AMENDMENT TO ORDINANCE NO. 271

AN ORDINANCE DEALING WITH REGULATING THE USE OF SPECIAL VEHICLES ON ROADWAYS IN THE CITY OF WHEATON

Findings.

1. The City of Wheaton has an ordinance regulating the use of special vehicles on public roadways within the City of Wheaton which has not been enforced;
2. Traverse County also has a similar ordinance; and
3. The Wheaton City Council believes that it is in the best interests of the residents of the City of Wheaton to amended its Ordinance to adopt Traverse County's version of the Ordinance and have the Traverse County Sheriff's Office enforce the Ordinance.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHEATON ORDAINS AS FOLLOWS:

1. That Wheaton City Ordinance 271 is hereby amended to read as follows:

"**271.01** **Purpose, Intent, and Authority.** This Ordinance is adopted pursuant to authorization and policies contained in Minn. Stat. § 169.045, as amended, to allow special vehicle use on roadways under the jurisdiction of the City of Wheaton. This Ordinance is adopted for the purposes of:

A. Authorizing the operation of all-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts on city roadways within the City of Wheaton

B. Providing an economic benefit to Wheaton citizens by allowing operation of all-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts on city roadways to access our businesses, parks, and trails.

C. 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 City roadways.

271.02 **Definitions.** For the purpose of this Ordinance, certain words and phrases are defined as follows:

A. All-Terrain Vehicle (ATV). An all-terrain vehicle has the meaning given in Minn. Stat. § 84.92.

B. Council. The Wheaton City Council.

C. Mini-Truck. A mini-truck has the meaning given in Minn. Stat. § 169.011, Subd. 40a.

D. 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.

E. 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.

F. Roadway. That portion of a city road or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder.

G. Special Vehicle Use Permit. A permit issued by the City of Wheaton allowing the use of all-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts on County roadways in Traverse County.

H. 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.

271.03 City Permit Required. Unless otherwise legally permitted, no person shall operate all-terrain vehicles, mini-trucks, utility task vehicles, or motorized golf carts on County roadways, or portions thereof, without a valid, current, unrevoked City of Wheaton Special Vehicle Use Permit.

A. Permit Application. Application for a City of Wheaton 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:

1. Date of application.

2. The name, address, phone number, and email address of the registered vehicle owner.

3. Year, make, model, and DNR registration, vehicle identification, or serial number of the vehicle to be permitted.

4. Proof of vehicle insurance.

5. Such other information as the Board may require.

B. Permit Fees. The Board may establish an annual fee for a permit.

C. 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 City of Wheaton Special Vehicle Use Permit every two years.

D. 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.

E. 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.

F. Coordinator and Authorized Permit Agents. The Traverse County Sheriff's Office shall issue City of Wheaton Special Vehicle Use Permits. The Traverse County Sheriff's Office may set up a network of authorized issuers of City of Wheaton Special Vehicle Use Permits as it sees fit.

271.04 Operating Conditions.

A. Operation on County Roadways. All-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts may be operated on all city roadways, with an approved City of Wheaton 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.

B. 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 city 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.

C. Times of Operation. All-terrain vehicles, utility task vehicles, and motorized golf carts may only be operated on city 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.

D. Required Equipment on Mini-Trucks. A mini-truck may be operated on city roadways if it is equipped with the following:

1. At least two headlamps.

2. At least two tail lamps.

3. Front and rear turn-signal lamps.

4. An exterior mirror mounted on the driver's side of the vehicle and either:

   a. An exterior mirror mounted on the passenger's side of the vehicle, or

   b. An interior mirror.

E. Required Equipment on Motorized Golf Carts. Motorized golf carts shall display the slow-moving vehicle emblem provided for in Minn. Stat. § 169.522, and shall be equipped with a rear-view mirror when operated on city roadways.

F. 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 city roadways.

G. Crossing Intersecting Highways. The operator of an all-terrain vehicle, mini-truck, utility task vehicle, or motorized golf cart, who has attained aCity of Wheaton Special Vehicle Use Permit, may cross any street or highway intersecting a city roadway.

H. Application of Traffic Laws. Every person operating an all-terrain vehicle, mini-truck, utility task vehicle, or motorized golf cart, who has attained aCity of Wheaton Special Vehicle Use Permit to operate on 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 Minn. Stat. § 169.045, Subd. 7.

I. Application of Other Laws. Every person operating an all-terrain vehicle, mini-truck, utility task vehicle, and motorized golf cart who has attained a City of Wheaton Special Vehicle Use Permit to operate on 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.

J. 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 City of Wheaton Special Vehicle Use Permit to operate on County roadways, pursuant to this Ordinance. Except for the requirements of Minn. Stat. § 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 city roadways.

K. Speed Limit. No person shall drive or operate an all-terrain vehicle, mini-truck, utility task vehicle, or motorized golf cart on a city roadway at a speed in excess of 40 miles per hour or at a speed greater than is reasonable and prudent under the conditions.

L. 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 Minn. Stat. § 65B.48, as amended.

M. Age and License Requirements. Every person operating a utility task vehicle or motorized golf cart on a city 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 city roadway.

271.05 **Permit Suspension.** City of Wheaton Special Vehicle Use Permits may be temporarily suspended by the Council or County Sheriff if it is determined that use of city roadways by all-terrain vehicles, mini-trucks, utility task vehicles, and motorized golf carts is a threat to public safety.

271.06 **Permit Revocation.** A City of Wheaton Special Vehicle Use Permit may be revoked for any of the following reasons:

A. Violation of any requirements of this Ordinance.

B. There is evidence that the permittee cannot safely operate the all-terrain vehicle, mini-truck, utility task vehicle, or motorized golf cart on a city roadway.

C. 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.

271.07 **Right to Appeal.** A permit applicant or permittee may appeal, in writing within five business days, the denial or revocation of a City of Wheaton Special Vehicle Use Permit to the Council. The Council 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 Council shall determine whether there is sufficient cause to support the denial or revocation of the City of Wheaton Special Vehicle Use Permit. The Council shall make written findings in support of its decision immediately following the hearing, which shall be final.

271.08 **Penalty.** A 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 shall be deemed a misdemeanor.

271.09 **Severability.** The provisions of this Ordinance shall be severable. Should any section, paragraph; sentence, clauses, 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 provision shall remain in full force and effect.

PASSED AND ADOPTED this 27th day of July, 2026.

WHEATON CITY COUNCIL

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Steven Lundquist, Mayor

ATTEST:

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Bill McCabe, Interim City Administrator