

**TOWN OF EMPIRE
COUNTY OF DAKOTA
STATE OF MINNESOTA**

**ORDINANCE NO. 282-A
AN ORDINANCE PERMITTING USE OF
GOLF CARTS ON TOWN STREETS**

The Town Board of the Town of Empire Ordains as follows:

Section 1. **Purpose.** The purpose of this ordinance is to protect the general health, safety and welfare of the citizens of the Town of Empire by allowing golf carts to operate on town streets with an approved permit pursuant to Minnesota Statutes, Section 169.045.

Section 2. **Definitions.** For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

DRIVER. The person driving and/or having physical control over the motorized golf cart, utility task vehicle, all-terrain vehicle, or mini-truck and being the licensee.

MOTORIZED GOLF CART. Any passenger conveyance being driven with four wheels with four low-pressure tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds and has attainable top speed not greater than 25 mph on a paved level surface and which is manufactured primarily for transporting persons on a golf course. This definition specifically excludes vehicles commonly known as all-terrain vehicles or ATV's. and utility task vehicles or UTV's

Section 3. **Permit Required.** No person shall operate a motorized golf cart on streets, alleys, or other public property without obtaining a permit as provided herein.

(A) Every application for a permit shall be made on a form supplied by the township and shall contain the following information:

- (1) The name and address of the applicant.
- (2) Model name, make, and year and number of the motorized golf cart(s).
- (3) Current driver's license or reason for not having a current license.
- (4) Other information the city may require.

(B) The permit fee shall be as set forth in the Ordinance Establishing Fees and Charges, as may be amended from time to time.

(C) Permits shall be granted by the Clerk for the calendar year, January 1 thru December 31, and may be renewed annually. A permit sticker for the vehicle will be provided.

(D) No permit shall be granted or renewed unless the following conditions are met:

- (1) The applicant must demonstrate that he or she currently holds or has held a valid Minnesota driver's license.
- (2) The applicant must provide evidence of insurance in compliance with the provisions of Minnesota Statutes concerning insurance coverage for the golf cart.
- (3) The applicant has not had his or her driver's license revoked as the result of criminal proceedings.

Section 4. **Operating Conditions.**

- (A) Operator of the golf cart must possess valid and current drivers license.
- (B) Motorized golf carts are permitted to operate only on town streets in the MXR zoning district, not state or federal highways, except to cross at designated intersections.
- (C) Motorized golf carts may only be operated on designated roadways from sunrise to sunset. They shall not be operated in inclement weather 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.
- (D) Motorized golf carts shall not be operated on sidewalks, trails, or publicly owned lands including park and recreation areas, except upon roadways or parking areas.
- (E) Operator and passengers must be seated at all times.
- (F) Motorized golf carts shall display the slow-moving vehicle emblem provided for in Minn. Stat. § 169.045, as it may be amended from time to time, when operated on designated roadways.
- (G) Motorized golf carts shall display annual permit sticker on the left of the rear bumper and be visible at all times.
- (H) Motorized golf carts shall be equipped with a rear-view mirror to provide the driver with adequate vision from behind as required by Minn. Stat. § 169.70.
- (I) All Motorized gold carts that operate using an internal combustion engine must be equipped with a functioning standard muffler which is properly attached and in constant operation and which reduces the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, bypass, straight pipe or similar device on a motorized golf cart, and the exhaust system shall not emit or produce a sharp popping or crackling sound.
- (J) The operator of a motorized golf cart may cross any street or highway intersecting a designated roadway.
- (K) The number of occupants on the golf cart may not exceed the design occupant load.
- (L) Every motorized golf cart vehicle operator shall have proof of insurance and a driver's license in possession while operating the golf cart on town streets and shall produce such proof of insurance on demand of a Peace officer as specified in Minnesota Statutes 169.791.

(L) No person shall operate a motorized golf cart on the portion of any right of way of any street, except single file, on 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.

(M) Authorized city staff may operate city owned motorized golf carts without obtaining a permit within the city on city streets, sidewalks, trails, rights-of-way, and public property when conducting city business.

Section 5. **Suspension or Revocation of Permit.** The Board may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this section or Minn. Stat. Ch. 169, as it may be amended from time to time, or if there is evidence that the permit holder cannot safely operate the motorized golf cart on the designated roadways or if there is material misrepresentation made in the permit application. The Board will suspend or revoke a permit for three or more violations within the one-year permit period.

Section 6. **Violation; Penalty.** Any person violating any provision of this ordinance shall, upon conviction be guilty of a misdemeanor and shall be punished pursuant to applicable State Statute regarding misdemeanor penalties, as amended, plus the costs of prosecution. The Town hereby designates such an offense as a “payable” offense in the amount of \$75 per offense, as stated in the Township’s Fee Schedule Ordinance as may be amended from time to time. In addition, violation of any of the provisions of this Ordinance shall be grounds for revocation of the permit issued pursuant to this ordinance.

Section 7. **Separability.** Every section, provision or part of this ordinance is declared separable from every other section, provision, or part; and if any section, provision or part thereof shall be held invalid by a court of competent jurisdiction, it shall not affect any other section, provision, or part.

Section 8. **Repeals.** Ordinance No. 282 and all prior amendments thereto are hereby repealed. Parts of other ordinance in conflict with this Ordinance to the extent of such conflict and no further, are hereby repealed.

Section 9. **Effective Date.** This Ordinance is effective upon its passage and publication according to law.

Passed this 14th day of February, 2023.

Terry Holmes, Chairman

ATTEST:

Charles Seipel- Teng, Clerk-Treasurer