

ORDINANCE #2010-2

MINI-TRUCK ORDINANCE IN THE CITY OF BROWNSDALE

SECTION 1. PURPOSE

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 the City of Brownsdale.

SECTION 2. SCOPE

This ordinance shall provide for the authorization of the operation of mini-trucks on designated streets within City limits.

SECTION 3. AUTHORITY

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

SECTION 4. DEFINITIONS

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

A. "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.

B. A mini-truck does not include:

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

C. "Designated Roadway" means all streets under the jurisdiction of the City.

SECTION 5. PERMIT NEEDED

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

SECTION 6. APPLICATION FOR A PERMIT

Any person desiring to operate a mini-truck on designated roadways within the City limits of Brownsdale 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.

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

Permits may be granted by the Mower County Sheriff's Office for duration not to exceed one year and shall be renewed annually beginning the first business day in January.

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.

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 s 65B.12, at a rate to be determined by the commissioner of commerce.

SECTION 7. PERMIT CONDITIONS

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

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 with below in this section.

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

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
 - 1) an exterior mirror mounted on the passenger's side of the vehicle; or
 - 2) an interior mirror
- e) a windshield
- f) a seatbelt for the friver and front passenger, and

g) a parking brake.

SECTION 8. REVOCATION

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

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.

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.

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.

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.

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

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.

SECTION 9. SEVERABILITY

The provisions of this ordinance shall be severable. Should any section, paragraph, sentence, clause, phrases 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.

SECTION 10. PENALTIES

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 on thousand dollars (\$1,000) and/or by imprisonment of not to exceed ninety (90) days. Each day that a violation continues shall constitute a separated offense. Such persons may be enjoined from continuing such violations.

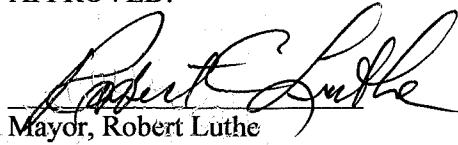
In the event of a violation, of a threat of a violation, of this Ordinance, the County Attorney may take appropriated action to enforce this Ordinance, including application for injunctive relief, action to compel performance, or other appropriate action in Court, if necessary, to prevent, restrain,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

SECTION 11. EFFECTIVE DATE

This ordinance shall be effective upon its passage and publication according to the law.

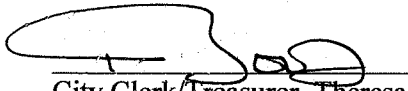
Passed by a vote of Yeas and Nays by the City Council of Brownsdale the 1 day of March, 2010

APPROVED:



Mayor, Robert Luthe

ATTESTED:



City Clerk/Treasurer, Theresa Booms

Publication date in Grand Meadow News on the 31 day of March, 2010.