES

Subd. 9: Snowmobile. A self-propelled vehicle designed for travel on snow or ice or natural terrain steered by wheels, skis or runners.

Section 52.03: OPERATION. Except as this Ordinance specifically permits and authorizes, no Person shall operate a snowmobile, all-terrain vehicle or other recreational vehicle within the City limits:

Subd. 1: Public Roads. 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. A person may operate a snowmobile or other recreational vehicle upon the ditch bottom or outside of trunk, county state aid and county highways where such highways are so configured within the corporate limits.

Subd. 2: Sidewalks. On a public sidewalk provided for pedestrian travel.

Subd. 3: Boulevards. On boulevards within any public right-of-way.

Subd. 4: Private Property. On private property of another without specific permission of the owner or person in control of the property.

Subd. 5: Public Property. On any other public property, including Parks and recreational areas, except as the City's Ordinances may specifically permit.

Subd. 6: Alcohol and Drugs. No person shall operate a snowmobile or other recreational vehicles within the City limits at any place while under the influence of alcohol or drugs, as defined in M.S. '169.121, which is incorporated by reference.

Subd. 7: Speed. No person shall operate a snowmobile or recreational vehicle at a rate of speed greater than reasonable and proper under all surrounding circumstances. No person shall operate a snowmobile or recreational vehicle on public roadways at speeds greater than thirty (30) miles per hour.

Subd. 8: Recklessness. No person shall operate a snowmobile or other 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. 9: Towing. No person shall operate a snowmobile or recreational vehicle so as to tow any person or thing in a public street or highway except through use of a rigid-tow bar attached to the rear of the vehicle.

Subd. 10: Operation Near People. No person shall operate a snowmobile or other recreational vehicle within one hundred (100) feet of any fisherman, pedestrian, skating rink or sliding area where the operation would conflict with use or endanger other persons or property.

CHAPTER 5: TRAFFIC AND MOTOR VEHICLES

Section 52.04: CROSSING STREETS OR HIGHWAYS. A snowmobile or recreational vehicle may make a direct crossing of a street or highway except an interstate highway or freeway provided:

Subd. 1: The crossing is made at any 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.

Subd. 5: If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

Section 52.05: TRAFFIC LAWS. City Traffic Ordinances, including but not limited to Ordinance 50, shall apply to the operation of snowmobiles and recreational vehicles upon streets and highways, except for those relating to required equipment and except those which by their nature have no application.

Section 52.06: YIELDING. No snowmobile or recreational vehicle shall enter any intersection without yielding the right-of-way to any vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard.

Section 52.07: OPERATION BY MINORS.

Subd. 1: No person under fourteen (14) years of age shall operate on streets or the roadway surface of highways, or make a direct crossing of a trunk, county state-aid, county highway or city street as the operator of a snowmobile. A person fourteen (14) years of age or older, but less than eighteen (18) years of age, may operate a snowmobile on streets and highways as permitted under this Ordinance and make a direct crossing of streets and highways only if he or she has in his or her possession a valid snowmobile safety certificate issued by the commissioner, as provided by M.S.A. §84.872.

Subd. 2: No owner of a snowmobile or recreational vehicle shall permit the vehicle to be operated contrary to the provisions of this Section or state law.

Section 52.08: EQUIPMENT. No Person shall operate a snowmobile or recreational vehicle any place within the City limits unless it is equipped with the appropriate equipment required by state law.

CHAPTER 5: TRAFFIC AND MOTOR VEHICLES

Section 52.09: EMERGENCIES. Notwithstanding any prohibitions in this Ordinance, a snowmobile or 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 52.10: ANIMALS. No person shall intentionally drive, chase, run over or kill any animal with a snowmobile or recreational vehicle.

Section 52.11: 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 snowmobiles and recreational vehicles.

Sections 169.09, 169.122, 169.15, 169.18, 169.19, 169.32, 169.33, 169.34 and 169.46.

Section 52.12: MOTORIZED GOLF CARTS

Subd. 1: Purpose. The purpose of this Section is to provide authority for the use of motorized golf carts on City streets that are located within the Albany City Limits pursuant to the authority granted by Minn. Stat. §169.045 and Stearns County Ordinance No. 500. The provisions of this Section are intended to ensure public safety and prevent a public nuisance.

Subd. 2: Definitions. For the purpose of this Section, the following shall mean:

Designated Streets: That portion of city streets which are located within the jurisdictional boundaries of the City of Albany and upon which the City has formally requested that Stearns County allow the use of such vehicles. Designated Streets shall be all City streets except MN State HWY #238 (operation of motorized golf carts is prohibited on 1st Street, Railroad Avenue and 8th Street south of Railroad Avenue). However, crossing MN State HWY #238 is permitted (including Railroad Avenue and 8th Street south of Railroad Avenue).

Driver: The person driving and having physical control over the motorized golf cart.

Motorized Golf Cart: Any passenger conveyance, being driven with three or four low pressure tires, that is limited to engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds.

Subd. 3: Severability. The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

Subd. 4: General Provisions. Use of motorized golf carts may be allowed on City streets only if the following conditions are met:

- a) The posted speed limit on the street is 30 mph or less

CHAPTER 5: TRAFFIC AND MOTOR VEHICLES

- b) A permit for the use of such motorized golf carts has been obtained from Stearns County in addition to a permit from the City of Albany, as provided in Subd. 5.
- c) The operator shall be a licensed driver.

Subd. 5: Permit Required. It shall be unlawful for any person to operate a motorized golf cart on streets under the jurisdiction of the City of Albany except when the vehicle is traveling on a designated street and is prominently displaying a valid permit obtained from both Stearns County and from the City of Albany.

Every application for a City permit shall be made on a form supplied by the City and shall contain all of the following information:

- a) The name and address of the applicant
- b) Model name, make, and year and number of the motorized golf cart
- c) Current valid driver's license
- d) Proof of insurance
- e) Other information as the City may require

The annual permit fee shall be as set forth in the City of Albany fee schedule which may be amended from time to time. Permits shall be granted for a period of one year and may be renewed annually January 1st to December 31st.

No permit shall be granted or renewed unless the following conditions are met:

- a) The applicant may be required to submit a certificate signed by a physician, that the applicant is able to safely operate a motorized golf cart on the roadways designated.
- b) The applicant must provide evidence of insurance equivalent to that required by the provisions of Minn. Statutes §65B.48 Subdivision 5, as it may be amended from time to time.
- c) The applicant has not had his/her driver's license suspended, revoked or cancelled.

Subd. 6: Rights and Duties. Every person operating a motorized golf cart or neighborhood electric vehicle under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Statute Chapter 169, except when those provisions cannot reasonably be applied to the vehicle.

Motorized golf carts may only be operated on designated streets from sunrise to sunset, unless the equipment includes headlights, taillights, and turn signals in which case the motorized golf carts may be operated between 5:00 AM and 10:00 PM. Motorized golf carts 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.

Motorized golf carts shall display the slow-moving vehicle emblem provided for in Minn. Statute §169.522 and shall be equipped with a rear view mirror to provide the driver with adequate vision from behind as required by Minn. Statute §169.70.

CHAPTER 5: TRAFFIC AND MOTOR VEHICLES

The number of occupants on the motorized golf cart may not exceed the design occupant load.

It is unlawful to operate a golf cart or electric vehicle upon roadways or public rights of way as follows:

- a) At a speed in excess of the posted speed limit.
- b) Other than single file on a roadway.
- c) Carelessly or recklessly
- d) On a public sidewalk provided for pedestrian travel.
- e) On boulevards within any public right of way
- f) While under the influence of alcohol or drugs, as defined by Minn. State Statutes 169A.20, which is incorporated by reference.

Subd. 7: Penalties. A violation of this Section shall be petty misdemeanor, except that violations committed under circumstances that endanger or are likely to endanger persons or property, shall be misdemeanors. A violation of this Section within twelve (12) months or 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 on designated streets for a period of twelve (12) months following conviction.

Subd. 8: Adoption of Ordinance. This ordinance is effective upon publication in accordance with law.

Subd. 9: Sunset Date. This ordinance shall be in effect until repealed by further act of the City Council.

Section 52.12, Subd. 9 amended 5/4/2016

Section 52.13: PENALTY. Any Person violating this Ordinance shall be guilty of a petty misdemeanor upon the first offense and a misdemeanor upon the second and subsequent offenses. Fines for violations are as established by the City Council in Appendix A.

Section 52.13 amended on 1/4/06

Section 52.12 amended 3/18/15

Cold Spring

Katie McMillin

From: Blum, Jason <Jason.Blum@ci.coldspringpd.mn.us>
Sent: Friday, September 21, 2018 10:21 AM
To: Katie McMillin
Subject: RE: ATV Ordinance

Katie,

We currently do not have any ordinance covering the use inside city limits for ATV's etc.. We have designated routes for snowmobiles in the winter for people to use but nothing that is dictated or restricted through the rest of town. As of right now as long as they are following county/state laws for use they are allowed to use inside city limits.

Chief Jason Blum
Cold Spring/Richmond Police Dept
27 Red River Ave S
Cold Spring, MN 56320
Jason.blum@ci.coldspringpd.mn.us
320-685-8666

From: Katie McMillin [<mailto:KMcMillin@ci.foley.mn.us>]
Sent: Wednesday, September 19, 2018 10:52 AM
To: Blum, Jason
Subject: ATV Ordinance

Good Morning,

Wondering if Cold Spring has an ordinance on ATVs, Side by Sides, and snowmobiles?
If so can you forward it to me please.
Our Council is looking at revising our ordinance.

Thank you,

Katie McMillin
Chief of Police
Foley Police Dept.