



MEMO

Date: August 30, 2012

To: Alexandria Town Board

From: Ben Oleson, Hometown Planning
Zoning Administrator, Alexandria Township

Re: Zoning Administrator's Report

I will be unable to attend your September 5 meeting due to a previously scheduled meeting, but can be available by phone up until about 6:20pm if there is a need to call me. Otherwise, I will plan to be available for your September 17 meeting should you choose to table discussion of any of the below items.

The Planning Commission held its regular meeting on Monday August 27, 2012. There were no public hearings. The Planning Commission held some initial discussions on beginning the update of the Comprehensive Plan by reviewing the existing plan for obvious areas where updates might be needed.

There were also two other issues that need to be brought before the Town Board for discussion. These are:

1. An update on issues related to Jack's Family Recycling Center.
2. A description of the process necessary to create an ordinance relating to the regulation of golf carts being driven on public roads, should the Township Board choose to move in that direction.

Comprehensive Plan Discussion

Most of the discussion regarding the Comprehensive Plan was tabled until the September 24 meeting so that a full Planning Commission could be in attendance. However, the Commission did begin some very preliminary discussions. The primary question that came out of the discussion was for the Town Board. **The Commission requested that the Town Board review the current vision statement contained within the Comprehensive Plan and determine if there was any major shifts in policy or circumstances that should be reflected in any updates to that statement.** The Commission wanted to ensure it knew of any such issues before it delved too deeply into the plan.

Ordinance Adoption Process

Staff’s understanding is that the Township has been, or soon will be, asked to develop an ordinance that would allow for the use of golf carts on public roads in certain areas of the Township. I was asked to present a general outline of the process necessary to create such an ordinance, should the Board choose to move in that direction.

The ordinance adoption process for such an ordinance is outline in MN Statutes 368.01 for an urban town. The attached document outlines the process for adopting a general welfare ordinance, which is outlined as:

GENERAL WELFARE ORDINANCE IN URBAN TOWNS

(Minn. Stat. § 368.01, subd. 19)

1. Seek professional assistance as needed to assist the town to draft findings of fact, the ordinance, and a summary to be used for publication.
2. At a board meeting the board passes a motion to adopt the ordinance and approve the summary language for publication. The chair and the clerk sign the ordinance.
3. Publish the ordinance title and summary once in a qualified newspaper of general circulation in the town along with a notice of where the full ordinance can be obtained. The decision to publish a summary instead of the full text must be approved by a 2/3 vote of a three-member board or a 4/5 vote of a five-member board. Minn. Stat. § 368.01, subd. 21.
4. The whole ordinance must be posted in the community library. If none, in another public place the town names. Minn. Stat. § 368.01, subd. 21.
5. The ordinance must be recorded in the town’s ordinance book within 20 days after publication along with proof of publication. Minn. Stat. § 368.01, subd. 21.
6. The ordinance must be recorded in the county law library. Minn. Stat. § 415.021.

See Attachment A for documents related to this item:

1. MN Statute 169.045 relating to regulation of golf carts on public roads
2. MN Association of Townships document outlining ordinance adoption procedures
3. Example golf cart ordinance from Pipestone, MN.
4. Example golf cart ordinance from Madison, MN.

Jack’s Family Recycling

The Township has received a written complaint regarding Jack’s Family Recycling Center and its handling of certain electronic materials. A copy of that complaint and the photos submitted with the complaint is attached.

See Attachment B for the relevant attachments.

If you have questions or concerns on the items in this report or any other issues, please do not hesitate to contact us. You can reach me by email at oleson@hometownplanning.com or by phone at 888-439-9793.

ATTACHMENT A

169.045 SPECIAL VEHICLE USE ON ROADWAY.

Subdivision 1. **Designation of roadway, permit.** The governing body of any county, home rule charter or statutory city, or town may by ordinance authorize the operation of motorized golf carts, all-terrain vehicles, utility task vehicles, or mini trucks, on designated roadways or portions thereof under its jurisdiction. Authorization to operate a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck is by permit only. For purposes of this section:

(1) an all-terrain vehicle has the meaning given in section 84.92;

(2) a mini truck has the meaning given in section 169.011, subdivision 40a; and

(3) 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.

Subd. 2. **Ordinance.** The ordinance shall designate the roadways, prescribe the form of the application for the permit, require evidence of insurance complying with the provisions of section 65B.48, subdivision 5 and may prescribe conditions, not inconsistent with the provisions of this section, under which a permit may be granted. Permits may be granted for a period not to exceed three years, and may be renewed. A permit may be revoked at any time if there is evidence that the permittee cannot safely operate the motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck on the designated roadways. The ordinance may require, as a condition to obtaining a permit, that the applicant submit a certificate signed by a physician that the applicant is able to safely operate a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck on the roadways designated.

Subd. 3. **Times of operation.** Motorized golf carts, all-terrain vehicles, and utility task vehicles 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, except during emergency conditions as provided in the ordinance, or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient visibility to clearly see persons and vehicles on the roadway at a distance of 500 feet.

Subd. 4. **Slow-moving vehicle emblem.** Motorized golf carts shall display the slow-moving vehicle emblem provided for in section 169.522, when operated on designated roadways.

Subd. 5. **Crossing intersecting highways.** The operator, under permit, of a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck may cross any street or highway intersecting a designated roadway.

Subd. 6. **Application of traffic laws.** Every person operating a motorized golf cart, all-terrain vehicle, utility task vehicle, or mini truck under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of this chapter, except when those provisions cannot reasonably be applied to motorized golf carts, all-terrain vehicles, utility task vehicles, or mini trucks and except as otherwise specifically provided in subdivision 7.

Subd. 7. **Nonapplication of certain laws.** The provisions of chapter 171 are applicable to persons operating mini trucks, but are not applicable to persons operating motorized golf carts, utility task vehicles, or all-terrain vehicles under permit on designated roadways pursuant to this section. Except for the requirements of section 169.70, the provisions of this chapter relating

to equipment on vehicles are not applicable to motorized golf carts, utility task vehicles, or all-terrain vehicles operating, under permit, on designated roadways.

Subd. 7a. **Required equipment on mini trucks.** Notwithstanding sections 169.48 to 169.68, or any other law, a mini truck may be operated under permit on designated roadways if it is equipped with:

- (1) at least two headlamps;
- (2) at least two taillamps;
- (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 mirror;
- (5) a windshield;
- (6) a seat belt for the driver and front passenger; and
- (7) a parking brake.

Subd. 8. **Insurance.** In the event persons operating a motorized golf cart, utility task vehicle, all-terrain vehicle, or mini truck under this section cannot obtain liability insurance in the private market, that person may purchase automobile insurance, including no-fault coverage, from the Minnesota Automobile Insurance Plan under sections 65B.01 to 65B.12, at a rate to be determined by the commissioner of commerce.

History: 1982 c 549 s 2; 1986 c 452 s 19; 1Sp1986 c 3 art 2 s 12; 1987 c 337 s 121,122; 1997 c 159 art 2 s 18; 2009 c 158 s 3,10; 2011 c 107 s 89-95

NOTE: The amendments to this section by Laws 2009, chapter 158, section 3, expire July 31, 2012. Laws 2009, chapter 158, section 10.

ISSUES TO CONSIDER BEFORE ADOPTING AN ORDINANCE

1. Identify the specific problem to be addressed.
 - a. A particular activity or occurrence can be perceived as a problem for a variety of reasons and what bothers one person about it may not bother another. A proposed gravel crushing operation or concentrated animal feeding operation can raise concerns over property values, noise, safety, truck traffic, damage to roads, dust, smell, lights, etc. Be careful not to move forward based just on a general complaint that “we don’t want it.” Push through the generalities to require those raising the concerns to be specific. The same is true for concerns raised by the board. Some issues carry with them the fear of the unknown, but attempting to move forward with an ordinance to address those unknowns will not be effective and will likely end in a lawsuit.
2. Identify the options that will effectively resolve the problem.
 - a. Sometimes the obvious response to a problem is not the best or most effective way to resolve the problem. Before undertaking any option, look to other communities to see if they have had this problem and how they have resolved it. Find out what the other community has learned from the experience and see if what they did can be improved upon.
3. If the board is considering adopting an ordinance to address the problem, identify the specific statutory authority for the particular ordinance.
 - a. Statutory authority for an ordinance ranges from clear and direct to vague and indirect. Do not proceed on the basis of vague authority without the advise of an attorney. See APPENDIX B for a partial list of statutory authority.
 - b. Distinguishing between zoning and non-zoning ordinances can also create some confusion when identifying statutory authority. Does an ordinance regulating fences fall under a town’s general welfare authority or its zoning authority? Those desperate to avoid enforcement of an ordinance have attacked the local government’s choice of authority for the ordinance.
4. Examine the feasibility of the town adopting the ordinance.
 - a. What are the procedural requirements for adopting the ordinance?
 - b. What professionals (planner, attorney, engineer, etc.) are needed to help the town draft and adopt the ordinance? What are the associated professional fees the town will incur?

- c. How will the ordinance be administered?
 - i. Will applications or permits be involved?
 - ii. Will inspections be required?
 - iii. Will the town impose fees?
 - iv. Will the town have to hire someone to administer the ordinance?
 - v. Does the town have sufficient administrative infrastructure to implement the administrative requirements of the ordinance in a timely manner?

- d. How will the ordinance be enforced?
 - i. Once a town adopts an ordinance, it becomes obligated to enforce it.
 - ii. Will the town have to hire someone to enforce the ordinance?
 - iii. Will compliance inspections be required? If so, who will perform the inspections and what are the legal limitations associated with such inspections (e.g., fourth amendment search and seizure issues)? Are there safety issues for the inspector the town will need to consider?
 - iv. Will the town seek civil or criminal enforcement of the ordinance? What are the practical considerations associated with both?
 - v. Who will enforcement action likely be taken against (owner, renter, someone else?).
 - vi. What are likely enforcement costs including professional and court costs?
 - vii. To what extent could the town legally recover its costs and how likely is it that the town will actually recoup its costs?
 - viii. Can the board determine how often it will likely need to take enforcement action?

- e. Are the board and town electors committed to following through with the ordinance if it is adopted?
 - i. Elector authority may be needed to adopt the ordinance. Once an ordinance is adopted, the electors control the amount of funds that will be levied (or not) to maintain the administration and enforcement of the ordinance.

5. If adopting the ordinance is found to be feasible and effective to address the problem, obtain professional assistance to draft and/or review the ordinance and any supporting documents (applications, permits, enforcement letters, etc.).
6. Initiate the applicable ordinance adoption procedure.
7. Develop findings of fact to support the decision to adopt the ordinance.
8. Adopt the ordinance and approve summary language for publication.
9. Complete the ordinance formalities and file copies of the ordinance as required.
10. Periodically review and update the ordinance as needed.

ORDINANCE ADOPTION PROCEDURES AND FORMALITIES

The following provides a summary of the steps involved for a rural town to adopt an ordinance under Minn. Stat. § 365.10, subd. 17, for an urban town to adopt an ordinance under Minn. Stat. § 368.01, subd. 19, and for towns that are engaged in planning and zoning to adopt a zoning ordinance under Minn. Stat. § 462.357. **NOTE:** (1) A different procedure will apply for ordinances adopted under other authorizing statutes; (2) These procedures assume the board wishes to publish only a summary of the ordinance rather than the full text; (3) The zoning ordinance procedure assumes the town already has a planning commission and a comprehensive plan; and (4) Always seek professional assistance when adopting an ordinance.

GENERAL WELFARE ORDINANCE IN RURAL TOWNS (Minn. Stat. § 365.10, subd. 17)	GENERAL WELFARE ORDINANCE IN URBAN TOWNS (Minn. Stat. § 368.01, subd. 19)	ZONING ORDINANCE (Minn. Stat. § 462.357)
<ol style="list-style-type: none"> 1. Town Board passes a motion to seek elector authority for a particular ordinance. 2. At an annual or special town meeting a motion is made and passed to authorize the board to adopt an ordinance to regulate a particular issue. 3. Seek professional assistance as needed to draft the findings of fact, ordinance and a summary to be used for publication. <u>See</u> Minn. Stat. § 365.125, subd. 2. 4. At a board meeting, pass a motion to adopt the ordinance and approve the summary language for publication. The decision to publish a summary instead of the full text must be approved by a 2/3 vote of a three-member board or a 4/5 vote of a five-member board. The chair and the clerk sign the ordinance. Minn. Stat. § 365.125, subd. 3. 5. Publish the ordinance title and summary once in a qualified newspaper of general circulation in the town along with a notice of 	<ol style="list-style-type: none"> 1. Seek professional assistance as needed to assist the town to draft findings of fact, the ordinance, and a summary to be used for publication. 2. At a board meeting the board passes a motion to adopt the ordinance and approve the summary language for publication. The chair and the clerk sign the ordinance. 3. Publish the ordinance title and summary once in a qualified newspaper of general circulation in the town along with a notice of where the full ordinance can be obtained. The decision to publish a summary instead of the full text must be approved by a 2/3 vote of a three-member board or a 4/5 vote of a five-member board. Minn. Stat. § 368.01, subd. 21. 4. The whole ordinance must be posted in the community library. If none, in another public place the town names. Minn. Stat. § 368.01, subd. 21. 5. The ordinance must be recorded in 	<ol style="list-style-type: none"> 1. Planning commission develops a proposed ordinance. Minn. Stat. § 462.357, subd. 2(a). 2. A public hearing must be held before an ordinance is adopted. Minn. Stat. § 462.357, subd. 3. Often this hearing is held by the planning commission, but can be held by the town board. 3. Notice of the time, place, and purpose of the hearing must be published in the official newspaper for at least 10 days before the hearing. If changing district boundaries, mailed notice may also be required. Minn. Stat. § 462.357, subd. 3. 4. Hearing is conducted. 5. Planning commission places the proposed ordinance in final form along with findings of fact and forwards it to the town board with a recommendation for its adoption. Minn. Stat. § 462.357, subd. 2(a).

<p>where the full ordinance can be obtained. Minn. Stat. § 365.125, subd. 2 & 3.</p> <p>6. The whole ordinance must be posted in the community library. If none, in another public place the town names. Minn. Stat. § 365.125, subd. 4.</p> <p>7. The ordinance must be recorded in the town's ordinance book within 20 days after publication along with proof of publication. Minn. Stat. § 365.125, subd. 5.</p> <p>8. The ordinance must be recorded in the county law library. Minn. Stat. § 415.021.</p>	<p>the town's ordinance book within 20 days after publication along with proof of publication. Minn. Stat. § 368.01, subd. 21.</p> <p>6. The ordinance must be recorded in the county law library. Minn. Stat. § 415.021.</p>	<p>6. Town board reviews and adopts the ordinance along with summary language for publication. If any changes were made, findings of fact to support them are developed and adopted. If the ordinance changes a district classification, a 2/3 vote is required. Minn. Stat. § 462.357, subd. 2(b). The decision to publish a summary instead of the full text must be approved by a 2/3 vote of a three-member board or a 4/5 vote of a five-member board. Minn. Stat. §§ 365.125, subd. 3; 368.01, subd. 21.</p> <p>7. Publish the ordinance title and summary once in a qualified newspaper of general circulation in the town along with a notice of where the full ordinance can be obtained. Minn. Stat. §§ 365.125, subd. 2; 368.01, subd. 21.</p> <p>8. A certified copy of the ordinance must be filed with the county recorder. Minn. Stat. § 394.33, subd. 1.</p> <p>9. The whole ordinance must be posted in the community library. If none, in another public place the town names. Minn. Stat. §§ 365.125, subd. 4; 368.01, subd. 21.</p> <p>10. The ordinance must be recorded in the town's ordinance book within 20 days after publication along with proof of publication. Minn. Stat. §§ 365.125, subd. 5; 368.01, subd. 21.</p> <p>11. The ordinance must be recorded in the county law library. Minn. Stat. § 415.021.</p>
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SEC. 8.31. MOTORIZED GOLF CARTS.

Subd. 1. Authorization. Motorized golf carts may be operated on streets within the City only pursuant to a permit issued under this ordinance. This ordinance does not authorize operation of motorized golf carts on State trunk highways within the City.

Subd. 2. Motorized Golf Cart. A self-propelled vehicle of the type and style designated for and commonly used by patrons of golf courses, but excluding vehicles commonly known as all terrain vehicles or ATV's.

Subd. 3. Permit. A permit issued under this ordinance by the City of Pipestone and allowing the operation of a motorized golf cart on designated streets in the City.

Subd. 4. Permit Required. Motorized golf carts shall not be operated on streets in the City except by an authorized operator pursuant to a valid permit.

A. Only those persons identified on a permit as an authorized operator may operate a motorized golf cart pursuant to that permit.

Subd. 5. Permit Application Forms. Application forms for permits shall be obtained from the City Office.

Subd. 6. Applications. All applications shall include at least the following information and documentation:

- A. Date of application;
- B. Full name and address of applicant;
- C. Full name and address of the owner of the motorized golf cart, if other than the applicant;
- D. Make, model and identification or serial number of the motorized golf cart to be operated under the permit;
- E. A satisfactory certificate of insurance complying with Minnesota Statutes 65B.48, Subd, 5, and with any other insurance required by Minnesota Statutes 169.045;
- F. Home and work telephone numbers;
- G. Minnesota driver's license number;
- H. Date of birth;
- I. Such additional and further information as the City may deem necessary or appropriate to process the application.

Subd. 7. Granting or Denying Permits.

A. The City Council shall grant a permit to applicants satisfactorily providing all information required by this ordinance, The City Council may deny an application in whole or in part for any of the following reasons:

- a. The application or documentation submitted in support of the application is incomplete or contains false, fraudulent

- or deceptive statements,
- b. An authorized operator for the applicant does not have a valid Minnesota driver's license,
 - c. Required information or documentation by any other applicable law has not been filed with the City Administrator.
 - d. The applicant does not qualify for a permit.

B. The City Council may issue a permit subject to special conditions if the Council determines that the applicant does not otherwise qualify for a permit, or that such conditions are necessary to ensure public safety.

C. For public safety considerations, a permit issued under this ordinance also may:

- a. Limit operation of the motorized golf cart to use only on specific streets within the group of designated streets.
- b. Prohibit operation on certain designated streets during specified times, dates or occasions.

Subd. 8. Possession of a Permit. A person operating a motorized golf cart by permit must have the permit in possession when operating the motorized golf cart and shall produce it upon demand of a peace officer.

Subd. 9. Operations Regulations. Motorized golf carts operated pursuant to permit must follow these regulations:

- a. The operator must have and possess a current, valid, Minnesota driver's license.
- b. The motorized golf cart may be operated only between sunrise and sunset.
- c. Motorized carts shall be permitted on City streets between April 1 and October 31 of each year.
- d. The motorized golf cart shall not be operated during inclement weather; nor when visibility is impaired by weather, smoke, fog, or other conditions; nor at any time when there is insufficient light to clearly see persons in vehicles on the roadway at a distance of 500 feet.
- e. The motorized golf cart must display the slow moving vehicle emblem provided by Minnesota Traffic Regulations.
- f. All rights and duties applicable to the driver of any other vehicle shall apply to the motorized golf cart, except those provisions that cannot reasonably be applied to the motorized golf cart.
- g. The motorized golf cart shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the vehicle.

- h.** Motorized golf carts shall not be operated on public sidewalks.

Subd. 10. Revocation, Suspension or Modification of Permits.

A. Permits may be revoked or temporarily suspended by the City if there is evidence that:

- a.** The application for permit contained false or misleading information or documentation;
- b.** A violation has occurred as provided in Subd. 10B below, regardless of whether the violation resulted in a conviction;
- c.** The insurance required by law for a permit is no longer in effect.

B. The City may administratively revoke, modify or temporarily suspend a permit if there is evidence satisfactory to the City that a permit holder or authorized operator has committed, permitted or otherwise allowed:

- a.** A violation of any provision of this ordinance;
- b.** Conduct constituting a misdemeanor, gross misdemeanor or felony offense involving the operation of a vehicle;
- c.** A violation of any special conditions of the permit.

C. A revocation, modification or suspension shall be effective when notice of the same is personally delivered to the permit holder, or mailed by first class mail to the permit holder at the address stated in the permit application.

Subd. 11. Appeal. Any authorized operator or institution may appeal a revocation, modification or suspension to the City Council by written notice of appeal submitted to the City Administrator within fifteen (15) days of the effective date of the revocation, modification or suspension.

Subd. 12. Permit Term. Permits shall be issued for a period not to exceed one (1) year and may be annually reviewed. The Administrator may use a short form application for renewal of existing permits.

Subd. 13. Separability. Should any provision of this ordinance be declared by a court to be invalid, such decision shall not affect the validity of any part of the ordinance.

Subd. 14. Violations. Violations of this ordinance are a petty misdemeanor, except that violations committed under circumstances that endanger, or that are likely to endanger, persons or property are misdemeanors. A violation of this ordinance within twelve (12) months of a conviction for a prior violation of this ordinance is a misdemeanor.

Source: City Code
Effective Date: 09-15-2005

Golf Cart Ordinance (Ord. 363)

CITY OF MADISON, MINNESOTA
ORDINANCE NO. 363

AN ORDINANCE AUTHORIZING AND REGULATING THE USE OF GOLF CARTS IN THE CITY OF MADISON, MINNESOTA

The City of Madison, Minnesota, does hereby ordain:

Section 1. **Definitions.** Except as otherwise defined in the Code, words and terms defined in M.S. § 169, as they may be amended time to time, shall be applicable to this subchapter.

Section 2. **Driving, Operating, or Control of Golf Carts.** Motorized golf carts may be driven, operated or controlled on the roadways or shoulders of roadways under the jurisdiction of the city except such roadways prohibited by resolution of the City Council and only in strict compliance with this section.

Section 3. **Permits.** No motorized golf cart shall be driven, operated or controlled on the roadways or shoulders of roadways under the jurisdiction of the city 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 for such driving, operation or control of a motorized golf cart.

Section 4. **Permit Issuance.** Permits shall be issued by the City Clerk, or authorized designee, upon compliance with this section.

(A) *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, the number of the driver's license; the date of application and 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 the vehicle. The applicant shall supply proof of insurance for the vehicle such as a copy of an insurance certificate or a written statement from an insurance agent confirming the vehicle has general liability insurance. As a condition to obtaining an individual permit, the City Clerk may require an applicant to submit a certificate signed by a physician to the effect that the applicant is able to safely operate a motorized golf cart on the roadways or shoulders under the jurisdiction of the city. Copies of insurance and licenses shall be current or the application will be denied.

(B) *Revocation of permit.* An individual permit may be revoked by the City Clerk if there is any material misrepresentation made in the permit application, liability insurance is no longer in effect, or if there is evidence that the permittee cannot safely operate the motorized golf cart. An individual permit shall also be revoked if the permittee no longer has a valid driver's license. The City Clerk 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 3 days after the mailing.

(C) *Permit expiration.* Permits shall be issued for the lifetime of the owner unless revoked for reasons stated in subsection B. If the ownership of the vehicle changes, the new owner shall be required to apply for a license.

Section 5. **Fees.** An individual applicant shall pay a fee of \$25.00 that may be adjusted from time to time by council resolution. If the application is not approved the fee is not refundable.

Section 6. **Unlawful Acts.** The occasional use of golf carts is permitted for general transportation, but in any event no motorized golf cart shall be driven, operated or controlled:

(A) Between sunset and sunrise;

(B) Without the use of lights if equipped with the same;

(C) 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;

(D) Without prominent display of a slow-moving vehicle emblem provided in M.S. § 169.522, as it may be amended from time to time, on the rear of such vehicle;

(E) Without liability insurance coverage;

(F) Contrary to any traffic law of the city or the state, except those which cannot reasonably be applied to motorized golf carts or are not applied, by reason of M.S. § 169.045 subd. 7, as it may be amended from time to time.

(G) Contrary to any provisions of this Code;

(H) By any person under the age of 16;

(I) By any person who does not have a valid driver's license;

(J) Unless it is for properly sanctioned parades.

(K) In any area where vehicle traffic is prohibited, blockaded, or presents hazardous travel.

Section 7. **Designated Ways.** Motorized golf carts may be operated on all streets and roads within the limits of the city except State Highways designated as Highway 75 and Highway 40 and County Highways designated as Highway 19 and Municipal Highway 204.

Section 8. **Violation.** Any person violating any provision of this subchapter shall be guilty of a petty misdemeanor, and upon conviction thereof, shall be punished by a fine as set forth in § 10.99. Penalty, see § 10.99.

Section 9. **Repeal.** This ordinance repeals Ordinance 346.

Section 10. **Effective Date.** This ordinance becomes effective upon passage and publication according to law.

Passed by the council this 12th day of October, 2009.

By /s/ Greg Thole
Mayor

Attest: /s/ Kathleen Weber
City Clerk

Ayes: Volk, Thole, Meyer, Zahrbock, and Gail.

Nayes: None.

Date of Publication: The Western Guard on October 21, 2009

ATTACHMENT B