

SUMMARY OF ESTABLISHMENT OF SPECIAL VEHICLE REGULATION ORDINANCE

AN ORDINANCE AUTHORIZING AND REGULATING SPECIAL VEHICLES WITHIN THE COUNTY OF TRAVERSE, STATE OF MINNESOTA

In order to regulate the use of all-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts on County roadways within Traverse County, the Traverse County Board of Commissioners hereby enacts this Ordinance regulating the use of these special vehicles within Traverse County. It gives authority to the Traverse County Sheriff's Office to enforce all provisions of this Ordinance.

The Ordinance covers the following topics: Definition of terms; when a county permit is required and how to obtain a permit; required conditions for operation of the special vehicles; how a permit may be suspended or revoked, and the right to appeal; penalty provisions for violation of the Ordinance; severability of the provisions of the Ordinance; and repeal of the Mini-Truck Ordinance passed on April 20, 2010.

A violation of this Ordinance shall be deemed a petty misdemeanor, although if a violation is committed under a circumstance that could endanger life or property it shall be deemed a misdemeanor and punishable by a fine not to exceed one thousand dollars (\$1000) and/or by imprisonment of not to exceed ninety (90) days.

This summary is being published in compliance with Minnesota Statutes Section 331A.01, Subdivision 10 and Minnesota Statutes Section 375.51, Subdivision 3. A copy of the full text of this Ordinance shall be available at regular office hours of the office of the Traverse County Coordinator. The full text of this Ordinance will be in full force and effect from and after its passage and publication according to law.

PASSED AND ADOPTED this 4th day of May, 2021.

TRAVERSE COUNTY COMMISSIONERS

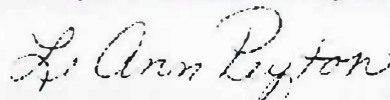

Chairman

ATTEST:


Lisa Zahl, County Coordinator

152198

Office of County Recorder
Traverse County, Minnesota
I hereby certify that the within instrument
was filed May 14, 2021 at 11:15 AM
LeAnn Peyton, Traverse County Recorder

By: 

County Recorder

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COUNTY ADMINISTRATOR'S OFFICE

**COUNTY OF TRAVERSE
STATE OF MINNESOTA**

**AN ORDINANCE RELATING TO AND REGULATING THE USE AND
OPERATION OF ALL-TERRAIN VEHICLES, MINI-TRUCKS, UTILITY
TASK VEHICLES, OR MOTORIZED GOLF CARTS ON TRAVERSE
COUNTY HIGHWAYS AND ROADWAYS UNDER ITS JURISDICTION.**

EFFECTIVE: May 11, 2021

THE COUNTY BOARD OF COMMISSIONER OF TRAVERSE COUNTY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. PURPOSE, INTENT, AND AUTHORITY

This Ordinance is adopted pursuant to authorization and policies contained in Minnesota Statutes, Section 169.045, as amended, to allow special vehicle use on roadways under the jurisdiction of Traverse County. This Ordinance is adopted for the purposes of:

1. Authorizing the operation of all-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts on County roadways within Traverse County, Minnesota.
2. Providing an economic benefit to Traverse County citizens by allowing operation of all-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts on County roadways to access our cities, businesses, golf courses, parks, and trails.
3. Restricting all-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts from operating in ditch bottoms and along right-of-way slopes to ensure the integrity of the roadway system from excessive erosion and to allow the mowing and baling of grass along County roadways.

SECTION 2. DEFINITIONS

For the purpose of this Ordinance, certain words and phrases are defined as follows:

All-Terrain Vehicle (ATV) – An all-terrain vehicle has the meaning given in Minnesota Statutes, Section 84.92.

Board – The Traverse County Board of County Commissioners.

City – The cities of Traverse County, Minnesota.

County – Traverse County, Minnesota.

Mini-Truck – A mini-truck has the meaning given in Minnesota Statutes, Section 169.011, Subd. 40a.

Motorized Golf Cart – A self-propelled motor vehicle designed and manufactured for sporting and recreational purposes that typically is not capable of exceeding speeds of 20 miles per hour.

Public Road Right-of-Way – The entire right-of-way of a public road, including the traveled portions, banks, ditches, shoulders, and medians of a roadway, which is not privately owned.

Traverse County Special Vehicle Use Permit – A permit issued by Traverse County allowing the use of all-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts on County roadways in Traverse County.

Roadway – That portion of a County road or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder.

Utility Task Vehicle (UTV) – A utility task vehicle means a side-by-side, four-wheel drive, off-road vehicle that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds.

SECTION 3. COUNTY PERMIT REQUIRED

1. Unless otherwise legally permitted, no person shall operate all-terrain vehicles, mini-trucks, utility task vehicles, or motorized golf carts on County roadways, or portions thereof, without a valid, current, unrevoked Traverse County Special Vehicle Use Permit.
2. **Permit Application.** Application for a Traverse County Special Vehicle Use Permit must be made on a form supplied by the County and must contain the following information for each all-terrain vehicle, mini-truck, utility task vehicle, or motorized golf cart permitted:
 - A. Date of application.
 - B. The name, address, phone number, and email address of the registered vehicle owner.
 - C. Year, make, model, and DNR registration, vehicle identification, or serial number of the vehicle to be permitted.
 - D. Proof of vehicle insurance.
 - E. Such other information as the Board may require.
3. **Permit Fees.** The Board may establish an annual fee for a permit. The Board may also establish a lifetime permit fee for a Special Vehicle.
4. **Term of Permit.** Permits are valid for calendar year beginning January 1 and ending December 31. Vehicle owners are responsible for renewal of the Traverse County Special Vehicle Use Permit every year, unless they have obtained a lifetime permit for a Special Vehicle. Lifetimes permits for a Special Vehicle will be valid until such vehicle is sold or no longer in use.
5. **Proof of Permit.** Permit decals shall be located on a plate that is clearly visible on the back of the all-terrain vehicle, mini-truck, utility task vehicle, or motorized golf cart.
6. **Exemptions.** The provisions of this Ordinance shall not apply to the use of all-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts used by governmental

agencies in the pursuit of their duties or during emergency use and during an organized and approved parade.

7. Coordinator and Authorized Permit Agents. The Traverse County Sheriff's Office shall coordinate the issuance and itself may issue Traverse County Special Vehicle Use Permits. The Traverse County Sheriff's Office may set up a network of authorized issuers of Traverse County Special Vehicle Use Permits as it sees fit.

SECTION 4. OPERATING CONDITIONS

1. Operation on County Roadways. All-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts may be operated on all County roadways, with an approved Traverse County Special Vehicle Use Permit. Operation on federal and state highways and roads and streets under the jurisdiction of a city or township is not permitted by this Ordinance.
2. Regulations for Operation. All-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts must be operated on the extreme right-hand side of a County roadway, making left turns across the roadway only if it is safe to do so under prevailing conditions. All-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts shall not be operated on the inside slope, ditch bottom, or outside slope of the right-of-way, unless such operation is otherwise permitted by appropriate signage.
3. Times of Operation. All-terrain vehicles, utility task vehicles, and motorized golf carts may only be operated on County roadways from sunrise to sunset unless equipped with original equipment headlamps, tail lamps, and rear-facing brake lamps. They 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 and vehicles on the roadway at a distance of 500 feet. Mini-trucks are not restricted from operation at night or in inclement weather.
4. Required Equipment on Mini-Trucks. A mini-truck may be operated on County roadways if it is equipped with the following:
 - A. At least two headlamps.
 - B. At least two tail lamps.
 - C. Front and rear turn-signal lamps.
 - D. 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 mirror.

- E. A windshield.
 - F. A seatbelt for the driver and front passenger.
 - G. A parking brake.
5. Required Equipment on Motorized Golf Carts. Motorized golf carts shall display the slow-moving vehicle emblem provided for in Minnesota Statutes, Chapter 169.522, and shall be equipped with a rear-view mirror when operated on County roadways.
 6. Required Equipment on All-Terrain and Utility Task Vehicles. All-terrain and utility task vehicles shall be equipped with a rear-view mirror when operated on County roadways.
 7. Crossing Intersecting Highways. The operator of an all-terrain vehicle, mini-truck, utility task vehicle, or motorized golf cart, who has attained a Traverse County Special Vehicle Use Permit, may cross any street or highway intersecting a County roadway.
 8. Application of Traffic Laws. Every person operating an all-terrain vehicle, mini-truck, utility task vehicle, or motorized golf cart, who has attained a Traverse County Special Vehicle Use Permit to operate on County roadways, has all the rights and duties applicable to the driver of any other vehicle under Minnesota Statutes, except when those provisions cannot reasonably be applied to all-terrain vehicles, mini-trucks, utility task vehicles, or motorized golf carts and except as otherwise specifically provided in Minnesota Statutes, Section 169.045, Subd. 7.
 9. Application of Other Laws. Every person operating an all-terrain vehicle, mini-truck, utility task vehicle, and motorized golf cart who has attained a Traverse County Special Vehicle Use Permit to operate on County roadways shall abide by the provisions of all Minnesota statutes and rules governing the vehicle's use and operation requirements including but not limited to Minnesota Statutes, Chapter 169 (Traffic Regulations), and Minnesota Statutes, Chapter 84.92 – 84.929 (All-Terrain Vehicles), as amended.
 10. Non-Application of Certain Laws. The provisions of Minnesota Statutes, Chapter 171, are applicable to persons operating mini trucks but are not applicable to persons operating all-terrain vehicles, utility task vehicles, or motorized golf carts, who have attained a Traverse County Special Vehicle Use Permit to operate on County roadways, pursuant to this Ordinance. Except for the requirements of Minnesota Statutes, Section 169.70, the provisions of this chapter relating to equipment on vehicles are not applicable to all-terrain vehicles, utility task vehicles, or motorized golf carts operating, under permit, on County roadways.
 11. Speed Limit. No person shall drive or operate an all-terrain vehicle, mini-truck, utility task vehicle, or motorized golf cart on a County roadway at a speed in excess of 40 miles per hour or at a speed greater than is reasonable and prudent under the conditions.

12. Insurance. Owners and operators of all-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts shall be able to furnish evidence of insurance coverage pursuant to Minnesota Statutes, Section 65B.48, as amended.
13. Age and License Requirements. Every person operating a utility task vehicle or motorized golf cart on a County roadway must be at least 16 years of age and have successfully completed a state-approved drivers' education course or a certified all-terrain vehicle safety training course. A driver's license is required to operate an all-terrain vehicle or mini-truck on a County roadway.

SECTION 5. PERMIT SUSPENSION

Traverse County Special Vehicle Use Permits may be temporarily suspended by the Board, County Sheriff, or County Engineer if it is determined that use of County roadways by all-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts is a threat to public safety.

SECTION 6. PERMIT REVOCATION

A Traverse County Special Vehicle Use Permit may be revoked for any of the following reasons:

1. Violation of any requirements of this Ordinance.
2. There is evidence that the permittee cannot safely operate the all-terrain vehicle, mini-truck, utility task vehicle, or motorized golf cart on a County roadway.
3. Violation of any Minnesota laws or rules governing vehicle use and operation requirements including but not limited to provisions of Minnesota Statutes, Chapter 171, Chapter 169, or Chapter 84.92 – 84.929, as amended.

SECTION 7. RIGHT TO APPEAL

A permit applicant or permittee may appeal, in writing within five business days, the denial or revocation of a Traverse County Special Vehicle Use Permit to the Board. The Board shall conduct a hearing within 30 days after the written appeal has been filed. The appealing party shall receive notice of the time and place of the meeting at least 10 days prior to the public hearing. The Board shall determine whether there is sufficient cause to support the denial or revocation of the Traverse County Special Vehicle Use Permit. The Board shall make written findings in support of its decision immediately following the hearing, which shall be final.

SECTION 8. VIOLATION / PENALTY

Violations of any requirements of this Ordinance are petty misdemeanors, except that violations committed under circumstances that endanger or are likely to endanger persons or property are a misdemeanor.

SECTION 9. SEVERABILITY

The provisions of this Ordinance shall be severable. Should any section, paragraph; sentence, clauses, phrase or portion of this regulation be declared invalid for any reason, the remainder of said regulation shall not be affected and the remainder of the provision shall remain in full force and effect.

SECTION 10. REPEAL

This Ordinance repeals and replaces in its entirety the Mini-Truck Ordinance passed on April 20, 2010.

SECTION 11. EFFECTIVE DATE

The regulations contained in this Ordinance shall become effective from and after their publication according to law.

Passed by the Board of Commissioner of Traverse County, Minnesota the 4th day of May, 2021.

OFFICIAL COPY AVAILABLE IN THE TRAVERSE COUNTY ADMINISTRATOR'S OFFICE.