

ORDINANCE NO 90

**AN ORDINANCE REGULATING THE USE OF GOLF CARTS
AND ALL-TERRAIN VEHICLES ON CITY STREETS**

THE COUNCIL OF THE CITY OF GREENBUSH DOES HEREBY ORDAIN:

GOLF CARTS, ALL-TERRAIN VEHICLES AND UTILITY TASK VEHICLES

Subd. 1. Purpose. The purpose of this section is to authorize the operation of motorized golf carts or all-terrain vehicles on designated roadways in the City of Greenbush, pursuant to the authority given to the City by Minnesota statutes section 169.045.

Subd. 2. Definitions. The following terms as used in this Section shall have the meanings stated:

A. "All Terrain Vehicle" or "ATV" means a motorized flotation-tired vehicle with one or two seats and three or more tires, that is limited in engine displacement of at least 100 but less than 800 cubic centimeters, and total dry weight of less than 600 pounds. designed for use on rough ground.

B. "Motorized Golf Cart" means a vehicle commonly known as a golf cart, having at least four wheels, and either an electric or a gas motor.

C. "Utility Task Vehicle" or "UTV" means a motorized vehicle with have four wheels, four-wheel drive, an internal combustion engine with a displacement of no more than 1,200 cc, and a dry weight of 1,800 to 2,600 pounds.

D. "Designated Roadways" and "Designated Routes" mean city streets, avenues and alleys subject to the jurisdiction of the City of Greenbush and not specifically excluded in this ordinance. Designated Roadways do not mean United States, Minnesota or county highways or roads. The excluded streets are as follows: Minnesota or County highways: State Highway 11, State Highway 32, County State Aid Highway 4, 4th Street, Old Highway 11, Minnesota Avenue between 4th St N and Old Highway 11, Main St S between Park Avenue and State Highway 11. The Designated Roadways are as follows: (*list roads*)

See attached map outlining said Designated Roadways

E. "City" means the City of Greenbush.

Subd. 3. Required Permit.

A. No person shall operate a motorized golf cart, ATV or UTV pursuant to this section without first obtaining a valid permit from the City.

B. Permit applications shall be available at the City Clerk's office and shall be in a form approved by resolution of the City Council.

C. Only persons who are eligible to purchase or obtain liability insurance and who meet the permit criteria as set forth in Section D and E of this Section 3, shall be considered eligible to obtain a permit.

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

- (a) The name and address of the applicant.
- (b) Model name, make, and year and number of the motorized golf cart and/or all-terrain vehicle.
- (c) Current driver's license information or reason for not having a current driver's license.
- (d) 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 or all-terrain vehicle.
- (e) Any other information the city may require.

E. At the time of application, the applicant shall also provide the following:

Proof of insurance, which insurance complies with the requirements of Minnesota.

Statutes Section 65B.48, Subdivision 5 and Minnesota Statutes Section 169.045 subd. 8, as the same may be amended from time to time.

F. All permits granted pursuant to this section shall be issued for a period not to exceed one year from the date said permit is granted. The permit may be renewed annually by complying with the requirements of this section.

G. The city council shall set fees for such permits by resolution.

Subd. 4. Conditions.

A. No person shall operate a motorized golf cart, ATV or UTV under this ordinance:

i. Except on designated routes and from sunrise to sunset.

ii. 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 the roadway at five hundred feet (500').

iii. Without displaying the slow-moving vehicle emblem provided for in Minnesota Statutes Section 169.522.

iv. Unless the vehicle is equipped with a rear-view mirror as provided in Minnesota Statutes Section 169.70.

v. With a passenger or passengers unless each such passenger is seated on a seat specifically designed for the transport of passengers.

- vi. On publicly owned land, including school, exclusive city streets, park property, playgrounds, and recreation areas, except where permitted by this chapter.
 - vii. In a manner so as to create a loud, unnecessary, or unusual noise that disturbs, annoys, or interferes with the peace and quiet of other persons.
 - viii. On a public sidewalk or walkway provided or used for pedestrian travel.
 - ix. At a place while under the influence of intoxicating liquor or narcotics or habit-forming drugs.
 - x. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.
 - xi. At any place in a careless, reckless, or negligent manner so as to endanger or be likely to endanger any person or property or to cause injury or damage thereto.
- B. The operator of a motorized golf cart, ATV or UTV under permit on designated routes shall have all the rights and duties applicable to the driver of any other vehicle under the provisions of Minnesota Statutes 169 or other applicable statute or ordinance, except when those provisions cannot reasonably be applied to motorized golf carts and ATVs and except as otherwise specifically provided in Minnesota statute section 169.045, Subdivision 7.

C. The operator of a motorized golf cart, ATV or UTV under permit on designated routes shall have one of the following:

- i. a valid driver's license
- ii. a valid ATV safety certificate in accordance with Minnesota Department of Natural Resources ATV safety training requirements. An ATV Certificate becomes valid at age 12.

Subd. 5. Revocation or Denial of Permit.

A. 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, or has not safely or legally operated, the motorized golf cart, ATV or UTV within the City or if the permittee has violated any of the provisions of this section or Minnesota Statutes Chapter 169. A permittee may appeal any such revocation or denial to the City Council by filing notice of appeal at the city office not later than 14 days after the date of notice of the action to be appealed from.

Subd. 6. Limitation of Liability.

Nothing in this chapter 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, ATV or UTV by a permit holder, the grant of such permit, or the failure by the City to revoke said permit.

Subd. 7. Violation and Penalties.

A. A violation of this Ordinance shall result in an administrative fine of \$60.00 issued by law enforcement.

B. Law enforcement may also determine a violation of this Ordinance is a petty misdemeanor and the permittee is subject to having his or her permit under this section revoked.

PASSED AND ADOPTED THIS 21st DAY OF February, 2023.

Eric Etherington, Mayor

ATTEST:

Lynsi Hansen, Clerk-Treasurer