

ORDINANCE NO. 61
ORDINANCE PERTAINING TO THE USE OF MOTORIZED GOLF
CARTS AND FOUR-WHEEL ALL-TERRAIN VEHICLES WITHIN
THE CITY OF UNDERWOOD

THE CITY COUNCIL OF THE CITY OF UNDERWOOD DOES HEREBY ORDAIN:

The Underwood City Code shall be amended to add the following Ordinance:

Definitions: Except as otherwise defined in the City Code, words and terms defined in Minnesota Statutes, Chapter 169 shall be applicable to this ordinance.

MOTORIZED GOLF CART AND FOUR-WHEEL ALL-TERRAIN VEHICLE USE.

Subd. 1. Driving, Operating or Control of Motorized Golf Carts and Four-Wheel All-Terrain Vehicles.

Physically disabled persons, as defined in Minnesota statutes section 169.345, Subd. 2, may operate motorized golf carts and four-wheel all-terrain vehicles on the roadways or shoulders of roadways under the jurisdiction of the City of Underwood, except such roadways prohibited by resolution of the City Council and only in strict compliance with this section. The provisions in Minnesota Statutes Chapter 171 are not applicable to persons operating motorized golf carts or four wheel all terrain vehicles under permit on designated roadways pursuant to this section. Except for the requirements of Minnesota Statutes section 169.70, the provisions of Chapter 169 relating to equipment on vehicles is not applicable to motorized golf carts and four wheel all terrain vehicles.

Subd. 2. Permits.

No motorized golf cart or four-wheel all-terrain vehicle shall be driven, operated or controlled on the roadways or shoulders of roadways under the jurisdiction of the City of Underwood unless the driver, operator or person in control has in his or her actual physical possession a valid, current and unrevoked permit of the City of Underwood for such driving, operation or control of a motorized golf cart or four-wheel all-terrain vehicle.

Subd. 3. Permit Issuance.

Permits shall be issued by the City Clerk/Administrator, or authorized designee upon compliance with this section.

- 1) Individual Permit.

Application for an individual permit shall include the full name and address of the applicant, the applicant's date of birth, the state of issuance of the applicant's current driver's license, if any, the number of such driver's license, the date of application, the nature of the applicant's physical disability, the applicant's signature, the name of applicant's insurance company, the number of applicant's insurance policy, and the date of expiration of insurance coverage for such vehicle. As a condition to obtaining an individual permit, the City Clerk/Administrator shall require an applicant to submit a certificate signed by a physician pursuant to Minn. Stat. 169.345 Subd. 2(a), and to the effect that the applicant is able to safely operate a motorized golf cart or four-wheel all-terrain vehicle on the roadways or shoulders of roadways under the jurisdiction of the City of Underwood.

2. Revocation of Permit.

An individual permit may be revoked by the City Clerk/Administrator if there is any material misrepresentation made in the permit application, liability insurance is no longer in effect, if there is evidence that the permitted cannot safely operate the motorized golf cart or four wheeler or if the disability for which the permit was originally granted no longer applies. The City Clerk/Administrator shall issue a notice of revocation of a permit in writing and either hand deliver the notice to the permit holder or send the notice by certified mail to the address on the application. The revocation shall be in effect immediately after personal service or three days after mailing.

3. Permit Expiration and Renewal.

Permits shall be issued for a period of one year only, but may be renewed for another one year period upon providing the information requested for the initial issuance of a permit.

Subd. 4. Fees.

An individual permit applicant shall pay a fee as set forth by the city council on an annual basis, which fee shall be refunded if the permit applied for is not granted.

Subd. 5. Unlawful Acts.

No motorized golf cart or four-wheel all-terrain vehicle shall be driven, operated or controlled on the roadways or shoulders of roadways under the jurisdiction of the City of Underwood.

- 1) Between sunset and sunrise;
- 2) In inclement weather, when visibility is reduced or impaired by weather, smoke, fog or other conditions or at any time when there is insufficient light clearly to see a person or vehicle on a roadway at a distance of 500 feet;

- 3) Without prominent display of a slow-moving vehicle emblem provided in Minnesota Statutes, Section 169.522, on the rear of such vehicles;
- 4) Without a rearview mirror as required under Minnesota statute section 169.70.
- 5) Without liability insurance coverage;
- 6) Contrary to any traffic law of the City of Underwood or the State of Minnesota, except those which cannot reasonably be applied to motorized golf carts or four-wheel all-terrain vehicle, or are not applied, by reason of Minnesota Statutes Section 169.045, Subdivision 7;
- 7) Contrary to any provisions of the City Code;
- 8) By a person under age sixteen (16).
- 1) Without a valid permit issued pursuant to this ordinance.

Subd. 6 Application of Traffic laws.

Every person operating a motorized golf cart or four wheel all terrain vehicle under permit on designated roadways 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 be reasonably be applied to motorized golf carts or four wheel all terrain vehicles and except as otherwise specifically provided in this ordinance.

Subd. 7 Operation.

Motorized golf carts and four wheel all terrain vehicles shall be operated at all times as close to the right hand curb as possible, except when the driver is making a left hand turn.

Subd. 8 Sidewalks Trails.

No person shall operate a motorized golf cart or four wheel all terrain vehicle on a public sidewalk or trail unless otherwise authorized.

Subd. 9 Designated Cart ways.

Motorized golf carts or four-wheel all-terrain vehicles may be operated on all streets and roads within the limits of the City of Underwood except upon State Highways.

Subd. 10 Penalty.

Any person violating any provisions of this ordinance shall be guilty of a petty misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars.

Subd. 11 Four-wheel all-terrain vehicle defined.

For purposes of this ordinance, a four-wheel all-terrain vehicle is a motorized rotation-tired vehicle with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds.

Subd. 12 Effective Date.

This ordinance shall take effect and be in full force from and after its passage and publication.

Passed and adopted by the City of Underwood, Minnesota this 6TH day of May 2002.

Mayor, Bert Kinzler

ATTEST:

City Clerk, Linda Lurfald

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