

CHAPTER 72: RECREATIONAL VEHICLES

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§72.01 PURPOSE AND INTENT.

The purpose of this chapter is to provide reasonable regulations for the use of recreational motor vehicles on public and private property in the city. This chapter is not intended to allow what the Minnesota Statutes prohibit or to prohibit what the Minnesota Statutes expressly allow. It is intended to ensure the public safety and prevent a public nuisance.

§72.02 DEFINITIONS

OPERATE. To ride in or on and control the operation of a recreational vehicle.

OPERATOR. Every person who operates or is in actual physical control of a recreational vehicle.

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

REGISTERED OWNER. The person whose name appears on the recreational vehicle's registration certificate and who holds a license to operate the vehicle.

RIGHT-OF-WAY. The entire strip of land traversed by a highway or street in which the public owns the fee or an easement for roadway purposes.

ROADWAY. That portion of a highway or street improved, designed or ordinarily used for vehicular travel.

STREET. A public thoroughfare, roadway, alley or trail used for motor vehicular traffic which is not an interstate, trunk, county-state aid, or county highway.

§72.03 PERMIT REQUIRED.

The City of Harmony will require all owners of recreational vehicles, except snowmobiles, regulated in this section to obtain a permit to operate said vehicles within the city limits. Persons who obtain a permit as required below are authorized to operate recreational vehicles on designated roadways or portions thereof within the city. Every person operating a recreational vehicle under permit on city streets has all the rights and duties applicable to the driver of any other vehicle under the provisions of M.S. Ch. 169, as it may be amended from time to time, except when these provisions cannot reasonably be applied. Motorized and Segway scooters designed to provide mobility for handicapped persons and electric wheelchairs are exempt from these provisions.

No person shall operate a recreational vehicle, except snowmobiles, within the Harmony city limits without obtaining a permit as provided herein.

(C) Every application for a permit shall be made on a form supplied by the City and shall contain the following information:

(1) The name and address of the applicant;
The applicant's date of birth;
The applicant's Minnesota driver's license number, or reason for not having a current license;
If the applicant is under 16 years of age, the number on his/her required safety certificate;
Type, make, model name, year and VIN of the recreational vehicle;
Name of applicant's insurance company, policy number and expiration date of the policy for the vehicle to be driven;
Signature of the applicant (and parent or guardian if applicant is under 18) and date of application.
Other information as the City may require.

The annual permit fee shall be as set forth in the Ordinance Establishing Fees and Charges adopted pursuant to §30.11 of this code, as that ordinance may be amended from time to time.

Permits shall be granted for a period of one year and may be renewed annually January 1 to December 31.

An individual permit may be revoked by the City Administrator/Clerk-Treasurer or the Chief of Police if there is material misrepresentation made in the permit application; if liability insurance is no longer in effect; for violation of any provisions of this section or of M.S. Ch. 169 as it may be amended from time to time; or if there is evidence that the permittee cannot safely operate the vehicle. The applicant may be required to submit a certificate signed by a physician that the applicant is able to safely operate a recreational vehicle on the roadways. Revocation of an applicant's drivers' license as the result of criminal proceedings is also grounds to revoke a permit.

§72.04 DESIGNATION OF PUBLIC AREAS FOR USE.

The council may designate areas for use of recreational motor vehicles by approval of a majority of the members of the City Council. The areas designated may be changed from time to time by the City Council. Any area designated shall be published in the official newspaper of the city in a conspicuous place after the approval. If an area is changed, the change shall be published in like manner in the official newspaper of the city. An up-to-date map of any designated park areas open for recreational motor vehicle use shall be attached to this section and also kept on file in the office of the City Administrator/Clerk-Treasurer, who shall provide on request a copy of the map together with the applicable rules, regulations and this chapter to each person requesting the information from the city.

Unless designated by the City Council as an area for recreational motor vehicles, the use on city park property shall be unlawful. Further, the use of city parks designated by the City Council shall be in accordance with all of the applicable provisions of this chapter.

Penalty, see §10.99

§72.05 UNATTENDED RECREATIONAL VEHICLES.

Every person leaving a recreational vehicle in a public place shall lock the ignition, remove the key and take the same with him or her.

Penalty, see §10.99

§72.06 APPLICATION OF TRAFFIC ORDINANCES.

The provisions of Ch. 70 of this code shall apply to the operation of recreational vehicles upon streets and highways, except for those relating to required equipment, and those which by their nature have no application.

Penalty, see §10.99

SNOWMOBILES

§72.10 INTENT.

It is the intent of this section to supplement M.S. §§84.81 through 84.91, and M.S. Chapter 169, as these statues may be amended from time to time and Minn. rules parts 6100.5000 through 6100.6000, as these rules may be amended from time to time, with respect to the operation of snowmobiles. These statues and rules are incorporated herein by reference.

§72.11 DEFINITIONS.

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

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.

SNOWMOBILE. A self-propelled vehicle designed for travel on snow or ice, steered by skis or runners.

§72.12 EQUIPMENT.

It is unlawful for any person to operate a snowmobile any place within the limits of 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 cutout, by-pass straight pipe or similar device on a snowmobile motor.

(B) Brakes adequate to control the movement of and to stop and hold the snowmobile under any condition of operation.

(C) A safety or so called deadman throttle in operating condition.

(D) When operated between the hours of one-half hour after sunset to one-half hour before sunrise, or at times 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 under normal atmospheric conditions. The 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 light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions.

(E) Reflective material at least 16 square inches on each side, forward of the handlebars, and on each side and at the rear of any towed device, so as to reflect lights at a 90 degree angle.

Penalty, see §10.99

§72.13 RESTRICTIONS.

(A) It is unlawful for any person to enter, operate or stop a snowmobile within the limits of the city:

(1) On the roadway of any street, except the most right hand lane then available for traffic or as close as practicable to right hand curb or edge of the roadway, except when overtaking and passing another vehicle stopped in the lane or proceeding in the same direction, or in making a left turn. Snowmobiles may also be operated upon the outside slope of trunk, county-state aid and county highways where the highways are so configured within the corporate limits.

(2) On a public sidewalk provided for pedestrian travel.

(3) On boulevards within any public right-of-way.

(4) On private property of another without specific permission of the owner or person in control of the property.

(5) Upon any school grounds, except as permission is expressly obtained from responsible school authorities.

(6) On public property, playgrounds and recreation areas, except areas previously listed or authorized for the use by resolution of the City Council, in which case the use shall be lawful, and snowmobiles may be driven in and out of those areas by the shortest route.

(7) On streets as permitted by this chapter at a speed exceeding 10 miles per hour.

(8) During the hours of 10:30 p.m to 7:00 a.m., Sunday through Thursday, and 1:01 a.m. to 8:00 a.m. on other days, except for making a direct entrance from outside the city limits to the operator's place of residence.

(B) It is unlawful for any person to operate a snowmobile within the limits of the city:

(1) Without registering it with the DNR. Current registration number decal and validation decal must be displayed.

(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 snowmobile; provided, that a disabled snowmobile may be towed to a private residence or a place of business where snowmobiles are repaired without the use of a rigid tow bar.

(3) At any place while under the influence of alcohol or drugs as defined in MS §169.121.

(4) Within 100 feet of any pedestrian, skating rink or sliding area where the operation would conflict with use or endanger other persons or operation.

(5) In any tree nursery or any shrub or tree planting area, in a manner which damages or destroys growing stock or landscaping on private or public property.

(6) To intentionally drive, chase, run over or kill any animal.

Penalty, see §10.99

§72.14 STOPPING AND YIELDING.

No snowmobile shall enter any uncontrolled intersection without making a complete stop. The operator shall then yield the right-of-way to any vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard.

Penalty, see §10.99

§72.15 PERSONS UNDER 18.

(A) No person under 14 years of age shall operate on streets or make a direct crossing of a city street as the operator of a snowmobile. A person 14 years of age or older, but less than 18 years of age, may operate a snowmobile on streets as permitted under this chapter and make a direct crossing of those streets only if he or she has in his or her immediate possession a valid snowmobile safety certificate issued pursuant to M.S. §84.872, as it may be amended from time to time.

(B) Operators or riders under 18 years of age must wear a helmet except when participating in a parade or operating on land belonging to a relative.

(C) It is unlawful for the owner of a snowmobile to permit the snowmobile to be operated contrary to the provision of this section.

Penalty, see §10.99

§72.16 EMERGENCY OPERATION PERMITTED.

Notwithstanding any prohibitions in this chapter, a snowmobile may be operated on a public thoroughfare in an emergency during the period of time and at locations where snow upon the roadway renders travel by automobile impractical.

SPECIAL VEHICLES: MOTORIZED GOLF CARTS, ALL-TERRAIN VEHICLES, UTILITY-TERRAIN VEHICLES AND MINI-TRUCKS AND OTHER RECREATIONAL MOTOR VEHICLES AND ASSISTIVE MOBILITY DEVICES.

§72.30 DEFINITIONS.

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

ALL-TERRAIN VEHICLE (ATV). A motorized, flotation-tired vehicle with at least three, but no more than six low pressure tires, with an engine displacement of less than 800 cubic centimeters and total dry weight of less than 800 pounds. ATVs with a total dry weight of more than 800 pounds are classified as ORVs.

DRIVER OR OPERATOR. The person driving and having physical control over the recreational vehicle *and being the licensee*.

MOTORIZED OR ELECTRIC-ASSISTED BICYCLE. A bicycle, which meets the design and equipment requirements of state law, and is operated by a person with a valid driver's license or a motorized bicycle permit.

MOTORIZED GOLF CART. A gas or electric three or four wheel vehicle commonly used to transport golfers and their golfing equipment while playing the sport of golf, with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters.

MOTORIZED SCOOTER OR GO-PED. A scooter designed for riding in a standing position with two wheels, a vertical handle bar with two handles, and an electric or piston driven motor to propel the scooter.

RECREATIONAL MOTOR 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, trail bike, off-highway motorcycle, as defined by M.S. §84.787, Subd. 7, as it may be amended from time to time, or other all-terrain vehicle as defined by M.S. §84.92, Subd. 8, as it may be amended from time to time, motorized dirt bike, motorized go-cart, hovercraft or motor vehicle licensed for highway operation, which is being used for off-road recreational purposes. Motorized scooters designed to provide mobility for handicapped persons and electric wheelchairs are not considered recreational vehicles.

MINI-TRUCK. As defined in Minn. Stat. § 169.01, 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.

ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE. Any 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. Except as otherwise provided by law, a person operating an electric personal assistive mobility device has the rights and responsibilities of a pedestrian.

ROADWAY. A public roadway is defined as the entire right of way including the paved portion as well as all banks, ditches, shoulders and medians.

§72.31 SPECIAL VEHICLES PROHIBITED WITHOUT PERMIT

(A) No person shall operate a motorized golf cart, all-terrain vehicle, utility-terrain vehicle, mini-truck or other recreational vehicle on streets, alleys, sidewalks or other public property without obtaining a permit as provided herein.

Penalty, see §10.99

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

- (1) The name, date of birth and address of the applicant.
- (2) The nature of the applicant's physical handicap, if any.
- (3) Model name, make, and year and number of the motorized golf cart, all-terrain vehicle, or mini-truck.
- (4) Current driver's license or reason for not having a current license.
- (5) Other information as the city may require.

(C) The annual permit fee shall be as set forth in the Ordinance Establishing Fees and Charges adopted pursuant to §10.98 of this code, as that ordinance may be amended from time to time.

(D) Permits shall be granted for a period of one year and may be renewed annually May 1 to April 30.

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

- (1) The applicant must demonstrate that he or she currently holds or has held a valid Minnesota driver's license to operate a mini-truck.
- (2) 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

on the roadways designated.

- (3) The applicant must provide evidence of insurance in compliance with the provisions of Minnesota Statutes concerning insurance coverage for the golf cart, all-terrain vehicle, or mini-truck.
- (4) The applicant has not had his or her driver's license revoked as the result of criminal proceedings.
- (5) The applicant must be at least fifteen (15) years of age

(F) Motorized golf carts, all-terrain vehicles, and mini-trucks are permitted to operate only on city streets, not state or federal highways, except to cross at designated intersections.

(G) Motorized golf carts and all-terrain vehicles may only be operated on designated roadways from sunrise to sunset. 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.

(H) Motorized golf carts shall display the slow-moving vehicle emblem provided for in Minn. Stat. § 169.045, as it may be amended from time to time, when operated on designated roadways.

(I) Motorized golf carts, all-terrain vehicles, and mini-trucks shall be equipped with a rear-view mirror to provide the driver with adequate vision from behind as required by Minn. Stat. § 169.70.

(J) The operator of a motorized golf cart, all-terrain vehicle, or mini-truck may cross any street or highway intersecting a designated roadway.

(K) Every person operating a motorized golf cart, an all-terrain vehicle, or a mini-truck 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 motorized golf carts or mini-trucks and except as otherwise specifically provided in Minn. Stat. § 169.045(7), as it may be amended from time to time.

(L) 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 motorized golf cart, all-terrain vehicle, or mini-truck on the designated roadways.

(M) The number of occupants on the golf cart, all-terrain vehicle, or mini-truck may not exceed the design occupant load (one person per seat).

§72.32 OPERATION OF ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES.

- (A) An electric personal assistive mobility device may be operated on a bicycle path.

(B) No person may operate an electric personal assistive mobility device on a roadway, sidewalk, or bicycle path at a rate of speed that is not reasonable and prudent under the conditions. Every person operating an electric personal assistive mobility device on a roadway, sidewalk, or bicycle path is responsible for becoming and remaining aware of the actual and potential hazards then existing on the roadway or sidewalk and must use due care in operating the device.

(C) An electric personal assistive mobility device may be operated on a roadway only under the following circumstances:

- (1) While making a direct crossing of a roadway in a marked or unmarked crosswalk.
- (2) Where no sidewalk is available.
- (3) Where a sidewalk is so obstructed as to prevent safe use.
- (4) When so directed by a traffic control device or by a peace officer.
- (5) Temporarily in order to gain access to a motor vehicle.
- (6) As provided in division (7) below by Council resolution.

(D) An electric personal assistive mobility device may not be operated at any time on a roadway with a speed limit of more than 35 miles per hour except to make a direct crossing of the roadway in a marked crosswalk.

(E) An electric personal assistive mobility device may not be operated at any time while carrying more than one person.

(F) The City Council may, by resolution, designate exclusive city streets within its jurisdiction where the operation of electric personal assistive mobility devices is not permitted, provided that any street so designated has a speed limit of more than 35 miles per hour.

(G) A person operating an electric personal assistive mobility device on a sidewalk must yield the right-of-way to pedestrians at all times. A person operating an electric personal assistive mobility device on a bicycle path must yield the right-of-way to bicycles at all times.

(H) An electric personal assistive mobility device may not be operated unless the device bears reflectorized 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.

§72.33 OPERATION OF MOTORIZED OR ELECTRIC-ASSISTED BICYCLES.

To legally operate a motorized or electric-assisted bicycle the operator must have a valid driver's license or a motorized bicycle permit, and said bicycle must conform to one of the definitions for a motorized or electric-assisted vehicle and meet the safety equipment standards required by state law. Persons under the age of 16 are subject to the following restrictions:

- (A) No passengers (although a parent or guardian may ride if the vehicle is equipped with a seat and footrests for a passenger);
- (B) No night driving;
- (C) No driving on any highway marked as an interstate;
- (D) Must wear a helmet; and
- (E) Foot rests for passengers (if designed for passenger(s))

Motorcycle coverage insurance is required for a motorized bicycle, but not for an electric-assisted bicycle. Parking of such vehicles on sidewalks is permitted, but must not impede the normal and reasonable movement of pedestrians or other traffic. Operators are subject to equipment rules and all other driving rules contained within state law that would apply on public streets or highways

§72.34 OPERATION OF MOTORIZED SCOOTER OR GO-PED.

Operation of what is commonly called a Go-ped or motorized scooter is NOT legal for street, highway, or sidewalk use. Use of this type of vehicle is limited to private property ONLY.

§72.35 OPERATION OF MOTORIZED GOLF CARTS

(A) Motorized golf carts shall display the colored slow-moving vehicle emblem provided for in M.S. §169.522, as it may be amended from time to time, when it is operated on designated roadways.

(B) Motorized golf carts shall be equipped with a wing-style rear view mirror to provide the driver with adequate vision from behind.

(C) Persons who obtain a permit as required in §72.03 are authorized to operate motorized golf carts on the city streets of Harmony beyond the boundaries of the golf course, except on federal or state highways unless crossing at designated intersections. The operator of a golf cart may cross any street or highway, provided that he or she stops and uses normal and accepted precautions before crossing. No person shall operate a motorized golf cart on city streets without obtaining a permit, except that gas powered carts may be driven from the golf course to a service station for purposes of replenishing fuel. No permit is required for golf carts used for purposes of driving between golf course and residency.

(D) Every person operating a motorized golf cart under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of M.S. Ch. 169, as it may be amended from time to time, except when these provisions cannot reasonably be applied to motorized golf carts and except as otherwise specifically provided in M.S. §169.045, subd 7, as it may be amended from time to time.

(E) An individual permit may be revoked by the City Administrator/Clerk-Treasurer or the Chief of Police if there is evidence that the permittee cannot safely operate the vehicle. 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.

(F) Motorized golf carts may operate from sunrise to sunset only, shall not be operated when

visibility is impaired by weather, smoke, fog, or other conditions, or when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.

(G) The number of occupants in the golf cart may not exceed the design occupant load.

(H) The owner of a motorized golf cart must submit evidence of insurance in compliance with Minn. Statutes. In the event that the owner is unable to obtain liability insurance in the private market, M.S. §169.045, subd. 8 states that the owner may purchase automobile insurance, including no-fault coverage, from the Minnesota Automobile Assigned Risk Plan at a rate to be determined by the Commissioner of Commerce.

(I) Minnesota Statutes do not require a driver's license to drive a motorized golf cart, but 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 M.S. Ch. 169, as it may be amended from time to time. If the permit holder allows a youth under the age of 16 to operate the motorized golf cart in violation of any traffic law or any city ordinance, the permit may be suspended or revoked.

Penalty, see §10.99.