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MEMORANDUM

TO: Otsego Public Safety Commission

FROM: D. Daniel Licht, AICP

DATE: 3 November 2020

RE: Otsego – City Code; Recreational and Special Use Vehicles

TPC FILE: 101.01

BACKGROUND

Title 7, Chapter 3 of the City Code establishes regulations for operation of snowmobiles and recreational vehicles within the City. These regulations were developed by a City Council advisory committee and adopted by the City Council on 12 October 1994 as part of the City Code. These regulations were developed primarily for the purpose of allowing snowmobile use upon public streets and rights-of-way within the City. The regulations also provide for limitations on use of all-terrain vehicles except on private property within designated areas generally corresponding to the Sewer Districts and residential neighborhoods within the Long Range Urban Service Areas established by the Comprehensive Plan. Use of all-terrain vehicles in rural areas is allowed on public streets and rights-of-way in accordance with DNR Rules.

The Public Safety Commission heard from Otsego residents at their meeting on 13 October 2020 interested in being able to use a motorized golf cart upon within their neighborhood. The Wright County Sheriff's Office has frequently encountered people riding recreational vehicles and golf carts upon City streets. Under Minnesota Statutes 169.045 approved in 1997, operation of all-terrain vehicles, utility task vehicles, or motorized golf carts is prohibited unless the City adopts an ordinance specifically allowing their use and establishing requirements for a permit to be issued by the City and any other regulations it deems appropriate that do not conflict with the Statute.

Exhibits:

- Vehicle examples
- Minnesota Statutes 169.045

ANALYSIS

Definitions. The following definitions describe the vehicles to which the discussion of recreational and special vehicles under the City Code applies:

- **ALL TERRAIN VEHICLE:** A motorized vehicle, includes a class 1 all-terrain vehicle defined by Minnesota Statutes 84.92, Subd. 9 and class 2 all-terrain vehicle defined by Minnesota Statutes 84.92 Subd. 10, but not including a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes, with
 - A. Not less than three (3), but not more than six (6) low pressure or non-pneumatic tires;
 - B. A total dry weight of two thousand (2,000) pounds or less; and
 - C. A total width from outside of tire rim to outside of tire rim that is sixty five (65) inches or less.
- **MINI TRUCK:** A motor vehicle that has four 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 vehicle safety standards required of motor vehicles in the Code of Federal Regulations, title 49, sections 571.101 to 571.404, and successor requirements, but not including a neighborhood electric vehicle or a medium-speed electric vehicle, or a motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements.
- **MOTORIZED GOLF CART:** A vehicle with an electric or gasoline powered engine typically used for carrying golfers and their equipment over a golf course or used to carry passengers, but not including a utility task vehicle or neighborhood electric vehicle.
- **NEIGHBORHOOD ELECTRICT VEHICLE:** an electrically powered motor vehicle that has three (3) or four (4) wheels, and has a speed attainable in one mile of at least twenty (20) miles per hour but not more than twenty-five (25) miles per hour on a paved level surface.

- **OFF-HIGHWAY MOTORCYCLE:** A motorized, off-highway vehicle traveling on two (2) wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control, not including a vehicle that is registered under Minnesota Statutes 168 for highway use if it is also used for off-highway operation on trails or unimproved terrain.
- **UTILITY TASK VEHICLE:** A side-by-side, four-wheel drive, off-road vehicle that has four (4) wheels, is propelled by an internal combustion engine with a piston displacement capacity of one thousand two hundred (1,200) cubic centimeters or less, and has a total dry weight of one thousand eight hundred (1,800) but less than two thousand six hundred (2,600) pounds.

Special Vehicles. Minnesota Statutes 169.045 provides that the City may adopt an ordinance to allow the operation of motorized golf carts, as well as all-terrain vehicles, utility task vehicles, or mini trucks (defined as “special vehicles”) on designated roadways or portions thereof under its jurisdiction. Authorization to operate these vehicles requires the City to establish a permitting process and operation is subject to the following requirements established by Minnesota Statute:

- Vehicles may only be operated on City streets between sunrise and sunset.
- A slow-moving vehicle emblem must be displayed.
- Operation is subject to Minnesota traffic laws except where not practical for these vehicles.
- The operator must have vehicle insurance the same as required for passenger vehicles.

Neighborhood Electric Vehicles. Minnesota Statutes 169.244 allows for the operation of neighborhood and medium-speed electric vehicles to operate upon all City streets without further action by the City.

Off-Road Motorcycles. Minnesota Statutes requires motorcycles to registration in accordance with Minnesota Statutes 168 to be operated upon public streets and highways. There is no exception to allow for a local ordinance permitting operation of off-road motorcycles to otherwise operate on City streets.

City Ordinance. Upon direction from the Public Safety Commission, City staff will draft an ordinance amending Section 7-3-4 of the City Code to allow for operation of special vehicles and/or motorized golf carts upon City streets. The scope of the provisions for the City regulation of special vehicles and motorized golf carts on City streets would include:

- No modification of the current regulations allowing:
 - Use of recreational vehicles upon private property by the owner or with the owner's written permission.
 - Operation of all-terrain vehicles in rural areas within public rights-of-way in accordance with Minnesota Rules.

- Operation of all-terrain vehicles, utility task vehicles, and motorized golf carts would be allowed upon all city streets subject to the following conditions:
 - Hours of operation are to be between sunrise and sunset consistent with Minnesota Statutes.
 - An administrative permit issued by the City is required:
 - The owner of the recreational vehicle must apply for the permit.
 - The vehicle must be licensed as required by the State.
 - The owner must provide proof of insurance.
 - The permit would be valid for the maximum 3 years allowed by Minnesota Statutes.
 - Any fee for the permit would be established by the City Council.
 - A permit may be revoked by the City Council at any time upon recommendation from the Wright County Sheriff's Office for failure to operate the vehicle on City streets in a safe manner.
 - Operators must possess a valid Minnesota Class D drivers license.
 - Operation upon City streets is subject to all traffic laws; operators may cross a Wright County roadway intersecting a City street.
 - Operation on public boulevards, sidewalks, or trails is prohibited.
 - Equipment required by Statute specifies only a slow-moving vehicle emblem. The City may consider requiring additional equipment at its discretion, including:
 - At least 1 headlight and 1 taillight turn signals.

- Exterior and/or interior mirrors.
- A windshield.
- Seatbelts.
- Parking brake.

The scope of a draft ordinance is for review and discussion by the Public Safety Commission regarding allowance of all-terrain vehicles, special vehicles, and motorized golf carts to be operated upon City streets. The Public Safety Commission may also wish to consider seeking additional public input regarding use of recreational vehicles upon City streets by posting information in the City website, social media, and including information in an upcoming edition of the Otsego View.

Surrounding Cities. City staff reviewed the city codes for surrounding cities regarding allowance of special vehicles upon those cities' streets. The cities of Big Lake and Ramsey allow for ATVs, utility task vehicles, and motorized golf carts to be operated on City streets. Monticello allows for Class 2 ATVs (and snowmobiles) to be operated on City streets in a manner consistent with Otsego's current snowmobile regulations. Albertville, Dayton, Elk River, Rogers, and St. Michael allow only ATVs to be operated on public rights-of-way and only to the extent allowed by DNR rules.

CONCLUSION

The Public Safety Commission agenda for their meeting on 10 November 2020 is to include discussion of allowing all-terrain vehicles, utility task vehicles, and motorized golf carts upon city streets. City staff is seeking direction at this time whether to proceed with drafting a proposed ordinance for further review by the Public Safety Commission at a future meeting. Future actions for the Public Safety Commission to consider include a recommendation to the City Council adopt a draft ordinance in final form or a recommendation to take no action. The City Council would consider the recommendation of the Public Safety Commission following a 10-day notice period of a proposed ordinance on the City website.

- c. Adam Flaherty, City Administrator/Finance Director
David Kendall, City Attorney
Lt. Jason Kramber, WCSO
Sgt. Peter Walker, WCSO

ALL-TERRAIN VEHICLES



**Class 1 ATV
(ATV)**



OHM



**Class 2 ATV
(UTV)**

MOTORIZED GOLF CARTS



NEIGHBORHOOD ELECTRIC VEHICLES

