



Request for Council Action

TO: Mayor and City Council
THROUGH: Tim Murray, City Administrator
FROM: Andy Bohlen, Police Chief
MEETING DATE: May 7, 2019
SUBJECT: Golf Cart Ordinance

Background:

In February 2019, the City Council provided direction to staff to allow expanded use of golf carts throughout the City. Staff worked with attorneys from Kennedy & Graven and attached is the ordinance suggestions for Council to review. The newly drafted ordinance would increase availability to the residents and provide a legal means to access specific municipal roadways through an expanded permit system.

The Council also wanted to ensure that certain guidelines and safety equipment remained part of the revised ordinance. Staff added additional streets to the restricted list that contained heavier traffic flow. Additional suggestions are that persons 16 and over with a valid driver's license be allowed to operate a golf cart that meets all required standards and are insured properly.

The standard permit period would increase from one year to three years and the fee would go from \$50 to \$150. A suggestion for a reduced fee of \$75 for the same period could be made for those that meet the physical disability requirement mentioned within the revised ordinance. Fees would not be contained within the verbiage of the actual ordinance but would rather be reflected in the fee schedule set by Council each year.

Recommendation:

Provide staff direction on proposed Ordinance 2019-5 on expanding permitted golf carts on municipal roadways

Attachments:

- Draft Ordinance 2019-5

CITY OF FARIBAULT
ORDINANCE 2019-5
AN ORDINANCE REPEALING AND REPLACING CHAPTER 15 ARTICLE V
OF THE FARIBAULT CITY CODE

SECTION 1. Chapter 15 Article V of the Faribault City Code is hereby repealed in its entirety.

SECTION 2. A new Chapter 15 Article V of the Faribault City Code is hereby adopted as follows:

ARTICLE V. - OPERATION OF RECREATIONAL MOTOR VEHICLES

Sec. 15-80. - Definitions.

For the purposes of this article, the following words, terms and phrases shall have the meanings respectively ascribed to them in this section:

Physically disabled person means a person who fits the definition of physically disabled under Minnesota Statute section 169.345, subdivision 2.

Mini truck means a motor vehicle that has four (4) wheels; is propelled by an electric motor with a rated power of seven thousand five hundred (7,500) watts or less or an internal combustion engine with a piston displacement capacity of six hundred sixty (660) cubic centimeters or less; has a total dry weight of nine hundred (900) to two thousand two hundred (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 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:

- (1) A neighborhood electric vehicle or a medium-speed electric vehicle; or
- (2) A motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, Title 49, section 571.500 and successor requirements.

Recreational motor vehicle 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, as defined by Minnesota Statute Section 84.81; off-highway motorcycles, as defined by Minnesota Statute Section 84.787; off-highway vehicles, as defined by Minnesota Statute Section 84.771; all-terrain vehicles, as defined by Minnesota Statute Section 84.92; off-road vehicles, as defined by Minnesota Statute Section 84.797; utility task vehicles (UTVs),

hovercraft, and motor vehicles licensed for highway operation used for off-road recreational purposes.

Motorized golf cart means a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes that is not capable of exceeding speeds of 20 miles per hour.

Sec. 15-81. - Operation on private/public property; penalties.

- (a) Pursuant to Minnesota Statutes 471.985 and 375.51, no person shall enter and operate a recreational motor vehicle on lands not his/her own, except where otherwise allowed by law, without written permission of the owner, occupant, or lessee of such lands. Any person who claims such permission must have the written permission in his/her possession. Written permission may be given by a posted notice of any kind or any description the owner, occupant, or lessee prefers, so long as it specifies the type(s) of vehicles allowed.
- (b) The operation of recreational motor vehicles on publicly-owned property and roadways shall be governed by state statute and related regulations, as applicable to the specific type of vehicle being operated.
- (c) Any person violating the provisions of this article is guilty of a misdemeanor.

Sec. 15-82. - Motorized golf carts and mini trucks.

- (a) *Operation of motorized golf carts; mini trucks.* Any resident of Faribault ages sixteen (16) and over who possesses a valid driver's license may operate a motorized golf cart or mini truck on the public roads of the city pursuant to the requirements and limitations of this section. Physically disabled persons without a valid driver's license may obtain a permit to operate a motorized golf cart by providing a physician's statement as described in subsection (c).
- (b) *Permit; insurance required.* No person shall operate a motorized golf cart or mini truck without first obtaining a permit as provided herein. The permit must be affixed to rear of the vehicle in a location that is clearly visible at all times during operation of the vehicle. Proof of valid insurance must be carried at all times during operation of the vehicle.
- (c) *Application.* Every application for a permit shall be made on the form supplied by the city and shall contain the following information:
 - (1) The name, address, and phone number of the applicant;
 - (2) Proof of ownership of the vehicle;
 - (3) The make, model, and serial number of the vehicle;

- (4) Proof of insurance complying with Minnesota Statute section 65B.48, subdivision 5;
- (5) Proof the applicant possesses a valid driver's license; and
- (6) If the applicant is applying as a physically disabled person without a valid driver's license, a physician's statement complying with the provisions of Minnesota Statute section 169.345, subdivision 2, stating the nature of the applicant's disability and that the applicant is capable of safely operating a motorized golf cart.

(d) *Renewal; permit fee.* Permits granted pursuant to this section shall be valid for a period of three year and must be renewed by April 1 of the year in which the permit expires. The fee for a permit shall be set by the city council as part of the annual fee resolution. Physically disabled applicants are qualified for a reduced fee motorized golf cart permit upon provision of the physician's statement as described in subsection (c)(6), above. If a permit is issued or renewed after April 1 of a given year, payment of the entire permit fee is still required.

(e) *Required emblems and equipment.* Motorized golf carts and mini trucks shall display the slow moving vehicle emblem provided for in Minnesota Statutes section 169.522 when operated on public roadways. Motorized golf carts and mini trucks shall be equipped with the following:

- (1) At least two (2) head lamps;
- (2) At least two (2) tail lamps;
- (3) Front and rear turn-signal lamps;
- (4) An exterior mirror mounted on the driver's side of the vehicle and either (i) an exterior mirror mounted on the passenger's side of the vehicle; or (ii) an interior rearview mirror;
- (5) A windshield;
- (6) A seat belt for the driver and front passenger;
- (7) A parking brake; and
- (8) A horn to alert other vehicle and pedestrian traffic.

(e) *Passengers.* No motorized golf cart or mini truck may be operated in excess of the vehicle's manufacturer-designated maximum capacity and at no time shall the number of passengers on a vehicle exceed the number of seatbelts. Motorized golf carts shall not be operated on public roads with passengers in rearward facing seats, even if those seats are designated as passenger seats by the vehicle's manufacturer.

(f) *Time of operation; inclement weather.* Motorized golf carts may only be operated from sunrise to sunset between the dates of April 1 through November 1. Motorized golf carts 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 or vehicles on the roadway at a distance of five hundred (500) feet.

(g) *Restricted roadways.* Motorized golf carts and mini truck are prohibited from operating on any county, state or federal streets or roads. Motorized golf carts are further prohibited from operating on the following city streets:

Division Street from 1st Avenue NE, west to Highway 48;

Willow Street from Division Street south to City limits;

1st Avenue NE from 4th Street NE north to 7th Street NE;

2nd Avenue NW, from the intersection of 4th Street NW north to 20th Street NW;

7th Street NE/NW from 1st Avenue NE west to Highway 21;

MN Hwy 3 (20th St NW from Lyndale Avenue east to 2nd Ave NW);

MN Hwy 3 (2nd Avenue NW from 20th Street NW to northern city limits);

MN Hwy 21 (Lyndale Avenue from MN60 north to northern city limits);

MN Hwy 60/4th St NW/NE (from western city limits to 1st Avenue NE);

MN Hwy 60/1st Avenue NE (from 4th Street NE south to Division Street E/1st Street NE);

MN Hwy 60/1st Street NE (from 1st Avenue NE/Willow St to eastern city limits);

MN Hwy 298 (6th Avenue SE from 1st Street NE south to Circle Drive);

MN Hwy 299 (6th Avenue NE from 1st Street NE/MN60 north to/including Olof Hanson Drive);

7th Street NW/Co. Road 11 (from Roberds Lake Boulevard east to Lyndale Avenue/MN21);

7th Street NW/NE (from Lyndale Avenue/MN21 east to 1st Avenue NE);

9th Avenue SW/Co. Road 18 (from 17th Street SW south to southern city limits);

Andrews Drive./Co. Road 25 (from St. Paul Avenue to eastern city limits);

Bagley Avenue/ Co. Road 46 (from MN21/Lyndale Avenue north to northern city limits);

Glynview Trail/Co. Road 19 (from Willow Street east to city limits);

Lyndale Avenue S/Co. Road 48 (from MN60 south to southern city limits);
Park Avenue NW/Co. Road 76 (from 30th St NW north to northern city limits);
St. Paul Avenue/Co. Road 20 (from Andrews Drive to eastern city limits);
Western Avenue S/Co. Road 93 (from 4th Street NW south to southern city limits);
30th Street NW – TH 21 (Lyndale Avenue) to Park Avenue NW; and
Western Avenue – Old 4th Street to T.H. 60.

- (h) *Intersections.* The operator of a motorized golf cart or mini truck may cross any restricted roadway incidental to lawful operation and travel.
- (i) *Application of traffic laws.* Every person operating a motorized golf cart or mini truck pursuant to this section has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minnesota Statutes Chapter 169, except when these provisions cannot reasonably be applied to motorized golf carts and except as otherwise specifically provided in subdivision (h) below.
- (j) *Applicable state laws.* The provisions in Minnesota Statutes Chapter 171 shall apply to operators of mini trucks and motorized golf carts, except for permitted operators who are physically disabled persons without a valid driver's license. Except for the requirements of Minnesota Statutes section 169.70, the provisions of Chapter 169 relating to equipment on vehicles are inapplicable to motorized golf carts operating pursuant to this section.
- (k) *Revocation of permit.* A permit may be revoked at any time by the chief of police if there is evidence that the permittee cannot safely operate the vehicle in accordance with the requirements of this section. A revocation by the chief of police may be reviewed by appeal to the city council.
- (l) *Lane occupancy.* Mini trucks and motorized golf carts shall be operated, at all times, as close to the right hand curb as safely possible, except when the driver is making a left hand turn.
- (m) *Sidewalks, trails.* No person shall operate a motorized golf cart or mini truck on a public sidewalk or trail unless otherwise authorized.

Editor's note— Ord. No. 2010-14, § 1, adopted Dec. 28, 2010, changed the title of § 15-82 from "Motorized golf carts" to "Motorized golf carts and mini trucks." This historical notation has been preserved for reference purposes.

Secs. 15-83—15-89. - Reserved.

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SECTION 3. This ordinance shall take effect and be in force after its passage and publication in accordance with Section 3.05 of the City Charter.

First Reading: _____, 2019

Second Reading: _____, 2019

Publication Date: _____, 2019

Faribault City Council

Kevin F. Voracek, Mayor

Attest:

Timothy C. Murray, City Administrator