

Winona County Ordinance No. 2016-20

An ordinance regulating the use and operation of special vehicles on county roads.

The County Board of Winona County, Minnesota, ordains:

Section 1. Definitions. In this ordinance, the following terms have the meanings given unless otherwise specified:

Subdivision 1. All-terrain vehicle (ATV) has the meaning given in Minnesota Statutes § 84.92, subd. 8;

Subd. 2. County means the County of Winona, Minnesota;

Subd. 3. County road means all county highways and county state-aid highways, and does not include United States Highways or Minnesota Trunk Highways;

Subd. 4. Golf cart means a small, motorized vehicle with four wheels powered by either an electric or a gas motor, commonly used for golfers and their equipment on a golf course;

Subd. 5. Public road right-of-way has the meaning given in Minnesota Statutes § 84.92, subd. 6a;

Subd. 6. Traveled portion means the paved portion of a paved county road and the portion of unpaved county roads used for vehicle travel, but does not include any portion of a ditch supporting a county road;

Subd. 7. Shoulder means the unpaved gravel strip between the traveled portion of a paved county road and the ditch, but does not include any portion of a ditch supporting a county road;

Subd. 8. Special vehicle means any all-terrain vehicle, golf cart, or utility-task vehicle described under this ordinance;

Subd. 9. Utility-task vehicle (UTV) has the meaning given in Minnesota Statutes § 169.045, subd. 1(3).

Section 2. Requirement of Special Vehicle Permit. Subdivision 1. This ordinance applies outside jurisdiction of city limits. Permits shall be required to operate a special vehicle on county roads. Application shall be made in a form supplied by the County, and shall require evidence of insurance complying with the provisions of section 65B.48. The County is responsible for reviewing applications and issuing permits.

Subd. 2. Permits shall remain valid for three calendar years (January 1 through December 31), unless revoked according to Section 5 of this Ordinance. Permits may be renewed. There will not be a fee for permits issued on or before December 31, 2016.

Subd. 3. Special vehicle permits from other jurisdictions will be recognized in the County. Recipients of permits from other jurisdictions may file a copy of the permit with the County, or provide proof of permit from another jurisdiction within fourteen (14) days of being stopped for not having a County special vehicle permit. Any permit provided after special vehicle use must have been valid when the special vehicle was used in the County.

Subd. 4. After permitting requirements are met, a sticker will be issued by the County and will serve as proof of the County permit. The sticker must be affixed to the rear of the special vehicle.

Section 3. Permitted Operation of Special Vehicles. In accordance with this Ordinance and Minnesota Statutes § 169.045:

Subdivision. 1. ATVs and UTVs may, by permit, be operated on right-hand shoulder, where available, or on the extreme right-hand side of the traveled portion, where no shoulder exists, of county roads in the County. The maximum speed limit of special use vehicles as defined by this ordinance is 40 miles per hour.

Subd. 2. Golf carts may, by permit, be operated on right-hand shoulder, where available, or on the extreme right-hand side of the traveled portion, where no shoulder exists, of county roads in the County with a speed limit of 45 miles per hour or less. Golf carts may not be operated on any portion of county roads in the County with a limit speed of more than 45 miles per hour. Golf carts operated under this ordinance must properly display the slow-moving-vehicle emblem described in Minnesota Statutes § 169.522.

Every special vehicle operator has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minnesota Statutes chapter 169, unless those provisions cannot reasonably be applied to special vehicles. The operation of special vehicles shall comply with Minnesota Statutes § 84.92 through § 84.928, and § 169.045, as well as any other Federal, State, or local law, rule, or regulation.

Section 4. Restrictions. No person shall operate a special vehicle under this ordinance:

Subdivision 1. Without a valid driver's license;

Subd. 2. Without valid insurance complying with Minnesota Statutes § 65B.48, subdivision 5;

Subd. 3. Except between sunrise and sunset, unless the special vehicle is equipped with original headlight, taillight, and rear-facing brake light equipment;

Subd. 4. In inclement weather, 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. 5. Without a rear-view mirror as described in Minnesota Statutes § 169.70.

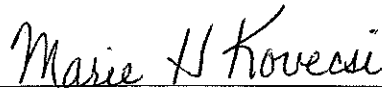
Section 5. Minors. No minor under the age of 18 may operate a special vehicle under this ordinance without possessing a valid driver's license and completing a Department of Natural Resources ATV safety course. Any minor special-vehicle operator or passenger traveling on a county road shall wear a properly fitted helmet approved by the Commissioner of Public Safety.

Section 6. Revocation or Denial. A permit or application under this Ordinance may be revoked or denied by the County if the special vehicle is not safe to legally operate, or has not been safely or legally operated within the County. A permit or application may also be revoked or denied if the operator cannot safely operate the special vehicle.

Section 7. Penalty. A violation of this Ordinance is a petty misdemeanor, subject to a penalty not exceeding \$300.00.

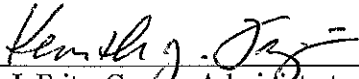
Adopted this 8th day of March, 2016.

WINONA COUNTY BOARD OF COMMISSIONERS



Marie H. Kovcesi, Board Chair

Attest:



Kenneth J. Fritz, County Administrator