

BECKER COUNTY BOARD OF COMMISSIONERS
RESOLUTION No. 07-10-1G

MINI TRUCK ORDINANCE

WHEREAS, Minnesota Statutes Section 169.045 regulates the use of mini trucks and the Becker County Board of Commissioners finds that it is in the best interests of Becker County residents to enact an ordinance consistent with this statute;

WHEREAS, a Notice of Intention to consider adopting a Mini Truck Ordinance of Becker County was published pursuant to statute on June 23, 2010 for 14 days; and

WHEREAS, the County Board held a public meeting on the proposed Mini Truck Ordinance on July 13, 2010, 2010 at the Courthouse, Detroit Lakes, Minnesota; and

BE IT ORDAINED that the Becker County Mini-Truck Ordinance is adopted.

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

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

Duly adopted this 13th day of July, 2010 at Detroit Lakes, Minnesota.

COUNTY BOARD OF COMMISSIONERS
BECKER COUNTY, MINNESOTA

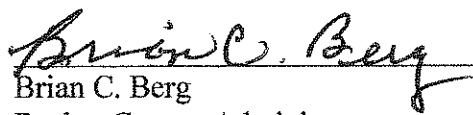
ATTEST:

/s/ Brian C. Berg
Brian C. Berg
County Administrator

/s/ John Bellefeuille
John Bellefeuille
Board Chair

State of Minnesota)
) ss.
County of Becker)

I, the undersigned, being the duly appointed and qualified County Administrator for the County of Becker, State of Minnesota, do hereby certify that the foregoing is a true and correct copy of a Resolution passed, adopted and approved by the County Board of Commissioners at a meeting held July 13, 2010 as recorded in the record of proceedings.


Brian C. Berg
Becker County Administrator

BECKER COUNTY MINI TRUCK ORDINANCE

ORDINANCE NO. XVII

An Ordinance for the use and operation of all
mini trucks on roads within Becker County.

CHAPTER 1 INTRODUCTORY PROVISIONS

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 Becker County.

Section 2 Scope

This Ordinance shall provide for the use and operation of mini trucks and other specialized vehicles on designated roadways within Becker County.

Section 3 Authority

This Ordinance is enacted pursuant to Minnesota Statute Section 169.045.

Section 4 Definitions

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.

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.

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

CHAPTER 2 PERMITS AND APPLICATION REVIEW PROCESS

Section 1 Permit required

Any person operating a mini truck on designated roadways within Becker County must obtain a permit pursuant to the requirements of this Ordinance. It is unlawful for any person to operate a mini truck on Becker County roadways, except on designated roadways and in compliance with this Ordinance.

Section 2 Application process

To obtain a permit required by this Ordinance, a written application on forms provided by the Becker County Sheriff's Department must be filed with the Sheriff's Department. The application must include the full name and address of the applicant, proof of insurance in compliance with Minnesota Statute Section 65B.48 Subdivision 5, evidence of a valid driver's license, and other such conditions as deemed appropriate by the Becker County Sheriff's Department, pursuant to Minnesota Statute Section 375.51 Subdivision 2.

Section 3 Fee

Applicants must also submit a permit fee in an amount determined by the Becker County Board of Commissioners.

Section 4 Duration

Permits shall not exceed one year and may be renewed annually.

Section 5 Insurance

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 Minnesota Statute Section 65B.01 to 65B.12, at a rate to be determined by the commissioner of commerce.

Section 6 Requirements for permit

All permits must be issued for a specific mini truck. The permit will be issued with a specific license number. The applicant is responsible for obtaining self adhesive numbers at least three inches tall and applying them to both sides of that specific mini truck.

CHAPTER 3 OPERATION

Section 1 Compliance with laws

Except as otherwise provided in this Ordinance, all operation of mini trucks must comply with Minnesota Statute Section 169.045, as well as any other federal, state, or local rule or regulation. The operator, under a mini truck permit, 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 Minnesota Statutes Chapter 169 except when those provisions cannot be reasonably applied to mini trucks. The provisions of Minnesota Statutes Chapter 171 apply to persons operating mini trucks under permit on designated roadways.

Section 2 Equipment

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 tail lamps;
- 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.

Section 3 Inspection

The mini truck must be inspected by the Sheriff's Department to determine that it has the required equipment pursuant to Minnesota Statute Section 169.045 Subdivision 7a (Section 2 above).

CHAPTER 4 PERMIT REVOCATION

Section 1 Grounds for 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 or there is evidence of a violation of any of the provisions of this Ordinance.

Section 2 Effective date of revocation

A revocation is 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 3 Appeal of revocation

Permittee may challenge the revocation of the permit by submitting written notice to the Becker County Administrator at the Becker County Courthouse, 915 Lake Avenue, Detroit Lakes, MN 56501 within 14 days of the date of the Notice of Revocation. The notice must specify the basis of the appeal.

Any notice of revocation served pursuant to the provisions of this Ordinance automatically becomes final if written notice of appeal is not filed with the County Administrator within 14 days after the notice of revocation is served.

Section 4 Hearing to appeal revocation

Upon receipt of an appeal of a permit revocation, the Becker County Administrator shall set the appeal on for a hearing before the Becker County Board of Commissioners within 30 days of the receipt of the Notice of Appeal. The County Administrator must provide at least 10 days written notice of the hearing to the permittee, by certified mail, to permittee's address as listed on the permit application.

At the hearing before the Becker 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 Becker County Board of Commissioners must issue detailed written findings, following the hearing of the appeal.

CHAPTER 5 SEVERABILITY

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

CHAPTER 6 PENALTIES

Any person, firm or corporation who violates any of these provisions, or who fails to comply with any of these provisions, or who makes any false statements in any document required to be submitted under these provisions, is guilty of a misdemeanor and, upon conviction, may be punished by a fine not to exceed \$1,000 and by imprisonment not to exceed 90 days. Each day that a violation continues constitutes a separate offense. Such persons may be enjoined from continuing such violations.

In the even of a violation, or a threat of a violation, of this Ordinance, the County Attorney's Office 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.

CHAPTER 7 EFFECTIVE DATE

This Ordinance shall be in full force and effect upon publication and adoption pursuant to law.

Passed and approved this 13 day of July, 2010.

THE BECKER COUNTY BOARD OF COMMISSIONERS

By: John Bellfairs _____
Chairperson

By: Brianne Berg _____
Administrator