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MEMORANDUM

TO: Baldwin Township Planning Commission

FROM: D. Daniel Licht

DATE: 14 Marchy 2024

RE: Baldwin Township – Zoning Ordinance; Private Motor Sport Vehicles

TPC FILE: 169.01

BACKGROUND

The Planning Commission at the meeting on 21 February 2024 discussed operation of all-terrain vehicles, golf carts, motorcycles, utility task vehicles, snowmobiles and other recreational vehicles for use both on public roads and private properties. The purpose of this discussion was to provide direction if ordinance language is to be considered allowing use of such vehicles on public roads and what, if any amendments to Chapter 31 regulating use of these vehicles on private property should be considered. Our office has drafted a proposed Ordinance to establish regulations separate from the Zoning Ordinance to address these topics for further discussion and review by the Planning Commission.

Exhibits:

- Chapter 31 – Private Motor Sport Vehicles (Existing Regulations)
- Ordinance 120 – Special Vehicles (Draft)

ANALYSIS

- The draft ordinance is proposed separate from the Zoning Ordinance based on operation of motor vehicles in reference to State Statues and not as a land use.
- A definition section is included outlining terms derived from State Statutes for motor vehicle or other terms necessary for the application of the regulations.
- Public Roads:

- The proposed regulation allow for operation of defined special vehicles, which includes all terrain vehicles, golf carts, and utility task vehicles upon Town roads.
- State Statutes require that the Town issue a permit for operation of such vehicles upon Town roads.
 - An application process is outlined along with a list of required information to be provided.
 - The Town may establish a fee for issuance of the permit.
 - The Permit can be made valid for up to three years.
- A Class D drivers license and motor vehicle insurance is required by State Statute to operate a special vehicle upon Town roads.
- Special vehicles may only operate on Town roads from sunrise to sunset.
- Specific provisions including application of traffic laws, crossing non-Town roadways, and prohibiting operation on trails and in areas not designated for such vehicles in parks are also included in the operations section of the proposed ordinance.
- Equipment required by State Statute for operation on Town roads is limited to a slow moving vehicle triangle. We recommend the proposed ordinance also require front and rear running lights, brakes, a rearview mirror and mufflers.
- All-terrain vehicles have specific allowances provided for by State Statute regarding operation on public roads, which are included so as not to exclude any existing allowed uses.
- Snowmobiles will be limited to only that use upon public roads allowed by Minnesota Rules so as to avoid conflicts with these regulations, minimize traffic hazards, and preserve the condition of Town roads.
- Private Properties:
 - Use of recreational vehicles is allowed on all properties subject to the following provisions:
 - Limits on hours of operation
 - Required installation of mufflers and a specific limit of 94 decibels for noise emissions:

INSERT GRAPHIC

- Avoidance of operating upon subsurface sewage treatment drain field areas.
- Established Tracks:
 - Defined by proposed ordinance.
 - Planning Commission may consider a minimum lot area requirement that is greater than the minimum lot area requirement for lots within the R1, General Rural District generally. A larger minimum lot area requirement provides more space for the established track within the lot and potential greater separation from surrounding uses.
 - Chapter 31 of the Zoning Ordinance already includes setbacks from property lines, residences other than that of the owner, and livestock shelters except that of the owner.

We have increased the setback from property lines from 50 feet to 100 feet based on the prior Planning Commission discussion.

The Planning Commission can review potential setback distances from surrounding uses at the meeting as part of the discussion in order to form a recommendation.

- Screening in the form of either coniferous trees or a seven foot high solid fence would be required at the perimeter of the established track.
- Dust control would be required during operation.
- Not more than four riders could operate at any one time.
- One our quiet time is required for each two hours of operation.
- Violation of the provisions of the ordinance could be enforced by administrative citation or via criminal prosecution of a misdemeanor.
- A standard separability clause is included in the proposed ordinance.

- Zoning Ordinance:
 - If the Planning Commission supports the approach, format, and scope of regulations outlined in the draft ordinance, Town staff would also draft amendments removing the existing provisions related to recreational vehicle operation on private properties.
 - Commercial recreational vehicle tracks could remain as an interim use allowed by the Zoning Ordinance or removed if there is concern about noise, traffic, or other compatibility issues such uses can cause.

CONCLUSION

The information provided is for continued discussion by the Planning at their meeting on 20 March 2024. Town staff would notice a public hearing and prepare additional amendment provisions removing existing language from the Zoning Ordinance and including amendment of the fee schedule or other provisions as applicable to implement the proposed regulations.

c. Joan Heinen, Town Clerk

Chapter 31
PRIVATE MOTOR SPORT VEHICLES

SECTION:

XX-31-1: Purpose

XX-31-2: Allowed Uses

XX-31-3: Performance Standards

XX-31-1: PURPOSE: The purpose of this chapter is to address motor sport activities, which include operation of dirt bikes, all-terrain vehicles, mud trucks, and racecars used for recreation on private property. (Ord. 900, 18 Apr 22)

XX-31-2: ALLOWED USE:

- A. Sites that meet the requirements of this chapter are permitted uses within all zoning districts established by chapter 45 of this ordinance.
- B. Landowners wishing to hold a single day or week-end motor sport event shall apply for a special occasional event interim use permit in accordance with chapter 5 of this ordinance. (Ord. 900, 18 Apr 22)

XX-31-3: PERFORMANCE STANDARDS:

- A. The parcel of land is not in a residential subdivision.
- B. The track shall be located a minimum of 1,000 feet from any residence, except that of the owner.
- C. The track shall be located a minimum of 1,000 feet from a livestock shelter and/or arena, except that of the owner.
- D. The track shall be setback a minimum of 50 feet from any property line. (Ord. 900, 18 Apr 22)

ORDINANCE NO.: 120

**BALDWIN TOWNSHIP
SHERBURNE COUNTY, MINNESOTA**

AN ORDINANCE REGULATING SPECIAL VEHICLES

THE BOARD OF SUPERVISORS OF BALDWIN TOWNSHIP DOES HEREBY ORDAIN:

Section 1. The Baldwin Township Special Vehicle Ordinance shall read as follows:

**Ordinance 120
SPECIAL VEHICLES**

SECTION:

120-1: Purpose:

120-2: Definitions

120-3: Use on Public Roads

120-4: Private Motorsports

120-5: Penalty

120-6: Severability

120-1: PURPOSE: The purpose of this chapter is to address use of special vehicles including all-terrain vehicles, go-carts, golf carts, mini trucks, motorcycles, mini trucks, neighborhood electric vehicles, snowmobiles, utility task vehicles, or other recreation vehicles upon public roads or for recreation on private property.

120-2: DEFINITIONS: the following terms shall have the meanings given them herein for the purpose of this Ordinance:

All Terrain Vehicle: A motorized vehicle, includes a class 1 all-terrain vehicle defined by Minnesota Statutes 84.92, Subd. 9 and class 2 all-terrain vehicle defined by Minnesota Statutes 84.92 Subd. 10, but not including a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes, with

- A. Not less than three, but not more than six, low pressure or non-pneumatic tires;
- B. A total dry weight of 2,000 pounds or less; and

C. A total width from outside of tire rim to outside of tire rim that is 65 inches or less.

Boulevard: The portion of the road right-of-way between the curb line or edge of the roadway and the property line.

Established Track: A dirt or gravel course built through alternation of the land by grading, fill, and/or excavation for motorized off-road recreational vehicles, including but not limited to, all terrain vehicles and off-road motorcycles that operate in a repetitive, continuous manner, or an area where recreational motorized vehicles, through their repetitive use have altered or changed the natural contour of the landscape and created a clearly identifiable track, not including trails used generally for property access or agriculture purposes that are the width of a single passenger vehicle or agriculture equipment.

Go-Cart: A motorized miniature vehicle capable of achieving speeds in excess of 10 miles per hour and commonly used on courses or racetracks specifically designed for such vehicles.

Mini Truck: A motor vehicle that has four wheels; is propelled by an electric motor with a rated power of 7,500 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 2,200 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, but not including a neighborhood electric vehicle or a medium-speed electric vehicle, or a motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements.

Motor Vehicle (or vehicle): Any device in or upon or by which any person or property is or may be transported or drawn upon a road, highway, alley, or trail and does include trailers, motorcycles, snowmobiles, bicycles, all-terrain vehicles, golf carts, and all vehicles required to be licensed.

Motorized Golf Cart: A vehicle with an electric or gasoline powered engine typically used for carrying golfers and their equipment over a golf course or used to carry passengers, but not including a utility task vehicle or neighborhood electric vehicle.

Natural Terrain: Areas other than roadways, driveways (private or public), parking lots and other areas the surface of which has been intentionally modified for motor vehicle operation thereon.

Neighborhood Electric Vehicle: An electrically powered motor vehicle that has three or four wheels, and has a speed attainable in one mile of at least 20 miles per hour but not more than 25 miles per hour on a paved level surface.

Off-Highway Motorcycle: A motorized, off-highway vehicle traveling on two wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control, not including a vehicle that is registered under Minnesota Statutes Chapter 168 for highway use if it is also used for off-highway operation on trails or unimproved terrain.

Off-Road Vehicles: A motorized recreational vehicle capable of cross-country travel on natural terrain, such as four-wheel-drive trucks, not include vehicles such as snowmobiles, all terrain vehicles, motorcycles, watercraft, or aircraft; farm, logging, military, emergency, law enforcement, utility, trail grooming, and construction vehicles are not considered to be ORVs when used for their intended purpose.

Owner: A person, other than a lien holder, having the property in or title to an all terrain vehicle, off-highway motorcycle or off- road vehicle entitled to the use or possession thereof.

Operate: To ride in or on and have control of the operation of the motorized all terrain vehicle, off-highway motorcycle or off- road vehicle.

Operator: Every person who operates or is in actual physical control of an all terrain vehicle, off-highway motorcycle or off- road vehicle.

Right-of-way: Land acquired by reservation or dedication intended for public use, and intended to be occupied or which is occupied by a road, sidewalk, trail, pedestrianway, railroad, utility lines, oil or gas pipeline, water line, sanitary sewer, storm sewer, or other similar uses.

Road: A public roadway providing access by pedestrians and vehicles to abutting properties, whether designated as an avenue, street, highway, road, circle, court, place, lane, boulevard, or parkway, or however otherwise designated.

Roadway: The portion of road right-of-way improved for vehicular travel.

Sidewalk (also trail): A paved path for pedestrians and/or bicycles and similar non-motorized recreational equipment at the side of a roadway.

Special Vehicles: All-terrain vehicles, utility task vehicles, and mini-trucks as defined by Minnesota Statutes 169.045, Subd. 1.; also includes motorized golf carts as defined by this Section.

Snowmobile: A self-propelled vehicle designated for travel on snow or ice steered by skis or runners.

Town or Township: Baldwin Township, Minnesota.

Utility Task Vehicle: A side-by-side, four-wheel drive, off-road vehicle that has four or six wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 pounds but less than 2,600 pounds.

120-3: USE ON PUBLIC ROADS: All terrain vehicles, snowmobiles, and special vehicles may operate upon Town roads subject to the following provisions:

A. Application:

1. This section shall apply to use of special vehicles as defined by this Chapter, including all-terrain vehicles, motorized golf carts, snowmobiles, and utility task vehicles.
2. Neighborhood and medium-speed electric vehicles shall be allowed to operate upon all Town roads as provided for by Minnesota Statutes 169.244.

B. Special Vehicles:

1. A permit issued by the Town Clerk shall be required to be issued for operation of a special vehicle, including a motorized golf cart, upon Town roads.
 - a. A request for a special vehicle permit shall be filed with the Town on an official application form and processed in accordance with this Section:
 - (1) The application shall be submitted by the owner of the special vehicle.
 - (2) The owner shall submit documentation of State licenses for the vehicle as may be required.
 - (3) The owner shall submit evidence of insurance complying with the provisions of Minnesota Statutes 65B.48, Subd. 5.
 - (4) Fee:
 - (a) The fee for the permit set forth by the Town Fee Schedule shall be paid at the time of application.
 - (b) The licensee shall not be entitled to a refund of any permit fee or portion thereof, upon revocation or suspension of the permit or for the sale or transfer of the special vehicle out of the Town.

(c) A request for a special vehicle permit shall be approved or denied within 30 days from the date of receipt of a complete application.

(5) The permit shall be valid for a period of three years and may be renewed in accordance with the process for issuance of the initial permit.

D. License Required. Persons operating a special vehicle with a permit issued in accordance with this Chapter shall possess a valid Minnesota Class D drivers license.

E. Hours: Special vehicles may be operated upon town roads as allowed by this section from sunrise to sunset.

F. Operation:

1. Every person operating a special vehicle with a permit issued in accordance with this Ordinance on Town roads has all the rights and duties applicable to the driver of any other vehicle under the provisions Minnesota Statutes 169, except when those provisions cannot reasonably be applied as determined by law enforcement.

2. A special vehicle shall be driven on public roads in single file, in 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.

3. Special vehicles may cross any County Road, County State Aid Highway, or State Highway intersecting a Town Road.

4. Special vehicles shall not be operated on or within:

a. Public sidewalks or trails.

b. Town parks, except those drive aisles and parking areas designated for motorized vehicles.

5. All-terrain vehicles may also be operated upon public rights-of-way in accordance with Minnesota Statutes 84.928.

6. Snowmobiles may only be operated upon public rights-of-way in accordance with the following provisions:

a. In the bottom or outside slope of a ditch of a Town road, County Road or State Highway.

- b. On iced-over waters that have legal access.
- c. On public lands that are open to motorized vehicles.

E. Required Equipment.

1. Operation of special vehicles, other than all-terrain vehicles or snowmobiles, upon Town Roads as allowed by this Ordinance shall display a slow moving vehicle emblem as required by Minnesota Statutes 169.045, Subd. 4, and the following:
 - a. At least one white forward-facing running light (headlamp).
 - b. At least one red rear-facing running light (taillamp).
 - c. Brakes adequate to control the movement of and to stop and hold the special vehicle.
 - d. Mufflers:
 - (1) Standard mufflers that are properly attached and in constant operation that reduce the noise of operation of in internal combustion engine to the minimum necessary.
 - (2) Use a muffler cutout, bypass, straight pipe or similar device for a special vehicle with an internal combustion engine shall be prohibited.
 - (3) The exhaust system shall not emit or produce sharp popping or crackling sounds.
 - e. A least one rearview mirror.
2. All-terrain vehicles operated within public rights-of-way or upon public roads shall have equipment as required by Minnesota Statutes 84.928, Subd. 2.
3. Snowmobiles operated within public rights-of-way shall have equipment as required by Minnesota Rule 6100.5700.

120-4: PRIVATE MOTORSPORTS: Operation of all-terrain vehicles, go-carts, motorcycles, off-road vehicles, and snowmobiles for recreation on private property shall be subject to the following provisions.

- A. Private Property: All recreational, special vehicles, motorized golf carts, and off-road motorcycles may be operated upon private property by the owner or with the written permission of the owner carried on the operator's person.
- B. Hours. Operation of all-terrain vehicles, motorcycles, off-road vehicles, snowmobiles and other motorized recreational vehicles on private properties for recreational purposes shall be limited to occur within the following hours, subject to additional provisions of Section 120-4.D of this Ordinance:
 - 1. Monday through Friday: 9:00 a.m. to 7:00 p.m.
 - 2. Saturday and Sunday: 11:00 a.m. through 6:00 p.m.
- C. Noise:
 - 1. All all-terrain vehicles, motorcycles, off-road vehicles, and snowmobiles for recreation on private property shall have a factory approved exhaust and mufflers may not be altered to increase motor noise, or have a cut out bypass, or similar device.
 - 2. Noise emissions shall not exceed 94 decibels at a distance of 20 inches during operation.
- D. Subsurface Sewage Treatment Systems. Operation of all-terrain vehicles, motorcycles, off-road vehicles, and snowmobiles for recreation on private property shall not be allowed on either primary or secondary septic drain field sites.
- E. Established Tracks. Establishment of a track as defined by this Ordinance shall be subject to the following requirements:
 - 1. An administrative permit shall be required as provided for by Chapter 8 of the Zoning Ordinance.
 - 2. The property upon which the established track is located shall be a minimum of five acres in area.
 - 3. The established track shall be located in compliance with the following minimum setbacks:
 - a. 100 feet from any property line.
 - b. 1,000 feet from any residence, except that of the owner.

- c. 1,000 feet from a livestock shelter and/or or arena, except that of the owner.
- 4. An established track shall be screened at its outside perimeter subject to approval of the Zoning Administrator by the following means or combination thereof:
 - a. Planting of coniferous trees a minimum of eight feet in height not more than 20 feet on center.
 - b. Construction of a solid fence a minimum of seven feet in height.
- 5. Dust control measures shall be implemented at all times during operation, including application of water to the track surface.
- 6. Operation:
 - a. No more than four operators may operate an all-terrain vehicle, go-cart, motorcycle or other recreational vehicle on the property at any one time.
 - b. Operation of all recreational vehicles using an established track must cease for a minimum of one hour after every two hours of operation.

120-5: PENALTY: Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor punishable by up to the maximum sentence allowed by law for such offense.

120-6: SEPARABILITY: If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

Section 2. This Ordinance shall become effective after passage and publication.

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ADOPTED by the Board of Supervisors of Baldwin Township this ____ day of _____, 2024.

MOTION BY:

SECONDED BY:

IN FAVOR:

OPPOSED:

BALDWIN TOWNSHIP

Jay Swanson, Chair

ATTEST:

Joan Heinen, Town Clerk/Treasurer