

*City Council Memorandum*

**To: Mayor Fasbender & City Councilmembers**  
**From: City Administrator Dan Wietecha**  
**Date: September 3, 2024**  
**Item: Special Vehicles on City Streets**

**Committee Action Requested:**

Direct whether to draft update to ordinance to allow adults to acquire a permit to operate special vehicles on City streets.

**Background Information:**

State statute 169.045 [Sec. 169.045 MN Statutes](#) does allow the City to allow, prohibit, or otherwise regulate special vehicles (including ATVs/UTVs) operating on City streets.

City ordinance allows use of certain golf carts, side-by-sides, and UTVs by disabled persons with a permit issued under section 70.02 of the City Code: [Hastings : Municipal Code \(municipalcodeonline.com\)](#). **Please note that the permit requires an approved application, including proof of insurance and a physician's certificate.** Additionally, the ordinance allows their use only during daylight hours and prohibits use during inclement weather or poor visibility conditions. Permitted vehicles are required to display a slow-moving vehicle emblem and a review mirror. Permits may be revoked, subject to appeal.

The City's ordinance dates to 1991, and potential revisions have come up several times in the past, including amendments approved in 2014 and 2015. As recently February 2020, the City Council considered but did not approve allowing special vehicles by non-disabled persons.

In fall 2023, a resident similarly inquired about changing the ordinance to allow use by non-disabled persons either on all City streets or on specifically designated routes (similar to snowmobiles, which exit/enter the City). Public Safety Committee (Fox\*, Haus, and Leifeld) met April 22 and July 8, 2024 and was generally supportive of the idea of amending section 70.02 of the City Code to allow adults to acquire a permit to operate special vehicles on City streets.

**Financial Impact:**

Not applicable

**Committee Discussion:**

Meetings April 22 and July 8, 2024

**Attachments:**

City Code Section 70.02 Operation of Motorized Golf Carts, Four Wheel Side by Side All Terrain Vehicles, and Utility Task Vehicles on City Streets

## **70.02 Operation Of Motorized Golf Carts, Four Wheel Side-By-Side All-Terrain Vehicles And Utility Task Vehicles On City Streets**

- A. *Purpose.* The purpose of this section is to authorize the operation of motorized golf carts, four-wheel side-by-side all-terrain vehicles or utility task vehicles by disabled individuals on designated city streets in the City of Hastings pursuant to the authority given to the city by M.S. § 169.045, as it may be amended from time to time, now in effect.
- B. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**DISABLED INDIVIDUAL or DISABLED PERSON.** A person who:

1. Because of disability cannot walk without significant risk of falling;
2. Because of disability cannot walk 200 feet without stopping to rest;
3. Because of disability cannot walk without the aid of another person, a walker, a cane, crutches, braces, a prosthetic device, or a wheelchair;
4. Is restricted by a respiratory disease to such an extent that the persons forced (respiratory) expiratory volume for 1 second, when measured by spirometry, is less than 1 meter;
5. Has an arterial oxygen tension (PAO<sub>2</sub>) of less than 60 mm/hg on room air at rest;
6. Uses portable oxygen; or
7. Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to the standards set by the American Heart Association.

**FOUR WHEEL SIDE-BY-SIDE ALL-TERRAIN VEHICLE.** A side-by-side all-terrain vehicle as defined in M.S. § 84.92, as it may be amended from time to time, that has four wheels, and is carrying only the operator of the vehicle and otherwise meets the requirements of this section.

**MOTORIZED GOLF CART.** A 3- or 4-wheeled, self-propelled vehicle that is carrying only the operator of the vehicle and otherwise meets the requirements of this section.

**UTILITY TASK VEHICLE.** A side-by-side, 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, that is carrying only the operator of the vehicle and otherwise meets the requirements of this section.

- C. *Required Permit.* All disabled persons who desire to operate a motorized golf cart, four-wheel side-by-side all-terrain vehicle or utility task n vehicle pursuant to this section must first obtain a permit from the city.
1. Permit applications shall be available at the City Clerk's office and shall be in a form approved by resolution of the City Council.
  2. At the time of application, the applicant shall:
    - a. Provide proof of insurance complying with the requirements of M.S. § 65B.48, Subdivision 5, now in effect and as it may be amended from time to time;
    - b. Submit a certificate signed by a physician stating that the applicant is able to safely operate a motorized golf cart, four-wheel side-by-side all-terrain vehicle or utility task vehicle on the city streets; and
    - c. All other information as may be required by the city.
  3. All permits granted pursuant to this section shall be issued for a period not to exceed 1 year and may be renewed annually by complying with the requirements of this section.

- D. *Revocation.* Any permit issued pursuant to this section may be revoked by the City Council, at any time, if evidence is presented to the City Council that the permittee cannot safely operate the motorized golf cart, four-wheel side-by-side all-terrain vehicle or utility task vehicle on the designated streets. Before any permit can be revoked by the City Council, the permittee shall be given notice of the Council Meeting where the permit will be discussed. At that Council Meeting, the permittee will be given an opportunity to address the Council.
- E. *Designated Streets.* A permittee shall be allowed to operate a motorized golf cart, four-wheel side-by-side all-terrain vehicle or utility task vehicle on all city streets in the City of Hastings. A permittee may not operate a motorized golf cart, four-wheel side-by-side all-terrain vehicle or utility task vehicle on any county road or state highways in the City of Hastings. This does not prohibit a permittee from crossing a county road or state highway while traveling on a city street.
- F. *Times Of Operation.* Motorized golf carts, four-wheel side-by-side all-terrain vehicles and utility task vehicles may only be operated on streets designated in division (E) above from sunrise to sunset. Motorized golf carts, four-wheel side-by-side all-terrain vehicles and utility task vehicles 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 see persons and vehicles on the roadway at a distance of 500 feet.
- G. *Slow-Moving Vehicle Emblem.* Motorized golf carts, four-wheel side-by-side all-terrain vehicles and utility task vehicles shall display the slow-moving vehicle emblem as provided for in M.S. § 169.522, as it may be amended from time to time, whenever they are operated on designated streets.
- H. *Application Of Traffic Laws.* Every person operating a motorized golf cart, four-wheel side-by-side all-terrain vehicles or utility task vehicle shall have all of the rights and duties applicable to the driver of any other vehicle under the provisions of M.S. Chapter 169, as it may be amended from time to time, except when those provisions cannot reasonably be applied to motorized golf carts or utility task vehicles.
- I. *Required Equipment.* All motorized golf carts, four-wheel side-by-side, all-terrain vehicles or utility task vehicles operating on designated streets pursuant to this section shall be equipped with a mirror that is located so 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.

(Prior Code, § 7.04) Penalty, see §10.99 (Ord. 2014-18, 3rd Series Adopted 11-03-14)

HISTORY

Amended by Ord. 2014-18, 3rd Series on 11/3/2014

Amended by Ord. 2015-08, 3rd Series on 6/15/2015

Repealed by Ord. 2022-13 on 4/18/2022