

ORDINANCE NO. 26 4th Series

AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA ADDING CODE CHAPTER SEVENTY-EIGHT (78) ENTITLED “UTILITY TASK VEHICLES”; AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER TEN (10) AND SECTION 10.99 WHICH AMONG OTHER THINGS CONTAINS PENALTY PROVISIONS.

THE CITY COUNCIL OF EAST GRAND FORKS, MINNESOTA ORDAINS:

Section 1. That Chapter Seventy-eight of the City Code is hereby revised to read as follows

§ 78.01 UTILITY TASK VEHICLES

- (A) (1) No person shall operate a UTV on the streets, alleys, sidewalks or other public property without obtaining a permit as provided herein.
- (2) Every application for a permit shall be made on a form supplied by the city and shall contain all of the following information:
 - (a) The name and address of the applicant.
 - (b) Model name, make, and year and number of the UTV.
 - (c) Current driver’s license.
 - (d) Other information as the city may require.

Upon investigation of the applicant the Chief of Police or his designee shall enter upon the application his or her recommendation for approval or disapproval. Should it be for disapproval he or she shall also enter on the application the reasons for disapproval. The application shall be returned to the City Administrator who shall have the authority to approve of the application without presentation to the City Council. If approved a permit shall be issued by the City Clerk. If disapproved the applicant may appeal to the City Council. If not appealed within 14 calendar days the disapproval is final. The Council in its sole discretion and for any reasonable cause may refuse to grant any application.

- (3) The permit fee shall be as set forth by resolution of Council may be amended from time to time. The fee schedule will be available in the City Administrator’s Office.
- (4) Permits shall be granted for a period of three (3) years and may be renewed.
- (5) No permit shall be granted or renewed unless the following conditions are met:
 - (a) The applicant must demonstrate that he or she currently holds a valid driver’s license.

- (b) The applicant must provide evidence of insurance in compliance with the provisions of Minnesota Statutes concerning insurance coverage for UTV. If a person cannot get insurance on the UTV, the state insurance plan offers coverage.
 - (c) The UTV passing an inspection by the EGF Police that it complies with the requirements of this chapter.
 - (d) The applicant has not had his or her driver's license revoked as the result of criminal proceedings.
- (6) 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 utility task vehicle on the designated roadways.

§ 78.02 OPERATION RULES

- (1) UTV are permitted to operate only on city streets, not state or federal highways, except to cross at designated intersections.
- (2) Prohibited areas of operation.
 - (a) Business Highway 2 (Business 2 begins at the Sorlie bridge continues to the intersection of 4th Street N.W. and Demers Ave., N.W., then proceeds south and continues until it intersects with US Highway 2 at the City limits);
 - (b) Gateway Drive (US Highway 2); and
 - (c) Highway 220 North from 10th street north to the city limits.

See attached Map

- (3) It is unlawful to operate a UTV, except as otherwise provided by this article, within the City or East Grand Forks, as follows:
 - (a) It is unlawful to operate on the private property of another without permission.
 - (b) On public sidewalks, walkways or trails provided or used for pedestrian travel.
 - (c) On or across any publicly owned lands, including but not limited to dikes, levee, parks, school grounds, recreational areas and playgrounds, unless a permit has been obtained from the proper authorities, or unless such areas have been specifically designated for such use, nor shall UTV park on such areas unless a permit has been obtained from the proper public authorities.
 - (d) At any place under the influence of intoxicating liquor or controlled substances in violation of Minn.Stat. Chapter 169A Driving While Impaired.
 - (e) In such a manner as to create or cause unnecessary engine noise or tire squeal, or that causes tires to spin or slide upon acceleration or stopping of said vehicle, or that cause the vehicle to unnecessarily turn abruptly or sway from side to side,

or to operate said vehicle in such a careless, reckless or negligent manner as to endanger the person or property of another or to cause injury or damage thereto.

- (f) In any cemetery.
- (g) On any golf course, with the exception of any vehicle authorized by the management of the golf course for business or event purposes.
- (h) Unless equipped with a standard muffler or mufflers which are properly attached, and which will reduce noise of operation of such UTV to a noise level which shall not be a disturbance to residents or violate the city noise ordinance and no person shall use a muffler cut-out, by-pass or similar device.
- (i) Without a valid policy of liability insurance in effect providing coverage for liability arising out of the operation of the ownership, maintenance or use of the UTV in an amount not less that required by still state law
- (j) When operating the UTV upon any street, avenue, roadway, alley or otherwise designated route, such operation shall be at the right side of the street and as near to the curb or shoulder thereof as practicable under the circumstances and in the same direction as the direction of other motor vehicles traveling on the roadway.
- (k) The operator of the UTV shall yield the right of way to all oncoming and crossing traffic which constitutes an immediate hazard;
- (l) Drivers of a UTV must yield to pedestrians whether or not a crosswalk is at the point the pedestrian is crossing or about to cross the street, avenue, roadway or alley
- (m) The driver of a UTV may cross any street or highway intersecting a designated roadway. When crossing the crossing must be made at approximately a ninety (90) degree angle to the direction of the roadway and at a place where there is no obstruction preventing a safe crossing.
- (n) The number of occupants on the UTV may not exceed the design occupant load.
- (o) It is unlawful to operate a UTV unless the Driver is at least 16 years of age with a valid Minnesota driver's license.
- (p) No persons shall operate a UTV faster than the posted speed limit.
- (q) Every person operating a UTV 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.
- (r) The provisions of this section shall not apply to the use of any UTV by or at the direction of a law enforcement agency.

§ 78.03 HOURS OF OPERATION

- (1) A UTV may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, taillights, and rear-facing brake lights. 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.

§ 78.04 EQUIPMENT REQUIRED

- (A) (1) All UTV's operated within the City limits shall have the following equipment: at least one (1) review mirror to satisfy Minn. Stat. § 169.70, an operating horn, a speedometer, an odometer, rear brake lights, headlamps, turn signals, operating mufflers, at least 4 rubber tires, steering wheel, brakes in good working order, seatbelts, and full windshield.

- (B) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DRIVER. The person driving and having physical control over the utility task vehicle and being the licensee.

UTILITY TASK VEHICLE. (UTV) As defined by Minn. Stat. § 169.045, subd. 1 (3), 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.

- (C) Authorized city staff may operate city owned equipment, UTV or other vehicles without obtaining a permit within the city on city streets, sidewalks, trails, rights-of-way, and public property including the greenway when conducting city business.

Passed by the City Council of East Grand Forks, Minnesota this 18th day of June, 2019.

Voting Aye: DeMers, Helms, Riopelle, Johnson, and Olstad.

Voting Nay: Vetter.

Absent: Grassel.

ATTEST:

City Administrator, David Murphy

Council President, Mark Olstad

I hereby approve the foregoing Ordinance this 18th day of June, 2019.

Mayor, Steven Gander