

ORDINANCE NO.: 2024-02

BALDWIN TOWNSHIP
SHERBURNE COUNTY, MINNESOTA

AN ORDINANCE REGULATING SPECIAL VEHICLES

THE BOARD OF SUPERVISORS OF BALDWIN TOWNSHIP DOES HEREBY ORDAIN:

Section 1. The Ordinance 120 - Special Vehicles shall read as follows:

Ordinance 120
SPECIAL VEHICLES

SECTION:

120-1: Purpose:

120-2: Definitions

120-3: Public Rights-of-Way

120-4: Private Motorsports

120-5: Penalty

120-6: Severability

120-1: PURPOSE: The purpose of this chapter is to address use of special vehicles including all-terrain vehicles, go-carts, golf carts, mini trucks, motorcycles, mini trucks, neighborhood electric vehicles, snowmobiles, utility task vehicles, or other recreation vehicles upon public roads or for recreation on private property.

120-2: DEFINITIONS: the following terms shall have the meanings given them herein for the purpose of this Ordinance:

All Terrain Vehicle: A motorized vehicle, includes a class 1 all-terrain vehicle defined by Minnesota Statutes 84.92, Subd. 9 and class 2 all-terrain vehicle defined by Minnesota Statutes 84.92 Subd. 10, but not including a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes, with

- A. Not less than three, but not more than six, low pressure or non-pneumatic tires;
- B. A total dry weight of 2,000 pounds or less; and
- C. A total width from outside of tire rim to outside of tire rim that is 65 inches or less.

Boulevard: The portion of the road right-of-way between the curb line or edge of the roadway and the property line.

Established Track: A dirt or gravel course built through alteration of the land by grading, fill, and/or excavation for motorized off-road recreational vehicles, including but not limited to, all terrain vehicles and off-road motorcycles that operate in a repetitive, continuous manner, or an area where recreational motorized vehicles, through their repetitive use have altered or changed the natural contour of the landscape and created a clearly identifiable track, not including trails used generally for property access or agriculture purposes that are the width of a single passenger vehicle or agriculture equipment.

Go-Cart: A motorized miniature vehicle capable of achieving speeds in excess of 10 miles per hour and commonly used on courses or racetracks specifically designed for such vehicles.

Mini Truck: 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, but not including a neighborhood electric vehicle or a medium-speed electric vehicle, or a motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements.

Motor Vehicle (or vehicle): Any device in or upon or by which any person or property is or may be transported or drawn upon a road, highway, alley, or trail and does include trailers, motorcycles, snowmobiles, bicycles, all-terrain vehicles, golf carts, and all vehicles required to be licensed.

Motorized Golf Cart: A vehicle with an electric or gasoline powered engine typically used for carrying golfers and their equipment over a golf course or used to carry passengers, but not including a utility task vehicle or neighborhood electric vehicle.

Natural Terrain: Areas other than roadways, driveways (private or public), parking lots and other areas the surface of which has been intentionally modified for motor vehicle operation thereon.

Neighborhood Electric Vehicle: An electrically powered motor vehicle that has three or four wheels, and has a speed attainable in one mile of at least 20 miles per hour but not more than 25 miles per hour on a paved level surface.

Off-Highway Motorcycle: A motorized, off-highway vehicle traveling on two wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control, not including a vehicle that is registered under Minnesota Statutes Chapter 168 for highway use if it is also used for off-highway operation on trails or unimproved terrain.

Off-Road Vehicles: A motorized recreational vehicle capable of cross-country travel on natural terrain, such as four-wheel-drive trucks, not including vehicles such as snowmobiles, all terrain vehicles, motorcycles, watercraft, or aircraft; farm, logging, military, emergency, law enforcement, utility, trail grooming, and construction vehicles are not considered to be ORVs when used for their intended purpose.

Owner: A person, other than a lien holder, having the property in or title to an all terrain vehicle, off-highway motorcycle or off- road vehicle entitled to the use or possession thereof.

Operate: To ride in or on and have control of the operation of the motorized all terrain vehicle, off-highway motorcycle or off- road vehicle.

Operator: Every person who operates or is in actual physical control of an all terrain vehicle, off-highway motorcycle or off- road vehicle.

Right-of-way: Land acquired by reservation or dedication intended for public use, and intended to be occupied or which is occupied by a road, sidewalk, trail, pedestrianway, railroad, utility lines, oil or gas pipeline, water line, sanitary sewer, storm sewer, or other similar uses.

Road: A public roadway providing access by pedestrians and vehicles to abutting properties, whether designated as an avenue, street, highway, road, circle, court, place, lane, boulevard, or parkway, or however otherwise designated.

Roadway: The portion of road right-of-way improved for vehicular travel.

Sidewalk (also trail): A paved path for pedestrians and/or bicycles and similar non-motorized recreational equipment at the side of a roadway.

Special Vehicles: All-terrain vehicles, utility task vehicles, and mini-trucks as defined by Minnesota Statutes 169.045, Subd. 1.; also includes motorized golf carts as defined by this Section.

Snowmobile: A self-propelled vehicle designated for travel on snow or ice steered by skis or runners.

Town or Township: Baldwin Township, Minnesota.

Utility Task Vehicle: A side-by-side, four-wheel drive, off-road vehicle that has four or six 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 pounds but less than 2,600 pounds.

120-3: PUBLIC RIGHTS-OF-WAY: All terrain vehicles, snowmobiles, and special vehicles may operate upon Town roads subject to the following provisions:

A. Application:

1. This section shall apply to use of special vehicles as defined by this Chapter, including all-terrain vehicles, motorized golf carts, snowmobiles, and utility task vehicles.
2. Neighborhood and medium-speed electric vehicles shall be allowed to operate upon all Town roads as provided for by Minnesota Statutes 169.244.

B. Special Vehicles:

1. A permit issued by the Town Clerk shall be required to be issued for operation of a special vehicle, including a motorized golf cart, upon Town roads.
 - a. A request for a special vehicle permit shall be filed with the Town on an official application form and processed in accordance with this Section:

- (1) The application shall be submitted by the owner of the special vehicle.
 - (2) The owner shall submit documentation of State licenses for the vehicle as may be required.
 - (3) The owner shall submit evidence of insurance complying with the provisions of Minnesota Statutes 65B.48, Subd. 5.
 - (4) Fee:
 - (a) The fee for the permit set forth by the Town Fee Schedule shall be paid at the time of application.
 - (b) The licensee shall not be entitled to a refund of any permit fee or portion thereof, upon revocation or suspension of the permit or for the sale or transfer of the special vehicle out of the Town.
 - (c) A request for a special vehicle permit shall be approved or denied within 30 days from the date of receipt of a complete application.
 - (5) The permit shall be valid for a period of three years and may be renewed in accordance with the process for issuance of the initial permit.
3. License Required. Persons operating a special vehicle with a permit issued in accordance with this Chapter shall possess a valid Minnesota Class D drivers license.
4. Hours: Special vehicles may be operated upon town roads as allowed by this section from sunrise to sunset.
5. Operation:
 - a. Every person operating a special vehicle with a permit issued in accordance with this Ordinance on Town roads has all the rights and duties applicable to the driver of any other vehicle under the provisions Minnesota Statutes 169, except when those provisions cannot reasonably be applied as determined by law enforcement.
 - b. Vehicles, when allowed to be driven with travelled portion of public roads, shall do so in single file, in the most right-hand lane when available for traffic or as close as practical to the right hand curb or edge of the roadway, except when passing another vehicle stopped in that lane.
 - c. Special vehicles may cross any County Road, County State Aid Highway, or State Highway intersecting a Town Road.
 - d. Special vehicles shall not be operated on or within:

- (1) Public sidewalks or trails.
 - (2) Town parks, except those drive aisles and parking areas designated for motorized vehicles.
- C. All-terrain vehicles may also be operated upon public rights-of-way in accordance with Minnesota Statutes 84.928.
- D. Snowmobiles may only be operated upon public rights-of-way in accordance with Minnesota rules 6100.5000 to 6100.5800 and the following provisions:
 1. In the bottom or outside slope of a ditch of a Town road, County Road or State Highway.
 2. On iced-over waters that have legal access.
 3. On public lands that are open to motorized vehicles.
- E. Required Equipment:
 1. Operation of special vehicles upon Town Roads as allowed by this Ordinance shall display a slow moving vehicle emblem as required by Minnesota Statutes 169.045, Subd. 4, and the following:
 - a. At least one white forward-facing running light (headlamp).
 - b. At least one red rear-facing running light (taillamp).
 - c. Brakes adequate to control the movement of and to stop and hold the special vehicle.
 - d. Mufflers:
 - (1) Standard mufflers that are properly attached and in constant operation that reduce the noise of operation of in internal combustion engine to the minimum necessary.
 - (2) Use of a muffler cutout, bypass, straight pipe or similar device for a special vehicle with an internal combustion engine shall be prohibited.
 - (3) The exhaust system shall not emit or produce sharp popping or crackling sounds.
 - e. A least one rearview mirror.
 2. All-terrain vehicles operated within public rights-of-way shall have equipment as required by Minnesota Statutes 84.928, Subd. 2.

3. Snowmobiles operated within public rights-of-way shall have equipment as required by Minnesota Rule 6100.5700.

120-4: PRIVATE MOTORSPORTS: Operation of all-terrain vehicles, go-carts, motorcycles, off-road vehicles, and snowmobiles for recreation on private property shall be subject to the following provisions:

- A. Private Property: All recreational, special vehicles, motorized golf carts, and off-road motorcycles may be operated upon private property by the owner or with the written permission of the owner carried on the operator's person.
- B. Hours. Operation of all-terrain vehicles, motorcycles, off-road vehicles, snowmobiles and other motorized recreational vehicles on private properties for recreational purposes shall be limited to occur within the hours of 9:00 a.m. to 7:00 p.m. each day, subject to additional provisions of Section 120-4.D of this Ordinance.
- C. Noise:
 1. All all-terrain vehicles, motorcycles, off-road vehicles, and snowmobiles for recreation on private property shall have a factory approved exhaust and mufflers may not be altered to increase motor noise, or have a cut out bypass, or similar device.
 2. Noise emissions shall not exceed 94 decibels at a distance of three feet during operation.
- D. Subsurface Sewage Treatment Systems. Operation of all-terrain vehicles, motorcycles, off-road vehicles, and snowmobiles for recreation on private property shall not be allowed on either primary or secondary septic drain field sites.
- E. Established Tracks. Establishment of a track as defined by this Ordinance shall be subject to the following requirements:
 1. An administrative permit shall be required as provided for by Chapter 8 of the Zoning Ordinance.
 2. The property upon which the established track is located shall be a minimum of five acres in area.
 3. The established track shall be located in compliance with the following minimum setbacks:
 - a. 20 feet from any property line.
 - b. 500 feet from any residence, except that of the owner.
 4. Erosion control measures shall be implemented as necessary to comply with applicable ordinances.
 5. Operation:

- a. No more than four operators may operate an all-terrain vehicle, go-cart, motorcycle or other recreational vehicle on the property at any one time.
- b. Operation of all recreational vehicles using an established track must cease for a minimum of one hour after every two hours of operation.

120-5: PENALTY: Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor punishable by up to the maximum sentence allowed by law for such offense.

120-6: SEPARABILITY: If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

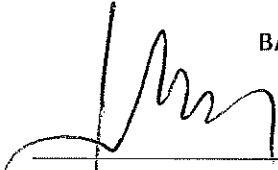
Section 2. This Ordinance shall become effective after passage and publication.

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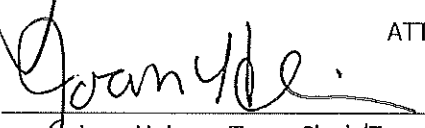
ADOPTED by the Baldwin Township Board of Supervisors this 6th day of May, 2024.

MOTION BY: Case
SECONDED BY: Walker
IN FAVOR: All
OPPOSED: None
Jeff Holm Absent

BALDWIN TOWNSHIP


Jay Swanson, Chair

ATTEST:


Joan Heinen, Town Clerk/Treasurer