

CHAPTER 6. MINI-TRUCK ORDINANCE

SECTION 1. PURPOSE

The purpose of this ordinance is to establish standards for the use of Mini Trucks within Swift County.

SECTION 2. SCOPE

This ordinance shall provide for the authorization of the operation of mini trucks on designated roadways within Swift County.

SECTION 3. AUTHORITY

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 Swift County.

SECTION 4. DEFINITIONS

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

- A. **Mini-Truck:** 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:** All county roads and county state-aid highways within Swift County.

SECTION 5. PERMIT NEEDED

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

SECTION 6. APPLICATION FOR A PERMIT

- A. Any person desiring to operate a mini truck on designated roadways within Swift County shall make written application for a permit on forms provided by the Swift County Environmental Services Office. Such application shall include the full name and address of the applicant; proof of insurance in compliance with Minn. Stat. § 65B.48 Subd. 5; evidence of a valid driver's license; make, model and serial number

of the vehicle; and such other conditions as deemed appropriate by the Swift County Environmental Services Office.

- B. Applicant shall also submit a permit fee in an amount determined by the Swift County Board of Commissioners via resolution.
- C. Permits may be granted for duration not to exceed one year and may be renewed annually.
- D. 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.
- E. 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 § 65B.12, at a rate to be determined by the commissioner of commerce.

SECTION 7. PERMIT CONDITIONS

- A. The operator, under a permit, of a mini truck may cross any street or highway intersecting a designated roadway.
- B. 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 C below.
- C. The provisions of Minn. Stat. §171 are applicable to persons operating mini trucks under permit on designated roadways.
- D. Notwithstanding any other law, a mini truck may be operated on designated roadways under permit only if it is equipped with:
 - 1. At least two (2) headlamps.
 - 2. At least two (2) tail lamps.
 - 3. Front and rear turn-signal lamps.
 - 4. An exterior mirror mounted on the driver's side of the vehicle and either:
 - a. an exterior mirror mounted on the passenger's side of the vehicle; or
 - b. an interior mirror.
 - 5. A windshield.
 - 6. A seat belt for the driver and front passenger.
 - 7. A parking brake.

SECTION 8. REVOCATION

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

- B. 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.
- C. Permittee may challenge the revocation of the permit by submitting notice in writing to the Swift County Auditor at Swift County Courthouse, 301 – 14th Street North, Benson, MN 56215 within 14 days of the date of the Notice of Revocation. Said notice shall specify the basis of the appeal.
- D. Upon receipt of an appeal of a permit revocation, the Swift County Auditor shall set the appeal on for a hearing before the Swift County Board of Commissioners within 30 days of the receipt of the Notice of Appeal. The County Auditor 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.
- E. At the hearing before the Swift 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.
- F. The Swift County Board of Commissioners shall issue detailed, written findings following the hearing of the appeal.
- G. 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 Auditor 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, 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.

SECTION 10. PENALTIES

- A. 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 statement 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 (\$1000) 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.
- B. 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.

SECTION 11. REPEAL & EFFECTIVE DATE

This Ordinance repeals and replaced in its entirety the Mini-Truck Ordinance passed on December 1, 2009. This Ordinance shall be in full force and effect upon publication and passage as provided by law.

Passed by the Swift County Board of Commissioners on February 15, 2011.

(Seal)

Chairperson

Attest:

County Auditor

Approved as to form and execution:

County Attorney