



CITY OF MARSHALL
Work Session
A g e n d a
Tuesday, August 08, 2023 at 4:00 PM
344 W. Main St., City Hall

CALL TO ORDER

NEW BUSINESS

1. UTV Permit Ordinance Discussion
2. Enterprise Vehicle Leasing

ADJOURNMENT

Disclaimer: These agendas have been prepared to provide information regarding an upcoming meeting of the Common Council of the City of Marshall. This document does not claim to be complete and is subject to change.

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Steven Anderson
Meeting Date:	Tuesday, August 8, 2023
Category:	NEW BUSINESS
Type:	INFO
Subject:	UTV Permit Ordinance Discussion
Background Information:	<p>Staff would like discussion on allowable vehicles, renewals, and the application process.</p> <p>The Legislative and Ordinance Committee met on June 27, 2023 and after great discussion voted to bring this item to a work session for further council discussion.</p>
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	Provide feedback and direction on the ordinance.

ARTICLE 74-VII SNOWMOBILES, ALL-TERRAIN VEHICLES AND MOTORIZED GOLF CARTS

DIVISION 74-VII-1 GENERALLY (RESERVED)

DIVISION 74-VII-2 (RESERVED)

DIVISION 74-VII-3 SPECIAL VEHICLES: MOTORIZED GOLF CARTS, ALL-TERRAIN VEHICLES, MINI-TRUCKS AND UTILITY TASK VEHICLES

State law reference(s)—Snowmobiles, Minn. Stat. § 84.81 et seq.; all-terrain vehicles, Minn. Stat. § 84.92 et seq.; motorized golf carts, Minn. Stat. § 169.045; local regulation of snowmobiles, Minn. Stat. § 84.87, subd. 3; local regulation of all-terrain vehicles, Minn. Stat. § 84.928, subd. 6.

DIVISION 74-VII-1 GENERALLY (RESERVED)

DIVISION 74-VII-2 (RESERVED)

Editor's note(s)—Ord. No. 617 2nd series, § 1, adopted December 22, 2009, repealed the former division 2, §§ 74-211—74-222 in its entirety, which pertained to snowmobiles and all-terrain vehicles, and derived from the Code of 1976, §§ 8.20(1), (2), (5), (6)(D, E, G—I), (7)(A, B), (8), and (10).

DIVISION 74-VII-3 SPECIAL VEHICLES: MOTORIZED GOLF CARTS, ALL-TERRAIN VEHICLES, MINI-TRUCKS AND UTILITY TASK VEHICLES

Subdivision 74-VII-3-I In General

Subdivision 74-VII-3-II Permit For Class 2 All-Terrain Vehicles And Utility Task Vehicles

Editor's note(s)—Ord. No. 679 2nd series, § 1, adopted September 24, 2013, amended the title of div. 3 to read as set out herein. Previously div. 3 was titled motorized golf carts and four-wheel all-terrain vehicles.

State law reference(s)—Motorized golf carts and four-wheel all-terrain vehicles, Minn. Stat. § 169.045.

Subdivision 74-VII-3-I In General

Section 74-241 Definitions

Section 74-242, 74-243 (Reserved)

Section 74-241 Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

All-terrain vehicles or vehicle means a motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 1,000 cubic centimeters and includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle.

Class 1 all-terrain vehicle means an all-terrain vehicle that has a total dry weight of less than 1,000 pounds.

Class 2 all-terrain vehicle means an all-terrain vehicle that has a total dry weight of 1,000 to 1,800 pounds.

Boulevard means that portion of the street or highway between the roadway and private property.

Driver means the person driving and having physical control over the class 2 all-terrain vehicle or the utility task vehicle and being a licensee.

Motorized golf cart means any passenger conveyance being driven with four wheels with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds.

Mini-truck means as defined in Minn. Stat. § 169.011, subd. 40(a), a motor vehicle that has four wheels, is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less; has a total dry weight of 900 to 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. A mini-truck does not include: a neighborhood electric vehicle or a medium-speed electric vehicle as defined by section 73.11; or a motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, section 571.500, as it may be amended from time to time.

Operate means to ride in or on, and control the operation of a class 2 all-terrain vehicle or utility task vehicle.

Operator means every person who operates, or is in actual physical control of a class 2 all-terrain vehicle or utility task vehicle.

Public property means property that may be used by the public, subject to reasonable regulation by a governmental body. Such property includes but is not limited to city parks, city parking lots and public school parking lots and grounds.

Roadway means that portion of a street or highway improved, designed or ordinarily used for vehicular travel but not including the boulevard. For purposes of this article, roadways not dedicated for public use and not maintained by the city are not included within this definition.

Utility task vehicles means a side-by-side, four-wheel drive vehicle, that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cc or less, and has a total dry weight of 1,800 to 2,600 pounds. Minn. Stat. § 169.045, subd. 1(3).

(Code 1976, § 8.42(2); Ord. No. 617 2nd series, § 2, 12-22-2009; Ord. No. 679 2nd series, § 1, 9-24-2013)

Cross reference(s)—Definitions generally, § 1-2.

Section 74-242, 74-243 (Reserved)

Editor's note(s)—Ord. No. 679 2nd series, § 1, adopted September 24, 2013, repealed §§ 74-242, 74-243, in their entirety. Former §§ 74-242, 74-243 pertained to crossing intersecting highways and times of operation, respectively, and were derived from Code 1976, §§ 8.42(10), (13).

Subdivision 74-VII-3-II Permit For Class 2 All-Terrain Vehicles And Utility Task Vehicles

[Section 74-261 Operation Of Motorized Golf Cart, All-Terrain Vehicles, Or Mini-Trucks](#)

[Section 74-262 Required](#)

[Section 74-263 Applications](#)

[Section 74-264 Fee](#)

[Section 74-265 Period Of Validity](#)

[Section 74-266 Restrictions](#)

[Section 74-267 Duty Of Police To Enforce Division](#)

[Section 74-268 Revocation](#)

[Section 74-269 Appeal](#)

Section 74-261 Operation Of Motorized Golf Cart, All-Terrain Vehicles, Or Mini-Trucks

No person shall operate a motorized golf cart, class 1 all-terrain vehicle, or mini-truck on streets, alleys, sidewalks or other public property within the city.

(Ord. No. 679 2nd series, § 1, 9-24-2013)

Section 74-262 Required

1. No person shall operate a class 2 all-terrain vehicle or utility task vehicle on roadways, streets, or alleys, without obtaining a permit as provided herein.
2. Class 2 all-terrain vehicles and utility task vehicles MAY NOT be operated in the following areas of the city:
 1. Any area posted that ATV's or utility task vehicles are not allowed.
 2. On or along the Burlington Northern railroad right-of-way.
 3. On city sidewalks, bike or pedestrian trails (except bike paths designated on city streets).
 4. On public or private property unless permission is posted.
 5. Within the boulevard of a city roadway.
3. Authorized city staff may operate city owned class 2 all-terrain vehicles and utility task vehicles without obtaining a permit within the city on city streets, sidewalks, trails, rights-of-way, and public property when conducting city business.
4. Authorized city staff and persons authorized by the director of public safety may operate a motorized golf cart, all-terrain vehicle, utility task vehicles or mini-truck on streets, alleys, sidewalks or other public property within the city for special celebrations and events sanctioned by the city.

(Ord. No. 679 2nd series, § 1, 9-24-2013)

Section 74-263 Applications

1. Every application for a permit shall be made on a form supplied by the city and shall contain all of the following information:
 1. The name and address of the applicant who shall have ownership interest of the class 2 all-terrain vehicle or the utility task vehicle.
 2. Model name, make, and year and number of the class 2 all-terrain vehicle or the utility task vehicle.
 3. Current driver's license for all individuals that are eligible to operate the vehicle.
 4. Other information as the city may require.
2. Business that sell class 2 all-terrain vehicles or utility task vehicles may apply for a dealer permit with the following requirements:
 1. The provision of subsection (a)(2) is excluded.
 2. The permitted business shall be responsible that each class 2 all-terrain vehicle or utility task vehicle operated in allowed areas meeting the provisions of sections 74-262 and 74-266.
 3. The business shall post the city issued dealer permit as the city may require.

(Ord. No. 679 2nd series, § 1, 9-24-2013)

Section 74-264 Fee

The annual permit fee shall be as set forth in the resolution establishing fees and charges as may be amended from time to time by the city council.

(Ord. No. 679 2nd series, § 1, 9-24-2013)

Section 74-265 Period Of Validity

1. Permits shall be granted by the director of public safety for a period of one-year and may be renewed annually January 1 to December 31.
2. No permit shall be granted or renewed unless the following conditions are met:

1. The applicant must provide evidence of insurance in compliance with the provisions of state statutes concerning insurance coverage for the class 2 all-terrain vehicle or utility task vehicle.
2. The applicant has not had his or her driver's license revoked as the result of criminal proceedings.

(Ord. No. 679 2nd series, § 1, 9-24-2013)

Section 74-266 Restrictions

The following restrictions apply to the operation of permitted class 2 all-terrain vehicles or utility task vehicles:

1. A class 2 all-terrain vehicle or utility task vehicle may be operated under permit on designated roadways if it is equipped with all of the following:
 1. Rollover protection bar.
 2. Seatbelts for driver and all occupants pursuant to the design occupant load.
 3. At least two headlights.
 4. At least one tail light.
 5. Front and rear turn-signal lights.
 6. An exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror to provide the driver with adequate vision from behind as required by Minn. Stat. § 169.70.
 7. Permit display as may be required by the city upon approval.
2. Class 2 all-terrain vehicle or utility task vehicles are permitted to operate only on designated roadways, city streets or alleys - except as prohibited by section 74-262(b)(1)—(5) — but not state or federal highways, except to cross at designated intersections.
3. Class 2 all-terrain vehicles and utility task vehicles may only be operated on designated roadways from sunrise to sunset, unless equipped with original equipment headlights, tail lights, 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. (Minn. Stat. § 169.045 subd. 3)
4. Every person operating a class 2 all-terrain vehicle or utility task vehicle 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.
5. The number of occupants on the class 2 all-terrain vehicle or utility task vehicle may not exceed the design occupant load.
6. The drivers of the class 2 all-terrain vehicle or utility task vehicle must be approved in the application and shall be able to provide proof of authorization while operating the class 2 all-terrain vehicle or utility task vehicle as may be required by the city upon permit approval.

(Ord. No. 679 2nd series, § 1, 9-24-2013)

Section 74-267 Duty Of Police To Enforce Division

It shall be the duties of any police officer of this municipality to enforce the provisions of this chapter against any person found to be violating this chapter.

(Ord. No. 679 2nd series, § 1, 9-24-2013)

Section 74-268 Revocation

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 chapter 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 class 2 all-terrain vehicle or utility task vehicle on designated roadways.

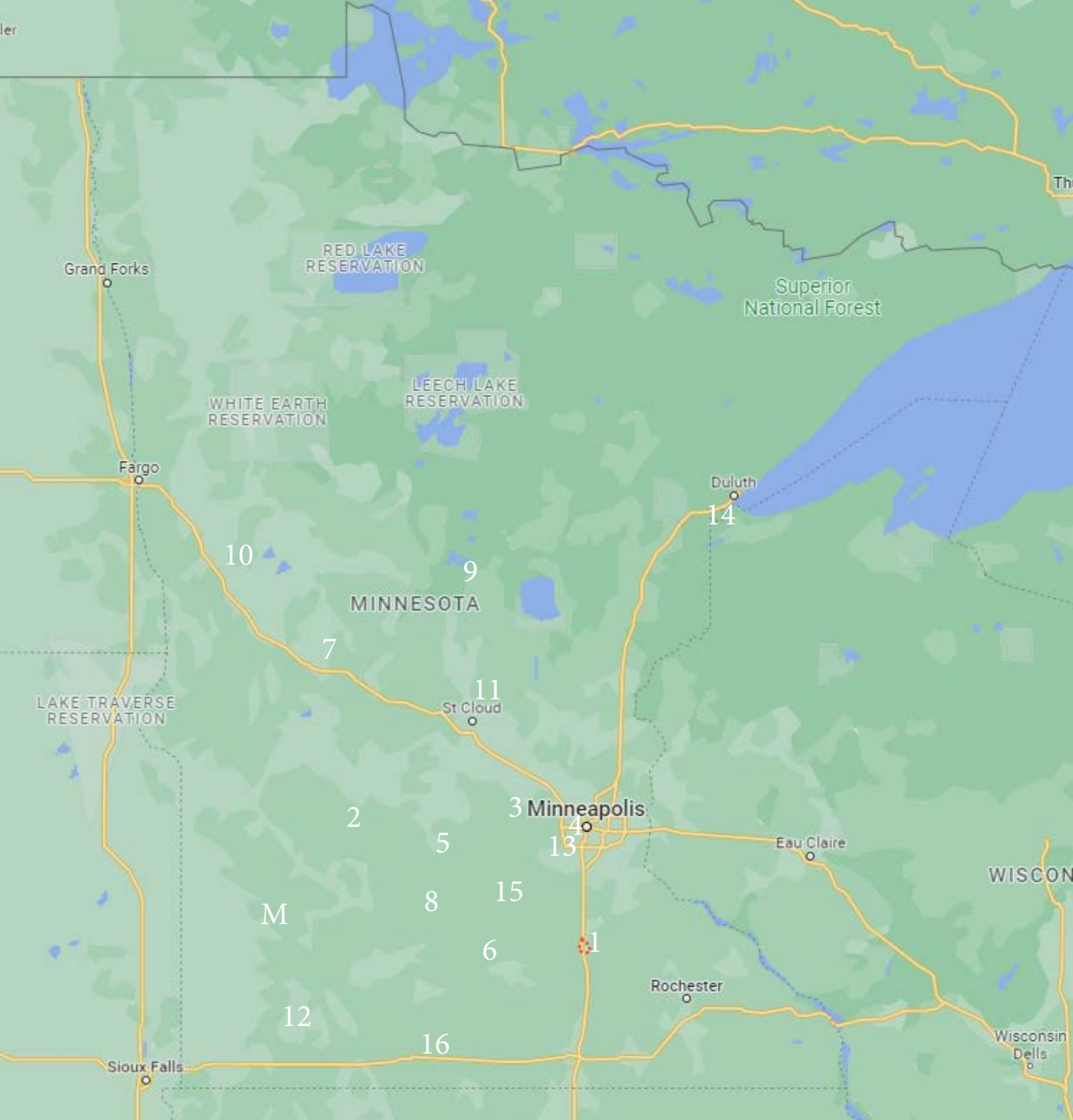
(Ord. No. 679 2nd series, § 1, 9-24-2013)

Section 74-269 Appeal

Any person who is aggrieved by the actions of the city council for the denial of the permit or in a revocation of a permit shall have the right to appeal such action to the district court in the county. Such appeal shall be taken by filing with such court, within 14 days of the date of the action complained of, a written statement setting forth fully the grounds for the appeal.

(Ord. No. 679 2nd series, § 1, 9-24-2013)

Population	City	Allows ATV/UTV	Allows Golf Cart	Notes
24,423	Faribault	No	Yes	Only allowed on certain roads
20,993	Willmar	No	No	No snowmobiles in city limits
16,242	Buffalo	No	No	
14,591	Robbinsdale	Not specified	Not specified	
14,552	Hutchinson	Yes	Yes	
14,493	North Mankato	Yes	No	
14,202	Alexandria	Not specified	Not specified	
14,125	New Ulm	Yes	Yes	
14,113	Brainerd	Yes	Not specified	No permit required
14,041	Fergus Falls	No	No	GC allowed on 8 Roads
13,932	Sauk Rapids		Not specified	ATV in emergency only when road by car impractical
13,837	Worthington	No	No	
13,026	Waconia	Yes	No	
12,625	Cloquet	Yes	Yes	Only allowed on certain roads
11,767	St. Peter	Yes	Yes	Physical Handicap only
10,451	Fairmont	Yes	Yes	GC only allowed on certain roads. ATV cannot be driven on roads from March 16 - Nov 14



1. Faribault
2. Willmar
3. Buffalo
4. Robbinsdale
5. Hutchinson
6. North Mankato

7. Alexandria
8. New Ulm
9. Brainerd
10. Fergus Falls
11. Sauk Rapids
12. Worthington

13. Waconia
14. Cloquet
15. St. Peter
16. Fairmont

CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	E.J. Moberg/Steven Anderson
Meeting Date:	Tuesday, August 8, 2023
Category:	NEW BUSINESS
Type:	INFO/ACTION
Subject:	Enterprise Vehicle Leasing
Background Information:	The City of Marshall currently has a fleet of 54 vehicles. 18 of which are currently leased vehicles with Enterprise Fleet Management.
Fiscal Impact:	
Alternative/ Variations:	
Recommendations:	Provide feedback and direction on the current state of vehicle leasing and procurement.