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# **Le Sueur County, MN**

**Tuesday, June 20, 2017**

**Board Meeting**

## **Item 13**

### **ATV-GOLF CART WORKSHOP**

**Staff Contact:**

**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; 2012 c 287 art 3 s 56; 2014 c 255 s 20

RESOLUTION OF THE POLK COUNTY  
BOARD OF COMMISSIONERS

The following resolution (2011-9-44) was offered by Commissioner Bunes:

Regulating the Use of  
ATV's, Golf Carts and Mini Trucks  
on County Roads

BE IT AND IT IS HEREBY RESOLVED, By the Polk County Board of Commissioners, County of Polk, State of Minnesota, under authority provided in Minn. Stat. § 169.045, that:

An Ordinance regulating the use and operation of motorized golf carts, four-wheel all-terrain vehicles, and mini trucks on portions of designated roadways under the County's jurisdiction be and hereby is established as follows:

SECTION I - PURPOSE

The purpose of this Ordinance is to provide authority for the use of more fuel efficient and cost effective vehicles on county roads which are located within cities or towns that adopt an Ordinance establishing standards and permitting the use of such vehicles on designated roadways within its jurisdiction pursuant to the authority granted by Minn. Stat. § 169.045.

SECTION II - SCOPE

This Ordinance shall provide for the authorization of the operation of motorized golf carts, four-wheel all-terrain vehicles, or mini trucks on portions of county roadways which are located within the jurisdictional boundaries of cities or towns that have adopted an Ordinance permitting the use of such vehicles as allowed by Minnesota law.

SECTION III - AUTHORITY

This Ordinance is enacted pursuant to Minnesota Statute § 169.045 which establishes the authority of the County to authorize by Ordinance the operation of motorized golf carts, four-wheel all-terrain vehicles, or mini trucks on designated portions of county roadways under its jurisdiction.

SECTION IV - DEFINITIONS

For the purpose of this Ordinance, the following definitions will apply:

- 4.1 Designated Roadway means that portion of county roads or county state-aid highways within Polk County which are located within the jurisdictional boundaries of a city or town that has enacted an Ordinance authorizing, providing standards, and establishing a permitting process for the use of motorized golf carts, four-wheel all-terrain vehicles, or mini trucks on roadways under its jurisdiction pursuant to Minn. Stat. § 169.045.
- 4.2 Four-wheel all-terrain vehicle means a motorized floatation-tired vehicle with four low-

pressure tires that is limited in engine displacement of less than 800 cubic centimeters and has a total dry weight of less than 600 pounds.

- 4.3 Mini truck means a motor vehicle that has four wheels, is propelled by an electric motor with a rated power of 7500 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 2200 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:
- (i) A neighborhood electric vehicle or a medium speed electric vehicle; or
  - (ii) A motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements.
- 4.4 Motorized golf cart means any vehicle designed for use primarily on a golf course that is propelled by either a gas or electric motor.

#### SECTION V - PERMIT REQUIRED

- 5.1 It shall be unlawful for any person to operate a motorized golf cart, a four-wheel all-terrain vehicle, or a mini truck on roadways under the jurisdiction of Polk County, except when the vehicle is traveling on designated roadways and is prominently displaying a valid permit obtained from the city or town in which the designated roadway is located.
- 5.2 Permits are to be granted for duration not to exceed one year and must be renewed annually, as required by law, to remain valid.

#### SECTION VI - RIGHTS AND DUTIES

- 6.1 Every person operating a motorized golf cart, four wheel all-terrain 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 Minn. Stat. Chapter 169, except when those provisions cannot reasonably be applied to the vehicle.
- 6.2 Motorized golf carts and four-wheel all-terrain vehicles may only be operated on designated roadways from sunrise to sunset. Motorized golf carts and four-wheel all-terrain vehicles may 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.
- 6.3 Motorized golf carts shall display the slow-moving vehicle emblem provided for in Minn. Stat. § 169.522.
- 6.4 The provisions of Minn. Stat. Chapter 171 are applicable to persons operating mini trucks under permit on designated roadways.
- 6.5 Notwithstanding any other law, a mini truck may be operated on designated roadways under permit only if it is equipped with:
- (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:

- (e) a windshield;  
(f) a seat belt for the driver and front passenger;  
and (g) a parking brake.

## SECTION VII - REVOCATION

Law enforcement officers shall report all violations of this Ordinance to the office responsible for issuing the required permit for travel on designated roadways for determination of revocation of the permit.

## SECTION VIII - SEVERABILITY

The provisions of this Ordinance shall be severable. Should any section, paragraph, sentence, clause, 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 provisions shall remain in full force and effect.

## SECTION IX - PENALTIES

Violations of this Ordinance shall be petty misdemeanors, except that violations committed under circumstances that endanger or are likely to endanger persons or property, which shall be misdemeanors. A violation of this Ordinance within twelve (12) months of a conviction for a prior violation of this Ordinance shall be a misdemeanor and shall result in revocation of the violator's permit to operate the motorized golf cart, four wheel all-terrain vehicle, or mini truck, on designated roadways for a period of twelve (12) months following conviction.

**SECTION X - EFFECTIVE DATE**

This regulation shall be in full force and effect upon publication and adoption pursuant to law.

Commissioner Strandell seconded the foregoing resolution and it was declared adopted upon the following vote. YEAS: Buness, Strandell, Diedrich. NAYS: None

STATE OF MINNESOTA                   )  
   ) ss  
COUNTY OF POLK                         )

I, John P. Schmalenberg, County Administrator to and Clerk of the Polk County Board of Commissioners do hereby certify that I have compared the foregoing resolution with the original resolution filed in my office on the 6<sup>th</sup> day of September 2011, and that the same is a true and correct copy of the whole thereof.

WITNESS my hand and Official Seal of Polk County at Crookston, Minnesota this 6<sup>th</sup> day of September 2011.

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John P. Schmalenberg  
County Administrator  
Clerk of the Board



## RENVILLE COUNTY

### SPECIAL VEHICLE USE ON DESIGNATED COUNTY ROADWAYS

An Ordinance relating to and regulating the use and operation of all-terrain vehicles, mini-trucks, utility task vehicles, or motorized golf carts on designated Renville County highways and roadways under its jurisdiction.

#### ***SECTION 1. PURPOSE AND INTENT***

This Ordinance is adopted pursuant to authorization and policies contained in Minnesota Statutes, Section 169.045, as amended, to allow special vehicle use on designated roadways under the jurisdiction of Renville 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 designated County roadways within Renville County, Minnesota.
2. Providing an economic benefit to Renville County citizens by allowing operation of all-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts on designated 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 Renville County Board of County Commissioners.

**City** – The cities of Renville County, Minnesota.

**County** – Renville County, Minnesota.

**Designated County Roadway Map** – The official County map, approved by the Renville County Board of County Commissioners as part of this Ordinance, indicating all County highways and roads or portions thereof designated for the operation of all-terrain vehicles, mini-trucks, utility task vehicles, or motorized golf carts.



**Designated County Roadways** – All highways and roads or portions thereof, under the jurisdiction of the Renville County Board of County Commissioners, authorized by Ordinance for the operation of all-terrain vehicles, mini-trucks, utility task vehicles, or motorized golf carts. This definition does not include the designation and operation of all-terrain vehicles, mini-trucks, utility task vehicles, or motorized golf carts on federal or state highways, township roads, or city streets.

**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.

**Renville County Special Vehicle Use Permit** – A permit issued by Renville County allowing the use of all-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts on designated County roadways in Renville 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 designated County roadways, or portions thereof, without a valid, current, unrevoked Renville County Special Vehicle Use Permit.
2. Permit Application. Application for a Renville 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.
  - 4. Term of Permit. Permits are valid for two calendar year(s) beginning January 1 and ending December 31 of the last year the permit is valid. Vehicle owners are responsible for renewal of the Renville County Special Vehicle Use Permit every two years.
  - 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.

#### ***SECTION 4. OPERATING CONDITIONS***

- 1. Operation on Designated County Roadways. All-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts may only be operated on designated County roadways, as noted on the Designated County Roadway Map, with an approved Renville 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 designated 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 designated 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 designated 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 designated 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 designated 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 Renville County Special Vehicle Use Permit, may cross any street or highway intersecting a designated 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 Renville County Special Vehicle Use Permit to operate on designated 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 Renville County Special Vehicle Use Permit to operate on designated 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 Renville County Special Vehicle Use Permit to operate on designated 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 designated 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 designated 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 designated 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 designated County roadway.

#### ***SECTION 5. PERMIT SUSPENSION***

Renville County Special Vehicle Use Permits may be temporarily suspended by the Board or County Sheriff if it is determined that use of designated 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 Renville 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 designated 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***

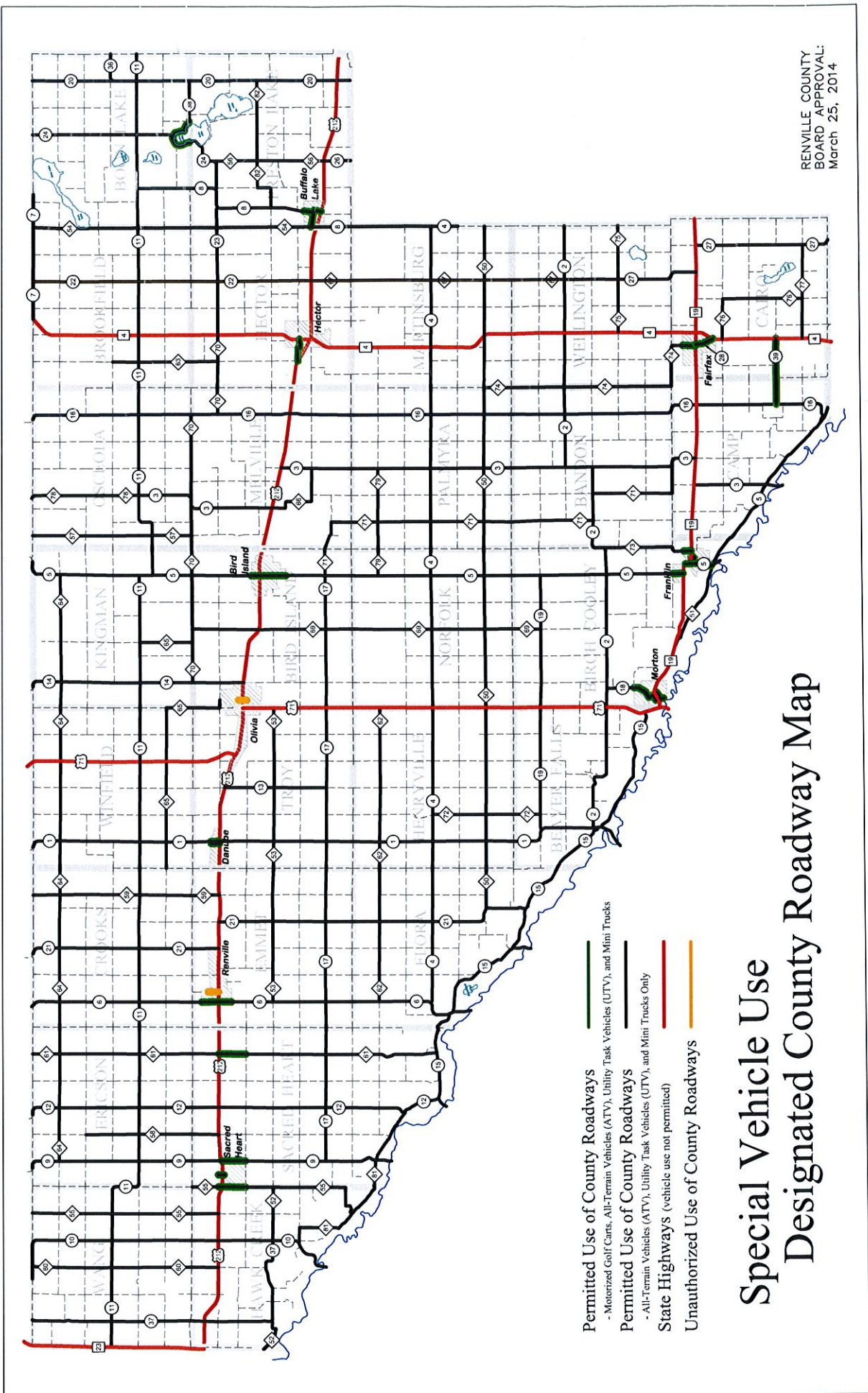
A permit applicant or permittee may appeal, in writing within five business days, the denial or revocation of a Renville County Special Vehicle Use Permit to the Board. The Board shall conduct a hearing within 30 days after the written appeal has been filed. The appealing party shall receive notice of 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 Renville 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. EFFECTIVE DATE***

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





Blue Earth County Sheriff's Office  
401 Carver Road  
Mankato, MN 56001  
(507) 304-4800

**ATV/MINI TRUCK PERMIT APPLICATION**

**Permit Fee \$15.00**

Permit No: \_\_\_\_\_

Permit Expiration Date: \_\_\_\_\_

Name: \_\_\_\_\_ D.O.B.: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail (opt.): \_\_\_\_\_

Driver's License No.: \_\_\_\_\_ State: \_\_\_\_\_

Do you have any medical conditions that restrict you from driving a motor vehicle on public roadways? ☐ Yes ☐ No

If yes, explain: \_\_\_\_\_

Insurance Agency: \_\_\_\_\_ Policy No.: \_\_\_\_\_

Expiration Date for ATV or Mini Truck Insurance Policy: \_\_\_\_\_

Make: \_\_\_\_\_ Model No.: \_\_\_\_\_

Year: \_\_\_\_\_ Serial Number: \_\_\_\_\_ State Registration No.: \_\_\_\_\_

Form of Payment ☐ Cash ☐ Check ☐ Credit Card

**\*\*\*Please note: The permit sticker provided must be affixed to a license plate**

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

JB/, 10-12, N:ATV. APP



**Washington County  
Ordinance No. 168  
for the  
Management of All Terrain Vehicles  
in  
Washington County Rights of Way**



Ordinance No. 168  
Effective: January 1, 2004

TABLE OF CONTENTS  
WASHINGTON COUNTY RIGHT-OF-WAY ORDINANCE  
FOR THE MANAGEMENT OF ALL TERRAIN VEHICLES IN THE PUBLIC RIGHT-OF-WAY

SECTION	PAGE
Sec. 1.01. Findings, Purpose, and Intent.....	1
Sec. 1.02. Election to Manage the Public Right of Way .....	1
Sec. 1.03. Definitions .....	2
Sec. 1.04. Prohibitions .....	2
Sec. 1.05 Violation.....	2
Sec. 1.06 General Provisions.....	2

**WASHINGTON COUNTY ORDINANCE  
FOR THE MANAGEMENT OF ALL TERRAIN VEHICLES IN THE PUBLIC RIGHT-OF-WAY OF ROADS  
UNDER THE COUNTY'S JURISDICTION**

An ordinance to administer and regulate use of all terrain vehicles in the public right-of-way in the public interest, pursuant to the powers granted under Minnesota Statutes 84.92 through 84.928.

**Sec. 1.01. Findings, Purpose, and Intent.**

To provide for health, safety and welfare of its citizens, and to ensure the integrity of its roads and streets and the appropriate use of the rights of way, the County strives to keep its public right of way in a state of good repair.

Accordingly, the County hereby enacts this ordinance relating to the use of its public right of way by all terrain vehicles.

This ordinance shall be interpreted consistently with Minnesota Statutes Sections 84.82 through 84.928 and the other laws governing applicable rights of the County and users of the right of way. This ordinance shall not be interpreted to limit the regulatory and police powers of the County to adopt and enforce general ordinances necessary to protect the health, safety, and welfare of the public.

**Sec. 1.03. Definitions.**

The following definitions apply in this ordinance. Defined terms remain defined terms whether or not capitalized.

1. "ATV" or "All Terrain Vehicle" shall mean a motorized flotation-tired vehicle of not less than three, but not more than six, low-pressure tires that is limited in engine displacement to less than 800 cubic centimeters and total dry weight less than 900 pounds.
2. "County" means the County of Washington, Minnesota.
3. "Public Road Right of Way" shall have the meaning given to it by Minnesota Statute 84.92, Subdivision 6a.
4. "County Public Road Right of Way" shall be public road right of way for which Washington County is the road authority, as defined in Minnesota Statute 160.02, Subdivision 25.

**Sec. 1.04. Prohibitions.**

1. Except as provided for in Minnesota Statute 84.928, Subdivision 1 (e) and in Sections 1.04.2, 1.04.3, and 1.04.4 of this ordinance, it shall be unlawful for any person to operate an All Terrain Vehicle in any County Public Road Right of Way.
2. This ordinance shall not apply to any agent or employee of any road authority, law enforcement or public safety agency, or any agent or employee of the Minnesota Department of Natural Resources when performing or exercising official duties or powers.

3. Nothing in this ordinance shall prohibit the agricultural use of ATVs in rights of way, as defined in Minnesota Statute 84.92, Subd. 1d, or the use of ATVs to maintain permitted accesses over Public Road Rights of Way.
4. Nothing in this ordinance is intended to prohibit the crossing of a County Public Road Right of Way, which is otherwise allowed by Minnesota Statute 84.928, Subdivision 1a, (1) through (5).

#### **Section 1.05 Violation.**

1. Anyone violating this ordinance shall be guilty as follows:
  - A) For the first offense, the person shall be guilty of a petty misdemeanor and shall be punished by a fine of \$120.00.
  - B) For a second offense, and for all subsequent offenses, the person shall be guilty of a misdemeanor and shall be punished according to law.

#### **Section 1.06 General Provisions.**

1. Severability: If any provision of this ordinance or the application thereof is held invalid, said invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application and for this purpose, the provisions of the ordinance are severable.
2. Enforceability: Sheriff's deputies, State Troopers, Conservation officers, and any other peace officers are empowered to enforce this ordinance.
3. Effective Date: This ordinance shall be effective on January 1, 2004, after passage by the County Board and publication according to law.

**Board of County Commissioners  
Washington County, Minnesota  
Resolution No. 2003-189**

Date: November 18, 2003

Department: Transportation & Physical Development

Motion by Commissioner Stafford

Seconded by Commissioner Peterson

Resolution Adopting the  
Washington County All Terrain Vehicle Ordinance

WHEREAS, MINN. STAT. § 84.92 allows Washington County to regulate the operation of all terrain vehicles (ATV's) in County public road right of ways; and

WHEREAS, Washington County is experiencing considerable damage in its public right of ways because of the operation of ATV's in its road right of ways, including but not limited to rutting, loss of vegetation and soil erosion; and

WHEREAS, on September 24, 2003, the Washington County Board of Commissioners held a public open house to solicit comments on the proposed ordinance and a County Board workshop on November 4, 2003 to hear further comments on the proposed ordinance; and

WHEREAS, on October 21, 2003, the Washington County Board of Commissioners conducted a public hearing to consider enacting an ordinance regulating the operation of ATV's in the County's public road right of ways and continued said hearing to November 18, 2003.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby adopts the Washington County Ordinance for the Management of All Terrain Vehicles in Washington County Rights of Way No. 168 as attached hereto.

BE IT FURTHER RESOLVED that the Ordinance shall become effective on January 1, 2004.

**ATTEST:**

**James R. Schug, County Administrator**

**Dennis C. Hegberg, Chairman, County Board**

	YES	NO
HEGBERG	X	
KRIESEL	X	
PETERSON	X	
PULKRABEK		X
STAFFORD	X	

## **ORDINANCE # 65/09**

### **RELATING TO THE OPERATION OF MOTORIZED GOLF CARTS ON PUBLIC STREETS AND ROADWAYS WITHIN THE CITY LIMITS OF ELYSIAN**

The City Council of the City of Elysian does ordain:

#### **Section 1. Use and Operation of Golf Carts on Public Streets and Roadways**

##### **Subdivision 1. Adoption by Reference of Minnesota Statute**

Except as herein specifically addressed or modified the provisions of Minnesota statutes section 169.045 are hereby incorporated by reference.

##### **Subdivision 2. Definition**

- A. For the purpose of this ordinance a golf cart is defined as; any vehicle designed for use primarily o a golf course and any golf cart type vehicle designed for use on a city street or roadway.
- B. Motorized refers to any golf cart type vehicle propelled by any gas or electric motor.

##### **Subdivision 3. Motorized Golf Carts on City Streets and Roadways.**

###### **Purpose**

- A. The State of Minnesota has authorized the use of motorized golf carts on designated roadways within a City on streets under their jurisdiction and authorized by the City Council through its ordinances.
- B. The City Council of Elysian sees the need to limit the availability of access to City streets and roadways, using motorized golf carts, to persons who are age sixteen (16) or older and who have a valid and current driver's license.

##### **Subdivision 4. Issuing Officer.**

- A. The City Council shall determine the streets or roadways of operation and the hours of operation if more restrictive than the State Statute and deemed necessary for public safety reasons.

- B. The City Clerk/Administrator shall authorize the issuance of all permits and may recommend the denial of a permit if the applicants driving status is revoked, suspended or cancelled for prior violations. The City Clerk/Administrator shall collect a fee, as determined by the Council, for the issued permit.**

#### **Subdivision 5. Requirements for Permit.**

Application for a permit shall be made in a form supplied by the City of Elysian and shall contain the information listed below. All permits shall be issued for a specific golf cart. The permit shall be issued with a specific license number; the applicant is responsible for obtaining self adhesive numbers at least three (3) inches tall and applying them to both sides of that specific golf cart.

- A. All motorized golf cart owners must provide liability insurance at all times when operating on a public street or roadway. A certificate of insurance must be submitted at the time of permit application.**
- B. The make, model number, serial number and year of the motorized golf cart is required.**
- C. The applicant shall supply a current driver's license showing the name, address and age. The driver's license shall be photocopied for the City records.**
- D. The golf cart shall be inspected by the Clerk/Administrator to ascertain that it has head lights, rear lights, including brake lights, rearview mirror and an authorized slow moving vehicle sign.**
- E. The permit shall be issued for a calendar year (January 1<sup>st</sup> through December 31<sup>st</sup>) and may be renewed annually and a fee paid.**

#### **Subdivision 6. Additional Requirements.**

- A. Motorized golf carts must display the slow moving vehicle emblem provided for in M.S. 169.522 when operating on a public street or roadway.**
- B. Every operator of a motorized golf cart has all the rights and duties applicable to the drivers of any other vehicle under the provisions of M.S. Chapter 169 except when these provisions cannot be reasonably applied to motorized golf carts and except as otherwise provided in M.S. 169.045, Subd. 7.**
- C. Motorized golf carts may be operated only on streets and roadways designated on the permit authorized by the City Council.**



- D. Motorized golf carts may not be operated on State Highways or County Highways. Drivers may cross, at right angles, any highway intersecting a designated street or roadway.
- E. Motorized golf carts may not be driven on any portion of the DNR State Trail. Drivers may cross the Trail where it intersects approved streets or roadways.
- F. Hours of operation shall be from sunrise through sunset. Operation of a golf cart shall not be permitted during inclement weather or when visibility is impaired by weather, smoke, fog or at any time wherein there is insufficient light to clearly see persons and vehicles on the street at a distance of 500 feet.
- G. The number of occupants allowed in a golf cart is limited to those that can be safely seated in the provided seating.
- H. Children must be properly seated while the golf cart is in motion and may not be transported in a negligent manner.
- I. Golf carts are not permitted to be driven on any sidewalks in the City of Elysian.
- J. If a licensed Motorized golf cart is disabled through mechanical failure or the need for repairs, the permit may be temporarily transferred to another golf cart for a seven day period following verification of mechanical condition and insurance coverage by the City Clerk/Administrator.

#### **Subdivision 7. Assumption of Liability**

Nothing in this ordinance shall be construed as an assumption of liability by the City of Elysian for injuries to persons or property which may result from the operation of any motorized golf cart by a permit holder or the failure by the Sheriff to revoke a permit.

#### **Subdivision 8. Violations and Penalties.**

Any person violating any provision of this ordinance shall be guilty of a petty misdemeanor.

Ordinance was presented by Councilmember Stoen, seconded by Councilmember Atherton with the following vote being taken:

Voting Yes: Stoen, Atherton, Hanson, Opsahl, Rager

Voting No: None

**Date this 13<sup>th</sup>. day of July, 2009**

**Attest:**

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**Patricia Nusbaum, Clerk Administrator**

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**David Rager, Mayor**

## CHAPTER 73: SNOWMOBILES AND ALL-TERRAIN VEHICLES

### Section

- 73.01 Regulation
- 73.02 State snowmobile and all-terrain vehicle laws and statutes adopted
- 73.03 Prohibited operations
- 73.04 Direct crossings
- 73.05 Exceptions to prohibited use of roadways
- 73.06 Hours of operation
- 73.07 Required equipment
- 73.08 Unattended snowmobile or ATV
- 73.09 Minimum age of operator

### § 73.01 REGULATION.

The use and operation of certain vehicles, commonly called *SNOWMOBILES*, meaning a self-propelled vehicle designed for travel on snow or ice steered by skis or runners, and *ALL-TERRAIN VEHICLES* or *ATVs*, meaning 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 800 cubic centimeters and total dry weight less than 900 pounds, and also, off-highway motorcycles (licensed for highway use), amphibious vehicles, and similar devices other than snowmobiles used at least partially for travel on natural terrain but not "special mobile equipment" defined in M.S. § 168.011 Subdivision 22, which is hereby incorporated herein by reference, within the city limits is hereby regulated as set forth in this part.  
(Ord. 163, passed 2-16-88; Am. Ord. 209, passed 12-5-05)

### § 73.02 STATE SNOWMOBILE AND ALL-TERRAIN VEHICLE LAWS AND STATUTES ADOPTED.

(A) The state snowmobile laws, M.S. §§ 84.81 through 84.915, as they may be amended from time to time; the game laws relating to the use of snowmobiles, M.S. §§ 100.26 and 100.29, as they may be amended from time to time; and Minn. Rules Parts 6100.5000 to 6100.5800, as they may be amended from time to time, are hereby adopted and made part of this chapter by reference.

(B) The state all-terrain vehicle laws, M.S. §§ 84.92 through 84.929, as they may be amended from time to time; the game laws relating to the use of all-terrain vehicles, M.S. §§ 100.26 and 100.29, as they may be amended from time to time; and Minn. Rules Parts 6100.5000 to 6100.5800, as they may be amended from time to time, are hereby adopted and made part of this chapter by reference. (Ord. 163, passed 2-16-88; Am. Ord. 209, passed 12-5-05)

### § 73.03 PROHIBITED OPERATIONS.

(A) It shall be unlawful and punishable for any person to operate a snowmobile or all-terrain vehicle within the city limits in violation of the following restrictions:

- (1) On private property without the permission or consent of the owner or occupant;
- (2) On the boulevard of any public street;
- (3) On a sidewalk, except that a direct crossing may be made in the same manner as provided for direct crossing of a city street;
- (4) At a rate of speed in excess of 15 miles per hour;
- (5) Other than single file on a roadway;
- (6) Other than at the extreme right-hand side of a roadway along the curb;
- (7) On publicly owned land, including school land, park property, playgrounds, golf courses, and cemeteries;
- (8) Within 100 feet of any church property, nursing home, hospital, skating rink or sliding area, or in any other area where the operation would conflict or interfere with normal use of the property or would endanger persons or property;
- (9) To tow any person or object except through use of a rigid tow bar attached to the rear of the snowmobile or all-terrain vehicle;
- (10) To intentionally drive, chase, run over, or kill any animal with a snowmobile or all-terrain vehicle;
- (11) To operate an ATV on a public street without a valid driver's license.

(B) It is unlawful for the owner of a snowmobile or an ATV to permit the snowmobile or ATV to be

operated contrary to the provisions of this section.

(Ord. 163, passed 2-16-88; Am. Ord. 209, passed 12-5-05) Penalty, see § 10.99

**§ 73.04 DIRECT CROSSINGS.**

It is unlawful to operate a snowmobile or all-terrain vehicle upon a roadway except to make a direct crossing, and only as follows:

(A) The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.

(B) The snowmobile or ATV is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

(C) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

(D) In crossing a divided highway, the crossing is made only at an intersection of the highway with another public street.

(Ord. 163, passed 2-16-88; Am. Ord. 209, passed 12-5-05) Penalty, see § 10.99

**§ 73.05 EXCEPTIONS TO PROHIBITED USE OF ROADWAYS.**

Notwithstanding the prohibition of operating a snowmobile or ATV upon a roadway to the contrary, the operation is hereby permitted only as follows:

(A) From the owner's residence or place the snowmobile or ATV is generally stored, in a direct route to and from a place of destination, provided the place of destination is a place that the snowmobile may be lawfully operated.

(B) In an emergency during the period of time when and at locations where snow upon the roadway renders travel by automobile impractical.

(Ord. 163, passed 2-16-88; Am. Ord. 209, passed 12-5-05)

**§ 73.06 HOURS OF OPERATION.**

It is unlawful to operate a snowmobile or ATV within the city from 10:00 p.m. to 7:00 a.m. for any purpose other than in going to or returning from an evening ride, except in an emergency as defined in § 73.05(B).

(Ord. 163, passed 2-16-88; Am. Ord. 209, passed 12-5-05) Penalty, see § 10.99

**§ 73.07 REQUIRED EQUIPMENT.**

(A) For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.



***SAFETY OR DEADMAN THROTTLE.*** A device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving mechanism.

(B) It is unlawful for any person to operate a snowmobile or ATV unless it is equipped with the following:

(1) Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cut out, bypass, straight pipe, or similar device on a snowmobile or ATV motor;

(2) Brakes adequate to control the movement of and to stop and hold the snowmobile or ATV under any condition of operation;

(3) A safety or so-called deadman throttle in operating condition;

(4) When operated between the hours of one-half hour after sunset to one-half hour before sunrise, or at times of reduced visibility, at least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. The headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming snowmobile or ATV operator. It shall also be equipped with at least one red tail lamp having a minimum candle power of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions;

(5) Reflective materials at least 16 square inches on each side, forward of the handlebars, or steering device of a snowmobile or ATV, and at the highest practical point on any towed object, so as to reflect light at a 90 degree angle.

(Ord. 163, passed 2-16-88; Am. Ord. 209, passed 12-5-05) Penalty, see § 10.99

#### **§ 73.08 UNATTENDED SNOWMOBILE OR ATV.**

Every person leaving a snowmobile or ATV unattended shall lock the ignition and remove the key from the ignition and take the keys with them.

(Ord. 163, passed 2-16-88; Am. Ord. 209, passed 12-5-05)

#### **§ 73.09 MINIMUM AGE OF OPERATOR.**

No person under the age of fourteen years shall operate a snowmobile on any public land in the city. A person 14 years of age or older, but less than 18 years of age, may operate a snowmobile on streets and highways as permitted under this chapter, and make a direct crossing of streets and highways only if he or she has in his or her immediate possession a valid snowmobile safety certificate issued by the Commissioner, and then only for purposes of travel between his or her home, or the home location of the

snowmobile, and a point outside the city. This travel must be accomplished by the shortest distance, taking the most direct route while complying with applicable laws.  
(Ord. 163, passed 2-16-88) Penalty, see § 10.99

## CHAPTER 75: MOTORIZED GOLF CARTS

### Section

75.01	Definitions
75.02	Permit required
75.03	Permits
75.04	Occupants
75.05	Designated roadways and intersections
75.06	Times of operation
75.07	Application of traffic laws
75.08	Slow moving vehicle emblem
75.09	Operation
75.10	Operation on sidewalks and trails
75.11	Suspension or revocation of a permit
75.12	Penalty
75.13	No assumption of liability

### § 75.01 DEFINITIONS.

For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**COMMUNITY EVENT.** An event organized by the city or a community-based organization that is open to the general public.

**MOTORIZED GOLF CART.** An electric or gas-powered vehicle with four wheels used primarily for light terrain slow moving operation.  
(Ord. 241, passed 2-16-10)

### § 75.02 PERMIT REQUIRED.

It is unlawful for any person to operate a motorized golf cart on streets in the city without first obtaining a permit as provided herein. Persons who obtain a permit as required below are authorized to operate a motorized golf cart on designated roadways or portions thereof under the jurisdiction of the city. With the exception of motorized golf carts that are being operated in connection with a community event, every

motorized golf cart operator must have proof of insurance in possession while operating the

15

2010 S-8

motorized golf cart on designated streets and shall produce such proof of insurance on demand of a police officer as specified in M.S. § 169.791.

(Ord. 241, passed 2-16-10) Penalty, see § 75.12

### § 75.03 PERMITS.

(A) *Operator permits.* All persons operating motorized golf carts that are not being operated in connection with a community event must obtain an annual operator permit from the city.

(1) *Application.* The application shall be made on a form supplied by the city and shall contain the following:

- (a) The name and address of the applicant;
- (b) The make, model name, year and serial number of the motorized golf cart;
- (c) The applicant's driver's license number;
- (d) Proof of insurance complying with M.S. § 65B.48;

(e) Payment of an annual permit fee. The amount of the fee shall be established from time to time by resolution of the City Council; and

- (f) Such other information as the city may require.

(2) *Term of permit.* Operator permits shall be granted for a period of one year and may be renewed annually. Operator permits shall expire on December 31 of each year.

(3) *Operator permit conditions.* No operator permit shall be granted or renewed unless the following conditions are met:

- (a) The city is in receipt of a complete application and permit fee as provided by this chapter;
- (b) The applicant is over the age of 16 and provides a valid driver's license;
- (c) The applicant provides proof of insurance in compliance with M.S. § 65B.48; and
- (d) The motorized golf cart is in good working condition and safe for the transportation of passengers.

(4) *Operator permit display.* All operator permits shall be issued for a specific motorized golf cart. A current city-issued operator permit tag shall be plainly visible from the front of the motorized golf cart.

(B) *Community event permits.* Operators of motorized golf carts in connection with a community event are not required to obtain individual operator permits so long as a community event permit is obtained by the organizer of the community event from the city. The community event permit will include all motorized golf carts being used in connection with the event.

(1) *Application.* Every application for a community event permit under this chapter shall be made on a form supplied by the city and shall contain the following:

- (a) The name and address of the organizer of the community event;
- (b) A description of the community event, including how and where the motorized golf carts will be utilized;
- (c) The number of motorized golf carts to be used in the event;
- (d) Proof of insurance in a form and amount acceptable to the city;
- (e) Payment of a community event permit fee. The amount of the permit fee shall be established from time to time by resolution of the City Council; and
- (f) Such other information as the city may require.

(2) *Term of permit.* Community event permits shall be granted for the length of the event and shall expire upon the conclusion of the event.

(3) *Conditions of permit.* No community event permit shall be granted unless the following conditions are met:

(a) The city is in receipt of a complete application and permit fee as provided by this chapter; and

(b) The organizer must provide proof of insurance in a form and amount acceptable to the city.

(Ord. 241, passed 2-16-10) Penalty, see § 75.12

**§ 75.04 OCCUPANTS.**

The number of occupants in the motorized golf cart shall not exceed the design occupant load. Each occupant must be seated in a seat designed for occupants.  
(Ord. 241, passed 2-16-10) Penalty, see § 75.12

**§ 75.05 DESIGNATED ROADWAYS AND INTERSECTIONS.**

Motorized golf carts may be operated within the city on public roadways. Motorized golf carts must not be operated on State Trunk Highways or county roads, unless the road or highway is under the city's jurisdiction through the issuance of a permit or approval to the city from the county or the Minnesota Department of Transportation and the cart is listed on the community event permit issued by the city. The operator of any motorized golf cart may make a direct crossing of any intersecting roadways. Operators must exercise all due care to avoid travel on roadways with a high frequency of automobile usage.  
(Ord. 241, passed 2-16-10) Penalty, see § 75.12

**§ 75.06 TIMES OF OPERATION.**

Motorized golf carts may only be operated on designated roadways from sunrise to sunset. 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.  
(Ord. 241, passed 2-16-10) Penalty, see § 75.12

**§ 75.07 APPLICATION OF TRAFFIC LAWS.**

Persons operating motorized golf carts on designated roadways have all the rights and duties applicable to drivers of any other motor vehicle under the provisions of any ordinance of the city and M.S. Chapter 169, except when these provisions cannot reasonably be applied to motorized golf carts and except that provisions of M.S. Chapter 171 are not applicable to persons operating motorized golf carts under permit on designated roadways. Except for M.S. § 169.70, the provisions of M.S. Chapter 169 relating to equipment on vehicles is not applicable to motorized golf carts operating under permit on designated roadways.  
(Ord. 241, passed 2-16-10)



**§ 75.08 SLOW MOVING VEHICLE EMBLEM.**

Motorized golf carts shall display the slow moving vehicle emblem provided in M.S. § 169.522, when operated on designated roadways.

(Ord. 241, passed 2-16-10) Penalty, see § 75.12

**§ 75.09 OPERATION.**

Motorized golf carts shall be operated at all times as close to the right-hand curb as possible, except when the driver is making a left-hand turn.

(Ord. 241, passed 2-16-10) Penalty, see § 75.12

**§ 75.10 OPERATION ON SIDEWALKS AND TRAILS.**

No person shall operate a motorized golf cart on a public sidewalk or trail unless otherwise authorized by the city.

(Ord. 241, passed 2-16-10) Penalty, see § 75.12

**§ 75.11 SUSPENSION OR REVOCATION OF A PERMIT.**

The Chief of Police may suspend or revoke a permit granted hereunder upon a finding that the permit holder has violated any of the provisions of this chapter or M.S. Chapter 169, or if there is evidence that the operator cannot safely operate the motorized golf cart on designated roadways. A suspension or revocation may be reviewed by appeal to the City Council.

(Ord. 241, passed 2-16-10)

**§ 75.12 PENALTY.**

In addition to the revocation or suspension of the permit, any person violating any of the provisions of this chapter shall be guilty of a misdemeanor.

(Ord. 241, passed 2-16-10)

**§ 75.13 NO ASSUMPTION OF LIABILITY.**

Nothing in this chapter shall be construed as an assumption of liability by the city for injuries to persons or property which may result from the operation of any motorized golf cart by a permit holder or the failure by the Chief of Police or City Council to suspend or revoke a permit.

(Ord. 241, passed 2-16-10)

2010 S-8