



MEMORANDUM

Date: April 30, 2021

To: Mayor and City Council

From: Eric Hoversten, City Manager/Public Works Director

Subject: Proposed Ordinance Amendment and Administrative Policy regarding special vehicles

At the April 30, 2021 special meeting workshop, the Council discuss use of UTVs and ATVs on city streets. Based on that discussion, both a policy and ordinance amendment have been drafted by Staff with the cooperation of the Orono Police Department.

The policy is meant to provide background as to the reasoning for prohibiting use of special vehicles, including UTVs and ATVs on city and county roads and public lands in Mound. The language in the Ordinance amendment codifies this intent and gives the police the basis to enforce the prohibition and to formalize the City's position on Minnesota Statute Sec. 169.045.

Staff requests the City Council approve both the Administrative Policy and Ordinance Amendment, both of which were posted as of April 30, 2021 on the website and bulletin board as well as a notification sent to all RAVE Mobile Safety subscribers.

Please note the May 11, 2021 regular meeting is being held in the City Council Chambers. Please let me know if you have any questions on these proposals at (952)472-0609 or via email at erichoversten@cityofmound.com.

**ORDINANCE AMENDMENT TO BE ACTED UPON AT MAY 11, 2021
CITY COUNCIL MEETING (POSTED APRIL 30, 2021)**

**CITY OF MOUND
ORDINANCE __-2021**

**AN ORDINANCE AMENDING CHAPTER 70 OF THE MOUND CITY CODE AS IT RELATES
TO TRAFFIC AND VEHICLES**

The City Council of the City of Mound ordains:

SECTION 1. The City Council of the City of Mound hereby amends Chapter 70, Section 70-14. Driving in parks, commons, and unopened street and alley rights of way of the Mound City Code as follows:

Sec. 70-14. Driving in parks, commons, and unopened street and alley rights of way;

Unless otherwise posted; no person shall drive or operate ~~unauthorized~~ motor vehicles in any public park, commons, unopened street or alley rights-of-way except on improved roads, trails, designated lake accesses or parking areas as they may exist. ~~Light utility off road vehicles (UTV), all terrain vehicles (ATV) and snow mobiles may use rights of way access areas designated "traversable" for access to the lake only and dock use areas not for recreational or maintenance purposes.~~ Operation of ~~general purpose, road,~~ motor vehicles on commons or unopened street or alley rights-of-way for shoreland construction or improvement access requires a Public Lands Permit, as described in Chapter 62-11 and any other additional permitting.

SECTION 2. The City Council of the City of Mound hereby amends Chapter 70 of the Mound City Code by adding a new Section 70-15 as follows:

Sec. 70-15. Special Vehicle use prohibited on public streets and public lands;

Minnesota Statute Sec. 169.045 requires Class 1 and Class 2 vehicles, including motorized golf carts, all-terrain vehicles (ATV), utility task vehicles (UTV), and mini trucks, to have a permit to operate on designated roadways or portions thereof. The permit must be issued by the applicable local authority who affirmatively administers a permitting program. The local authorities in Mound are Hennepin County for County roads and the City of Mound for City roads, neither of which issues permits for Class 1 and Class 2 vehicles, therefore use of these vehicles is prohibited on public streets and public lands.

Adopted by the City Council this 11th day of May, 2021

Attest: Kevin Kelly, City Clerk

Mayor Raymond J. Salazar

Published in the Laker the day of , 2021.

Effective the day of , 2021.



ADMIN POLICY – PROHIBITED USE OF UTV/ATVs ON CITY STREETS & ROW	
Original Adoption: / /21	Reference No. ADMIN-0__
Reviewed/Updated: TBD	

Purpose and Scope - This policy is intended to clarify the City’s position on UTV and ATV use on city property, including roads, streets, alleys, fire lanes, public easements that abut commons, park, road or street right of way and/or public waters.

The city council makes the following findings of fact:

- a. Minnesota Statute requires Class 1 and Class 2 vehicles to have a permit to operate on municipal streets. The permit must be issued by the applicable local authority who affirmatively administers a permitting program. The local authorities in Mound are Hennepin County for County roads and the City of Mound for City roads, neither of which issues permits for Class 1 and Class 2 vehicles.
- b. If the local authorities were to issue a permit for Class 1 and/or Class 2 vehicles, statute still requires said vehicles to be operated on the shoulder or furthest right portion of the roadway. Most roads in Mound are improved up to curb, sidewalks and/or manicured lawns or the shoulder is the only pedestrian access, therefore ATV/UTVs would run into conflicts with pedestrians and bicyclists, creating safety issues and concerns.
- c. UTV/ATVs are built for off-road use, which means they are louder and emit more fumes than an electric golf cart, for example, and therefore work better for trails and farm work compared to urban uses.

For these reasons, the City Council wishes to affirm that use of UTV/ATVs is prohibited on city-owned streets and public lands and also on County roads within the City of Mound based on the fact Hennepin County does not affirmatively administer a permitting program. The City of Mound desires to maintain the roads and public properties for the overall public good of the City and to provide for the peace and safety of all citizens. City Code Chapter 70, Section 70-15. Special Vehicle use prohibited on public streets and public lands, specifically prohibits use of motorized golf carts, all-terrain vehicles (ATV), utility task vehicles (UTV), and mini trucks on public streets and public lands.

This policy is not intended to prohibit use of UTV/ATVs on private property, including allowing residents who abut a portion of commons or right of way to utilize a UTV/ATV on that portion of commons or right of way to the extent it acts as an extension of the private property and is maintained as such, or by emergency management agencies operating these vehicles in the interest of public safety.