

ORDINANCE NO. 2010-3

AN ORDINANCE RELATING TO AND REGULATING THE USE AND OPERATION OF MOTORIZED GOLF CARTS, AND OTHER MOTORIZED CARTS IN THE CITY OF COTTONWOOD, AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

The City Council of the City of Cottonwood does ordain:

Section 1. Adoption By Reference of MN Statute. Except as herein specifically addressed or modified, the provisions of MN Statute Section 169.045 are herewith incorporated by reference.

Section 2. Definitions.

A. Motorized Golf Cart—A small motorized vehicle, with electric or gas power, designed to carry two golfers and their golf clubs around a golf course between shots.

B. Other Motorized Carts—Motorized carts such as utility maintenance carts (such as John Deere Gators or similar such models from other manufacturers), and other such motorized carts which in the determination of the City Council are similar to the carts covered in this Ordinance.

Section 3. Authorization To Use Motorized Golf Carts, and Other Motorized Carts.

The operation of motorized golf carts, and other motorized carts on designated roadways within the City by persons having a valid permit issued by the City is hereby authorized.

Section 4. Designated Roadways. All City streets, alleys, within City right-of-way, on County roads as shall be permitted by Lyon County, shall be designated motorized golf cart, and other motorized cart routes. No United States or State of Minnesota road shall be a designated roadway for carts.

Section 5. Permit Required. Every person who operates a motorized golf cart, or other motorized cart on any City street or designated roadway shall first obtain a permit from the Cottonwood City Clerk's Office. Each application for a permit shall give the name and address of the applicant, evidence of insurance which meets the requirements of Minnesota Statutes Section 65B.48, Subdivision 5, and such other information as the City may require. All permits expire on December 31 of the year in which the permit was issued. An annual fee shall be established through City Council resolution for all permits issued. When a person purchases a new cart, mid-year, the new cart must be registered at the City Clerk's Office, but there will be no fee for the transfer of the permit from the old cart to the new cart. The permit sticker shall be affixed to the rear of the golf cart, or other motorized cart in a visible location.

Section 6. Insurance. Owners and operators of motorized golf carts, or other motorized carts shall carry liability insurance coverage pursuant to Minnesota Statutes 65B.48, Subdivision 5, and carry evidence of such coverage on the cart.

Section 7. Conditions. Operation of motorized golf carts, and other motorized carts on permitted streets within the City is subject to the following conditions:

- A. Motorized golf carts, or other motorized carts may be operated on designated routes 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 in vehicles on the roadway at a distance of five hundred feet (500').
- B. Motorized golf carts or other motorized carts shall display a slow moving vehicle emblem provided for in Minnesota Statutes Section 169.522, when operated.
- C. Every person operating a motorized golf cart, or other motorized cart under permit on designated routes has all the rights and duties applicable to the driver of any other vehicle under the provisions of Chapter 169 of Minnesota Statutes, except when those provisions cannot be reasonably applied to motorized golf carts, or other motorized carts, and except as otherwise specifically provided in Minnesota Statutes Section 169.045, Subdivision 7.
- D. Every person operating a motorized golf cart, or other motorized cart must be at least sixteen (16) years of age, and not having had their driving privileges revoked.

Section 8. Other Requirements for Operation. In addition to the provision of said State Statutes, no person shall drive or operate any motorized golf cart, or other motorized cart in the City of Cottonwood:

- A. At a speed in excess of 15 miles per hour upon designated routes in the City.
- B. Upon the private property of another without the express written consent of such other person.
- C. In such a manner as to annoy or disturb the rest or repose of any member of the public.
- D. Abreast with one or more motorized golf carts, or other motorized carts upon designated routes in the City.
- E. So as to pass or attempt to pass another moving motorized golf cart, or other motorized cart upon designated routes in the City.
- F. In a careless, reckless or negligent manner to endanger the person or property of another or cause injury or damage thereon.
- G. With an alcohol level of 0.08 percent or greater, or under the influence of a controlled substance.
- H. With no more passengers than there are seats on the motorized golf cart, or other motorized cart to carry them. All passengers shall sit on the seats provided, with no infants or young children riding on laps.
- I. Without a rearview mirror as required under Minnesota Statutes Section 169.70.
- J. No person shall operate a golf cart, or other motorized cart on a public sidewalk or trail unless otherwise authorized.

Section 9. Revocation or Denial of Permit.

- A. A permit may be revoked at any time or denied if it is shown that the permittee cannot safely operate the motorized golf cart, or other motorized cart on the designated routes or if the permittee has had a valid driver's license revoked for traffic violations.
- B. Authorized Law Enforcement Officers or the City Council may temporarily revoke the permit for violations of this Ordinance until such time as the City Council makes final determination regarding revocation.

Section 10. Penalty for Operating Motorized Golf Carts, or Other Motorized Carts Without a Permit. Any person who operates a motorized golf cart, or other motorized cart without having obtained a permit from the City is guilty of a misdemeanor.

Section 11. Penalty. Any person who violates any provision of this Ordinance is guilty of a misdemeanor.

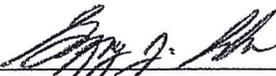
Section 12. Limitation of Liability. Nothing in this Ordinance shall be construed as an assumption of liability by the City for any injuries to persons or property which may result from the operation of a motorized golf cart, or other motorized carts by a permit holder or the failure by the City to revoke said permit.

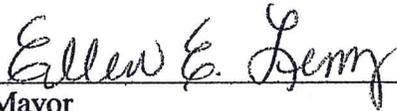
Section 13. Repeal. Ordinance No. 1993-3, entitled, An Ordinance Relating to and Regulating the Use and Operation of Motorized Golf Carts and Other Motorized Carts in the City of Cottonwood, and Prescribing Penalties for Violations Thereof, as adopted on September 7, 1993, and all other ordinances, resolutions, and acts and proceedings of the City and of the Council which are inconsistent with the terms of this Ordinance are hereby amended or repealed to the extent necessary to give full force and effect to this Ordinance.

Section 14. Effective Date. This Ordinance becomes effective from and after its passage and publication.

Passed by the City Council this 7TH day of SEPTEMBER, 2010.

Attest:


Clerk-Administrator


Mayor

SEAL

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