

Date: December 29, 2009

Ord. #03-09

Mini-Truck Ordinance

On motion of Commissioner Gabrielson, seconded by Commissioner Lang, the following Ordinance was unanimously passed and adopted by the Mower County Board of Commissioners at a meeting held December 29, 2009 at the Courthouse, Austin, Minnesota.

WHEREAS, a Notice of Intention to consider adopting Chapter 19, Mini Truck Ordinance, of the Mower County Ordinance was published in the LeRoy Independent and the Grand Meadow News on December 16 and 17, 2009; and

WHEREAS, the County Board held a public hearing on said Ordinance on December 29, 2009; and

WHEREAS, the Mower County Planning Commission recommended by a majority the adoption of the Mower County Ordinance;

BE IT ORDAINED that Chapter 19, Mini Truck Ordinance, of the Mower County Ordinance is adopted.

CHAPTER 19 MINI TRUCK ORDINANCE

ARTICLE I – PURPOSE

SECTION 19.100 The purpose of this ordinance is to establish standards for the use of more fuel efficient and cost effective vehicles to support more sustainable operations within Mower County.

ARTICLE II – SCOPE

SECTION 19.200 This ordinance shall provide for the authorization of the operation of mini- trucks on designated roadways within Mower County.

ARTICLE III – AUTHORITY

SECTION 19.300 This ordinance is enacted pursuant to Minnesota Statute §169.045 which establishes the authority for the County to authorize by ordinance the operation of mini-trucks on designated roadways within Mower County. If the State of Minnesota reestablishes their authority to license these vehicles, their licensing authority shall supersede this County ordinance.

ARTICLE IV – DEFINITIONS

SECTION 19.400 For the purpose of this ordinance, the following definitions will apply:

SECTION 19.410 Mini-truck means a motor vehicle that has four wheels, is propelled by an electric motor with a rated power of 7500 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 2200 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.

SECTION 19.420 A mini-truck does not include:

- a) A neighborhood electric vehicle or a medium speed electric vehicle; or
- b) A motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements.

SECTION 19.430 Designated Roadway means all township roads, all county roads and county state-aid highways in Mower County and not under the jurisdiction of any city.

ARTICLE V – PERMIT NEEDED

SECTION 19.500 It shall be unlawful for any person to operate a mini-truck on roadways within Mower County, except on designated roadways and in compliance with the permit requirements of this ordinance.

ARTICLE VI – APPLICATION FOR A PERMIT

SECTION 19.600 Any person desiring to operate a mini-truck on designated roadways within Mower County shall make written application for a permit on forms provided by the Mower County Sheriff's Office. Such application shall include the full name and address of the applicant, proof of insurance in compliance with Minnesota Statute § 65B.48 Subd.5, evidence of a valid driver's license, and other such conditions as deemed appropriate by the Mower County Sheriff's Office.

SECTION 19.610 Applicant shall also submit a permit fee in an amount determined by the Mower County Board of Commissioners via resolution.

SECTION 19.620 Permits may be granted for a duration not to exceed one year and shall be renewed annually beginning the first business day in January.

SECTION 19.630 An applicant may be required to submit a certificate signed by a physician that the applicant is able to safely operate a mini-truck on designated roadways.

SECTION 19.640 If persons operating a mini-truck cannot obtain liability insurance in the private market, that person may purchase automobile insurance including no-fault coverage, from the Minnesota Automobile Insurance Plan under Minn. Stat. §65B.01 to s65B.12, at a rate to be determined by the commissioner of commerce.

ARTICLE VII – PERMIT CONDITIONS

SECTION 19.700 The operator, under a permit, of a mini-truck may cross any street or highway intersecting a designated roadway.

SECTION 19.710 Every person operating a mini-truck under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stat. §169, except when those provisions cannot be reasonably applied to mini-trucks and except as otherwise provided within Section 7.3 below.

SECTION 19.720 The provisions of Minn. Stat. §171 are applicable to persons operating mini-trucks under permit on designated roadways.

SECTION 19.730 Notwithstanding any other law, a mini-truck may be operated on designated roadways under permit only if it is equipped with:

- a) at least two headlamps,
- b) at least two taillamps,
- c) front and rear turn-signal lamps,
- d) an exterior mirror mounted on the passenger's side of the vehicle and either
 - (i) an exterior mirror mounted on the passenger's side of the vehicle;
 - or
 - (ii) an interior mirror
- e) a windshield,
- f) a seatbelt for the driver and front passenger, and
- g) a parking brake.

ARTICLE VIII – REVOCATION

SECTION 19.800 A permit may be revoked at any time if there is evidence that the permittee cannot safely operate the mini-truck on designated roadways.

SECTION 19.810 Said revocation shall be effective three days after the date of mailing, via certified mail, notice of revocation of the permit to the permittee at the address listed on permittee's application.

SECTION 19.820 Permittee may challenge the revocation of the permit by submitting notice in writing to the Mower County Coordinator at the Mower County Courthouse, 201 First Street NE, Austin, MN 55912 within 14 days of the date of the Notice of Revocation. Said notice shall specify the basis of the appeal.

SECTION 19.830 Upon receipt of an appeal of a permit revocation, the Mower County Coordinator shall set the appeal on for a hearing before the Mower County Board of Commissioners within 30 days of the receipt of the Notice of Appeal. The County Coordinator shall cause at least 10 days written notice of the hearing to be given to the permittee by certified mail to permittee's address as listed on the permit application.

SECTION 19.840 At the hearing before the Mower County Board of Commissioners, the permittee shall be given an opportunity to be heard and to show cause why the notice of revocation issued should be modified, withdrawn, or rescinded.

SECTION 19.850 The Mower County Board of Commissioners shall issue detailed, written findings, following the hearing of the appeal.

SECTION 19.860 Any notice of revocation served pursuant to the provisions of this ordinance shall automatically become final if written notice of appeal is not filed with the County Coordinator within 14 days after the notice of revocation is served.

ARTICLE IX – SEVERABILITY

SECTION 19.900 The provisions of this ordinance shall be severable. Should any section, paragraph, sentence, clause, phrase or portion of this regulation be declared invalid for any reason, the remainder of said regulation shall not be affected and the remainder of the provisions shall remain in full force and effect.

ARTICLE X – PENALTIES

SECTION 19.1000 Any person, firm or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof or who shall make any false statements in any document required to be submitted under the provisions thereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed one thousand dollars (\$1,000) and/or by imprisonment of not to exceed ninety (90) days. Each day that a violation continues shall constitute a separate offense. Such persons may be enjoined from continuing such violations.

SECTION 19.1010 In the event of a violation, or a threat of a violation, of this Ordinance, the County Attorney may take appropriate action to enforce this Ordinance, including application for injunctive relief, action to compel performance, or other appropriate action in Court, if necessary, to prevent, restrain, correct or abate such violations or threatened violations.

ARTICLE XI – EFFECTIVE DATE

SECTION 19.1100 This regulation shall be in full force and effect upon publication and adoption pursuant to law.

BE IT FURTHER ORDAINED that this ordinance is effective upon publication.

A copy of the entire Mower County Ordinance and related maps, if any, are on file in the Mower County Auditor-Treasurer's office.

Passed and approved this 29th day of December, 2009.