

ORDINANCE NO. 664

AN ORDINANCE OF THE CITY OF AUSTIN, MINNESOTA,
ADDING CITY CODE SECTION 8.30 ENTITLED
REGULATION OF SPECIAL VEHICLES

The City Council of the City of Austin does ordain:

Section 1. Austin City Code Section 8.30 is hereby enacted and shall read as follows:

REGULATION OF SPECIAL VEHICLES.

§ 1. SPECIAL VEHICLES: MOTORIZED GOLF CARTS, UTILITY TASK VEHICLES, ALL-TERRAIN VEHICLES, AND MINI-TRUCKS.

(A) (1) No person shall operate a utility task vehicle on streets, alleys, sidewalks or other public property without obtaining a permit as provided herein.

(2) Every application for a 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 utility task vehicle.
- (c) Current driver's license.
- (d) Other information as the city may require.

(3) The permit fee shall be as set as adopted annually by council resolution.

(4) Permits shall be granted for a period of one year and may be renewed.

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

(a) The applicant must demonstrate that he or she currently holds a valid Minnesota driver's license.

(b) The applicant must provide evidence of insurance in compliance with the provisions of Minnesota Statutes concerning insurance coverage for the utility task vehicle.

(6) Utility task vehicles are permitted to operate only on city streets, not state or federal highways, except to cross at designated intersections.

(7) Utility task vehicles may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, taillights, and rear-facing brake lights. They shall not be operated in inclement weather 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.

(8) Required equipment on UTV's.

Notwithstanding sections 169.48 to 169.68, or any other law, a UTV may be operated under permit on designated roadways if it is equipped with:

- (1) at least two headlamps;
- (2) at least two tail lamps;
- (3) front and rear turn-signal lamps;
- (4) A rear-view mirror to provide the driver with adequate vision from behind as required by Minn. Stat. § 169.70
- (5) a windshield, and if no windshield no person shall operate or ride in a UTV without wearing an eye-protective device.
- (6) a seat belt for the driver and front passenger;
- (9) The operator of a utility task vehicle may cross any street or highway intersecting a designated roadway.
- (10) Every person operating a utility task 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. Stat. ch. 169, as it may be amended from time to time, except when these provisions cannot reasonably be applied to utility task vehicles and except as otherwise specifically provided in Minn. Stat. § 169.045, subd.7, as it may be amended from time to time.
- (11) The City Council may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this section or Minn. Stat. ch. 169, as it may be amended from time to time, or if there is evidence that the permit holder cannot safely operate the utility task vehicle on the designated roadways.
- (12) The number of occupants on the utility task vehicle may not exceed the design occupant load.

(B) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALL-TERRAIN VEHICLE. "All-terrain vehicle" or "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 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, go-cart or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes. It does also not include UTV as defined under 169.045 for the purposes of this ordinance.

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.

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.

DRIVER. The person driving and having physical control over the utility task vehicle and being the licensee.

MOTORIZED GOLF CART. Any passenger conveyance being driven with four wheels with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds.

UTILITY TASK VEHICLE. As defined by Minn. Stat. § 169.045, subd. 1 (3), 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. UTV's shall be designated as recreational for the purpose of city storage ordinance purposes.

MINI-TRUCK. As defined in Minn. Stat. § 169.011, subd. 40(a), 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 as defined by § 73.11; or a motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, section 571.500, as it may be amended from time to time.

(C) Authorized city staff may operate city owned motorized golf carts, utility task vehicles, and mini-trucks without obtaining a permit within the city on city streets, sidewalks, trails, rights-of-way, and public property when conducting city business.

(D) Motorized golf carts, all-terrain vehicles (that are not utility task vehicles as defined in this ordinance and under MN State statute 169.045), and mini-trucks are not permitted on streets, alleys, sidewalks, or public property in the City of Austin.

(E) The use of golf carts, ATV's, and UTV's may be approved for special events such as, but not limited to, the 4th of July "Freedom Fest". A request for use must be included in the parade or event permit application. The requesting party is responsible all liability insurance needs, which must be consistent with the requirement of this ordinance. The driver has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stat. ch. 169, as it may be amended from time to time, except when these provisions cannot reasonably be applied to utility task vehicles and except as otherwise specifically provided in Minn. Stat. § 169.045, subd.7, as it may be amended from time to time.

Penalty, see § 1.99

Passed by a vote of yeas and nays this 1st day of October, 2018.

YEAS 7

NAYS 0

ATTEST:

/s/ Tom Dankert
City Recorder

APPROVED:

/s/ Thomas A. Stiehm
Mayor

This ordinance was introduced on October 1, 2018; approved on October 1, 2018; was published in the Austin Daily Herald on October 4, 2018; and becomes effective October 12, 2018.