Agenda
City of Minnetonka
City Council Study Session
Monday, October 12, 2026
6:00 PM
Community Center - Minnehaha Room
14600 Minnetonka Blvd.

1. Call to Order

2. Introductions/Roll Call

   A. Oct. 12, 2026 addenda

3. Business Items:

   A. Election security update

   B. Electric-assisted bicycle (e-bikes).

   C. Zoning Code rewrite update

   D. Comp Plan process preview

   E. City Manager review process, training and compensation

   F. November study session topics

   G. Thirty minutes open time

4. Adjournment

The purpose of a study session is to allow the city council to discuss matters informally and in greater detail than permitted at formal council meetings. The council may provide direction to staff but does not make formal decisions at study sessions. Members of the public are welcome to attend and listen, but the council does not take comments from the public.

City Council Agenda Item 2.A
Meeting of October 12, 2026

Title: Oct. 12, 2026 addenda

Presenter: Mike Funk, City Manager

Action Requested: No action required, informational only.

Summary Statement
ITEM 3C - Zoning Code rewrite update

Planning staff has prepared a memo recapping the planning commission's Oct. 8, 2026 public hearing and discussion.

City Council Agenda Item 3.A
Meeting of October 12, 2026

Title:	Election security update
Report from:	Becky Koosman, City Clerk
Submitted through:	Moranda Dammann, Assistant City Manager Mike Funk, City Manager
Presenter:	Becky Koosman, City Clerk

Action Requested: Informational only.

Summary Statement
Minnetonka security update for the 2026 general election.

Strategic Plan Relatability
N/A

Background
Election security in Minnesota involves state, county, and local governments working together to protect voting and ensure accurate results. Minnesota uses paper ballots, while electronic tabulators count the ballots. Voting equipment must be federally and state certified, securely stored, and tested before each election.

Cities play an important role in preparing for elections. Election administrators secure polling places, hire and train election judges, prepare supplies, and administer early voting. Before an election, staff tests voting equipment and conducts public accuracy tests so that members of the public can observe the process.

Security preparation also includes planning for emergencies. Minnesota requires counties to develop an election emergency plan in coordination with municipalities and emergency-management organizations. Minnetonka received training on how to respond to problems such as cybersecurity incidents, physical-security threats, severe weather, and disinformation. In 2026, Minnetonka Elections also created their own specific emergency management plan with police and fire.

After election day, security measures continue. The county conducts post-election reviews in which selected ballots are counted by hand and compared with machine totals. In odd year elections the city is responsible for the post-election review. Election results also go through canvassing and certification before becoming official.

Minnesota's election administration approach combines paper ballots, equipment testing, trained local election workers, emergency planning, public observation, and post-election audits to make elections orderly, secure, and accessible.

City Council Agenda Item 3.B
Meeting of October 12, 2026

Title:	Electric-assisted bicycle (e-bikes).
Report from:	Scott Boerboom, Police Chief
Submitted through:	Erik Nilsson, City Attorney Mike Funk, City Manager
Presenter:	Scott Boerboom, Police Chief

Action Requested: Information only.

Summary Statement
Electric bicycles (e-bikes) continue to gain popularity across Minnesota, prompting cities to continuously review regulations to ensure clarity and safe operation. Staff will provide an update on e-bike's since the last informational discussion with the council on February 3, 2025.

Strategic Plan Relatability
N/A

Background
See supplemental background report.

Discussion Questions
Informational only.

ATTACHMENTS:
Supplemental Background Report
Special Vehicles Operating on City Streets

Background

Electric-assisted bicycles, commonly referred to as e-bikes, continue to increase in popularity throughout Minnesota. Since the Minnetonka Police Department's February 2025 presentation to the city council, the department has continued to receive complaints and conduct directed patrols related to e-bikes and other electric-powered vehicles, particularly those operated by juveniles.

The primary issue continues to be distinguishing a legally classified e-bike from an electric vehicle that does not meet Minnesota's definition of an e-bike. Some of the higher-powered electric vehicles commonly marketed as "e-bikes" can operate at substantially higher speeds and may be subject to different age, licensing, registration, equipment and roadway requirements.

The police department's experience between **April 2025 and September 20, 2026** demonstrates that e-bike use continues to generate community concerns. During this period, the department received **58 traffic complaints** involving e-bikes, responded to **13 crashes**, conducted **8 traffic stops**, and completed **4 safety checks involving education**.

The data also demonstrates that the issue is broader than simply whether e-bikes are permitted on city streets and trails. The most common concerns involve speed, unsafe operation, equipment, age of riders, interactions with pedestrians and other road users, and vehicles that are e-motos rather than legally classified e-bikes**.**

Minnesota E-Bike Classifications

Minnesota recognizes three classes of electric-assisted bicycles.

Class 1

- Pedal-assist only
- The motor provides assistance only while the rider is pedaling
- Motor assistance stops when the bicycle reaches 20 mph

Class 2

- May be propelled by an electric motor without pedaling
- Typically operated using a throttle
- Motor assistance stops at 20 mph

Class 3

- Pedal-assist only
- Motor assistance stops when the bicycle reaches 28 mph
- Must be equipped with a speedometer displaying speed in miles per hour

A qualifying e-bike must meet Minnesota's statutory requirements regarding design, motor power, speed and equipment. All qualifying e-bikes are limited to a motor of **750 watts or less** and must meet Minnesota's statutory requirements.

Who Can Operate an E-Bike?

Minnesota law prohibits anyone **under the age of 15** from operating an electric-assisted bicycle.

Minnesota does not currently have a statewide requirement that all e-bike operators under age 18 wear a helmet. The police department continues to encourage helmet use for all bicycle and e-bike riders, particularly children and young riders.

Where Can E-Bikes Be Operated?

Minnesota generally treats qualifying e-bikes similarly to bicycles.

Class 1 and Class 2 e-bikes may generally operate with the motor engaged on bicycle paths, bicycle trails and shared-use paths, subject to applicable state and local restrictions.

Class 3 e-bikes may operate with the motor engaged on bicycle paths, bicycle trails and shared-use paths unless the local authority or state agency with jurisdiction over the trail prohibits their operation.

Local authorities also have specific authority to regulate e-bikes on certain trails.

E-Bikes vs. E-Motos

One of the department's continuing concerns is the increasing availability of electric vehicles that are marketed or sold as e-bikes even though they may not meet Minnesota's statutory definition of an electric-assisted bicycle.

These vehicles can have:

- Higher top speeds
- Higher motor power
- Motorcycle-style frames
- Different braking and safety characteristics
- Different age requirements
- Potential licensing or registration requirements
- Different restrictions regarding where they may be operated

A parent may believe they have purchased a legal e-bike for a child when the vehicle actually falls into another legal category. This distinction is important from both an education and enforcement perspective.

The department believes continued education for parents and youth is particularly important because the appearance of these vehicles can make it difficult for consumers to understand the legal classification of what they are purchasing.

Department Experience and Community Concerns

Between **April 2025 and September 20, 2026**, the Minnetonka Police Department received the following e-bike-related inquiries, complaints and enforcement contacts:

Type of Contact	Number
Phone calls regarding use and rules	9
Safety checks/education	4
Traffic complaints	58
E-bike-related accidents	13
Traffic stops	8
Total documented contacts/inquiries	**92**

Traffic Complaints

The department received **58 traffic complaints.** This may not include additional complaints that were received via the city council or city manager's office.

The complaints generally involved:

- High speeds on roads
- High speeds on sidewalks
- High speeds on trails
- Unsafe operation
- Improper equipment for nighttime operation
- Concerns that riders appeared too young
- Harassing or inappropriate behavior toward other people while riding
- Riding in the middle of the roadway

The volume and variety of these complaints demonstrate that the community concerns are primarily related to how e-bikes are being operated, rather than simply the presence of e-bikes in the community.

E-Bike-Related Crashes

The department documented **13 accidents** involving e-bikes between April 2025 and September 20, 2026.

The circumstances were:

- **4** – E-bike rider self-crashed
- **2** – E-bike rider and bicyclist involved
- **4** – E-bike rider struck a vehicle
- **1** – Vehicle struck an e-bike rider in a crosswalk
- **1** – E-bike rider struck a pedestrian
- **1** – E-bike rider and vehicle mutually collided

These incidents demonstrate that e-bike safety is not limited to interactions between e-bike riders and motor vehicles.

The crashes involved interactions with:

- Motor vehicles
- Other bicyclists
- Pedestrians
- The roadway or trail environment itself

The department will continue to monitor crash trends as e-bike use increases.

Traffic Stops and Enforcement

Between **April 2025 and September 20, 2026**, officers conducted **eight traffic stops** involving e-bike riders.

Of those eight stops:

- Two involved vehicles that were actually e-motos
- The remaining stops generally resulted in verbal warnings
- One incident involved an e-bike rider fleeing from officers

The department's approach has continued to emphasize education and voluntary compliance whenever appropriate. The goal is not to treat every e-bike contact as an enforcement matter. Officers work to identify unsafe or unlawful behavior, educate riders and parents when appropriate, and take enforcement action when necessary.

When an individual flees from officers, however, there can be additional consequences, including potential impoundment of the vehicle and citations or criminal charges depending upon the circumstances.

Safety Checks and Education

The department conducted **four safety** checks involving e-bike riders, with officers providing education regarding e-bike laws, safe operation and applicable rules. These contacts are consistent with the department's broader philosophy of using education as an important tool to improve compliance before unsafe behavior escalates into a more serious incident.

The department has also continued previous education efforts, including:

- E-bike safety presentations for parents and youth
- Presentations to students
- Partnerships with South Lake Minnetonka Police Department and Minnetonka Community Education
- School-based education
- Community Police Academy presentations
- Distribution of an e-bike/e-scooter educational postcard
- Education regarding the consequences of fleeing from officers

- Education for parents regarding the vehicles they purchase for their children

Safety Considerations

The department's recent experience identifies several recurring safety issues.

Speed

High speed was the most common theme in citizen complaints.

Complaints have involved high speeds on:

- City streets
- Sidewalks
- Trails

While a legally classified Class 3 e-bike can receive motor assistance up to 28 mph, operating at higher speeds requires appropriate judgment, experience and control.

Unsafe Operation

Officers have received complaints involving unsafe driving practices, including riding in the middle of roadways and other conduct that creates concerns for motorists, pedestrians and other bicyclists.

Youth Riders

Concerns regarding the age and experience of riders continue to be a recurring theme. Minnesota law prohibits individuals under 15 from operating an e-bike, and officers continue to educate youth and parents regarding applicable age requirements and safe riding practices.

Nighttime Equipment

The department has received complaints involving e-bikes being operated at night without appropriate equipment. Education regarding required lighting and visibility remains important, particularly because e-bikes can travel at significantly higher speeds than traditional bicycles.

Pedestrian and Trail Safety

E-bike riders share trails and other facilities with pedestrians, traditional bicyclists and other users. The department's crash data includes an incident in which an e-bike rider struck a pedestrian. Safe speeds, awareness and yielding to other trail users remain important components of responsible operation.

Ongoing Concern: E-Motos Being Sold as E-Bikes

The distinction between an e-bike and an e-moto remains one of the department's biggest concerns.

Some electric vehicles marketed to consumers as e-bikes may have:

- Speeds substantially greater than 20 or 28 mph
- Motors exceeding the statutory power limitation
- Motorcycle-style construction
- Different equipment requirements
- Other characteristics that place them outside Minnesota's e-bike classification

This creates an education challenge for parents and young riders who may not realize that the vehicle they purchased is subject to different legal requirements.

Clearer information at the point of sale could help consumers understand:

- The classification of the vehicle
- Maximum speed and power
- Age requirements
- Licensing and registration requirements
- Where the vehicle may legally be operated
- Whether modifications can change its legal classification

Statewide Developments

The underlying Minnesota e-bike classification system remains in place. At the same time, the rapid growth of higher-powered electric vehicles has generated increased discussion regarding e-motos and other electric-powered vehicles.

The police department will continue to monitor changes in Minnesota law and statewide policy discussions, particularly those involving:

- E-moto classification
- Youth safety
- Helmet requirements
- Vehicle equipment
- Electrical and battery safety
- Regulation of higher-powered electric vehicles

Any significant changes in state law could affect how the City approaches local education, enforcement and regulation.

Department Approach

Based on the department's experience, the police department recommends continuing the current combination of:

Education + Community Outreach + Directed Patrol + Enforcement When Necessary

The department will continue to:

- Respond to citizen complaints

- Conduct directed patrols in areas where problems are identified
- Work with schools and community organizations
- Educate youth and parents
- Encourage helmet use and safe riding practices
- Identify vehicles that do not meet the legal definition of an e-bike
- Coordinate with Three Rivers Park District and neighboring law enforcement agencies
- Take enforcement action when warranted

The objective is not to discourage the appropriate use of e-bikes. E-bikes provide legitimate transportation and recreational benefits and are an increasingly common part of the community.

The objective is to ensure that riders understand the rules, parents understand what they are purchasing, and e-bikes and other electric vehicles are operated safely.

Local Regulatory Options

Minnesota law provides local governments with some authority to regulate e-bikes, but that authority is limited and differs depending on the type of e-bike, the location, and the type of regulation being considered.

Helmets

Minnesota currently prohibits persons under 15 from operating an e-bike, but state law does not establish a statewide helmet requirement specifically for e-bike riders under 18.

The City could consider whether a local helmet requirement for riders under 18 is appropriate. Several neighboring communities, including Edina, Shorewood, Greenwood and Excelsior, have adopted youth helmet requirements. A local requirement would provide an additional safety measure for younger riders and would be consistent with regulations already adopted by some neighboring communities.

E-bike restriction on natural-surface trails

Minnesota law specifically gives the local authority having jurisdiction over a trail designated as nonmotorized and having a natural surface tread the authority to regulate e-bike operation.

This authority is narrower than a general authority to regulate e-bikes on all city trails. It applies to trails with a natural surface created by clearing and grading native soil without added surfacing materials.

The City could therefore evaluate whether certain natural-surface trails in Minnetonka warrant restrictions based on:

- Trail design and width
- Existing use by pedestrians and traditional bicyclists
- Speed and visibility
- Environmental considerations
- The type of e-bike being operated
- Existing or anticipated conflicts among trail users

Class 3 e-bikes speed restriction

Minnesota law specifically allows the local authority or state agency having jurisdiction over a bicycle path, bicycle trail or shared-use path to prohibit operation of a Class 3 e-bike with the motor engaged.

This gives the City more direct regulatory authority over Class 3 e-bikes on applicable paths and trails than it has over Class 1 and Class 2 e-bikes.

Motorized foot scooters restriction

Minnesota law treats motorized foot scooters somewhat differently from e-bikes. A motorized foot scooter may generally be operated on a bicycle path, bicycle lane, bicycle trail or bikeway that is not reserved for the exclusive use of nonmotorized traffic, unless the local authority or governing body having jurisdiction prohibits operation by law.

The statute therefore provides local authority to prohibit motorized foot scooters on qualifying bicycle paths, lanes, trails or bikeways.

Neighboring City Regulations (as of October 5, 2026)

E-bike regulations vary among communities in and around Minnetonka. Some neighboring communities have adopted additional requirements, while several have not enacted regulations beyond existing state law.

Community	Current Approach
Edina	Riders ages 15–17 are required to wear helmets. Additional restrictions apply to certain trails; Class 2 and Class 3 e-bikes are not permitted on Braemar Park trails.
St. Louis Park	No additional e-bike regulations identified.
Plymouth	No additional e-bike regulations identified.
Eden Prairie	No additional e-bike regulations identified.
Hopkins	No additional e-bike regulations identified.
Three Rivers Park District	No additional e-bike regulations identified.
Maple Grove	No additional e-bike regulations identified.
Shorewood	Riders under 18 are required to wear helmets. E-bikes are prohibited on natural or artificial turf, playfields, playgrounds, courts, ice rinks, natural areas, and structures located within designated parks.
Greenwood	Riders under 18 are required to wear helmets. E-bikes are prohibited on sidewalks, except when necessary for the most direct access to a roadway from a driveway, alley, or building.
Excelsior	Riders under 18 are required to wear helmets.

Conclusion

E-bikes have become an established part of Minnesota's transportation and recreational landscape. The Minnetonka Police Department supports their appropriate and safe use.

At the same time, the department's experience between April 2025 and September 20, 2026 demonstrates that e-bike use presents legitimate public-safety concerns that should continue to be monitored.

The department also continues to encounter vehicles that are being represented or perceived as e-bikes but are e-motos or other electric-powered vehicles subject to different laws and requirements.

The police department will continue to take a balanced approach - education first, targeted enforcement when necessary, and continued monitoring of community and statewide trends.

Our goal is to allow residents to enjoy the transportation and recreational benefits of e-bikes while promoting safe operation and maintaining safe conditions for pedestrians, bicyclists, motorists and other trail users.

LEAGUE of MINNESOTA CITIES

INFORMATION MEMO

Special Vehicles Operating on City Streets

Vehicles showing up on or along city streets and sidewalks include all-terrain vehicles (ATVs), golf carts, motorcycles, autocycles, pedicabs, rickshaws, mini-trucks, motorized foot scooters, pocket bikes, mini-motorcycles, motorized bicycles, and electric-assisted bicycles. Learn what traffic and vehicle regulations state and federal laws impose, and additional possible regulations cities can enact through local ordinances.

RELEVANT LINKS:

Minn. Stat. ch. 169.
Minn. Stat. § 169.04.
See Appendix A, Definitions.

I. Laws controlling particular vehicles

Most traffic and vehicle regulations are provided in state and federal law. This memo focuses only on particular vehicles, applicable federal and state laws, and possible additional local regulations.

II. State law definitions and regulations

A. State law: definitions

See Appendix B, State and federal regulations.

The Department of Natural Resources (DNR) regulates the operation of many types of vehicles, some defined and some not. The six main vehicle categories, and those that are defined, include off-highway motorcycles (OHMs), off-highway vehicles (OHVs), off-road vehicles (ORVs), snowmobiles, recreational motor vehicles and all-terrain vehicles (ATVs). Some vehicles fit multiple categories. For example, an ATV may be an off-highway vehicle and a recreational motor vehicle depending on where and how it is being operated. State DNR law defines these vehicles as follows.

- **Off-highway motorcycle (OHM):** 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, including a vehicle that is registered for highway use if it is also used for off-highway operation on trails or unimproved terrain. An OHM, commonly known as a dirt bike, may obtain dual registration for use off road or on public ways, if it is modified to meet federal and state traffic regulations such as emission, noise and lighting standards. If so modified, and OHM meets the definition of a motor vehicle. Off-highway motorcycle does not include an electric-assisted bicycle, golf cart; mini truck; dune buggy; go-cart; moped; pocket bike; gray market vehicle; or vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.

Minn. Stat. § 84.787, subd. 7.
Minn. Stat. § 84.788, subd. 12.
Minn. Stat. § 168.002, subd. 18 (f).
Minn. Stat.§ 84.788, subd. 12 (d).
Minn. Stat. §§ 84.787-84.795.

Dept. of Public Safety: Off-Highway Motorcycle Dual Registration FAQs 2015.
Minn. Stat. § 169.011, subd. 27.

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RELEVANT LINKS:

Minn. Stat. §§ 84.773-.781.

- **Off-highway vehicles** (OHVs): Defined as an off-highway motorcycle, an off-road vehicle, or an all-terrain vehicle, may operate only in certain public areas and on designated OHV trails.

Minn. Stat. § 84.797, subd. 7.
Minn. Stat. §§ 84.771-84.781.

Minn. Stat. § 169.011, subd. 27.

- **Off-road vehicles or vehicle (ORVs):** A motor-driven recreational vehicle capable of cross-country travel on natural terrain without benefit of a road or trail. Many vehicles are specifically exempted from the definition of an off-road vehicles, including but not limited to snowmobiles, all-terrain vehicles, motorcycles, an electric-assisted bicycle, watercraft, farm vehicles being used for farming; vehicles used for military, fire, emergency, or law enforcement purposes; a construction or logging vehicle used in the performance of its common function; a motor vehicle owned by or operated under contract with a utility, whether publicly or privately owned, when used for work on utilities; a commercial vehicle being used for its intended purpose; snow-grooming equipment when used for its intended purpose; or an aircraft.

Minn. Stat. §§ 84.81-.89.
Minn. Stat. § 84.81, subd. 3.

- **Snowmobiles:** A self-propelled vehicle designed for travel on snow or ice and steered by skis or runners. State law classifies snowmobiles as recreational vehicles.

Minn. Stat. § 84.92, subd. 8-10.

Minn. Stat. § 169.011, subd. 27.

- **All-terrain vehicles (ATVs):** A motorized vehicle with: not less than three, but not more than six low pressure or non-pneumatic tires; a total dry weight of 2,000 pounds or less; and a total width from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does not include an electric-assisted bicycle, golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.
- **All-terrain vehicle, Class 1:** An all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is 50 inches or less.
- **All-terrain vehicle, Class 2:** An all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is greater than 50 inches but not more than 65 inches.

Minn. Stat. § 84.90.

- **Recreational motor vehicles:** As used in DNR law, this catch all term means any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including but not limited to snowmobiles, trail bikes, ATVs, hovercraft, and other motor vehicles licensed for highway operation which is being used for off-road recreational purposes.

RELEVANT LINKS:

B. State law: operating regulations

1. Recreational motor vehicles

Minn. Stat. § 84.90.

State law regulating where "recreational motor vehicles" may operate is specific:

- Within the seven-county metropolitan area, a person must have written or oral permission to operate a recreational motor vehicle on someone else's property.
- Outside the metropolitan area, a person must not operate a recreational motor vehicle after the owner provides notice not to do so, either orally or by a written or posted notice.

Minn. Stat. § 473.121, subd. 2.

Minn. Stat. § 473.121, subd. 3.

This law specifically allows cities to impose additional restrictions or prohibitions on operation of recreational motor vehicles on property not owned by the operator.

Minn. Stat. § 84.90, subd. 6.

2. Recreational vehicles on public waters

Minn. R. 6102.0050.

The DNR governs the operation of such vehicles on public waters. In this context, a recreational vehicle is defined as an:

- ATV.
- Off-highway motorcycle.
- Off-road vehicle.

For DNR Water Surface sample ordinance, checklist, worksheet, and joint powers agreement, contact: Minnesota Department of Natural Resources contact:

Lieutenant Adam Block, State Boating Law Administrator: adam.block@state.mn.us or (651) 259-5057.

Subject to DNR approval, a city may, by ordinance, regulate the operation and the period of time within which recreational vehicles may operate on frozen public waters in their boundaries. According to the DNR, the best way to do this is to contact them and use their documents as needed.

3. Off-highway vehicles

Minn. Stat. §§ 84.773-.781.
Minn. Stat. § 84.773.
Minnesota Department of Natural Resources: 2024-2025 Off-Highway Vehicle Regulations.
Minn. Stat. § 84.92, subds. 9-10.
OHV Regulations in the Agricultural Zone.
Minn. Stat. § 84.797 subds. 1, 7.

State regulations of OHVs apply outside of city boundaries. A person may not operate an OHV on a trail or public land that is designated or signed for non-motorized use only; on restricted areas within public lands that are posted or where gates or other clearly visible structures are placed to prevent unauthorized motorized vehicle access; in public waters, except as specifically authorized by DNR law or rule; in a state park, scientific and natural area, or wildlife management area; in a DNR identified calcareous fen (rare and distinctive wetlands) or other wetlands.

Cities do not generally regulate OHVs because, by definition, they operate off-road. If an OHV, such as a motorcycle or a trail bike operates on public roads, it is subject to state law governing motorcycles.

RELEVANT LINKS:

See section II-B-7, ATVs.

City regulation of ATVs (which may be defined as an 'off-highway vehicle') is discussed subsequently.

4. Off-highway motorcycles

A person may not drive or operate an off-highway motorcycle:

Minn. Stat. § 84.795, subd. 4.

- at speeds that are not reasonable under the conditions;
- in a careless, reckless, or negligent manner so as to endanger or to cause injury or damage to a person or property;
- in a tree nursery or planting in a manner that damages or destroys growing stock;
- without a hand or foot brake;
- at a speed exceeding ten miles per hour on the frozen surface of public waters within 100 feet of a person fishing or a fishing shelter;
- in a manner that violates operation rules;

Minn. Stat. § 84.795, subd. 5.

- anywhere in this state or on the ice of any boundary water of this state while under the influence of alcohol or a controlled substance, or on an airport.

Minn. Stats. § 84.795, subd. 8.

A county, city, or town, may regulate the operation of off-highway motorcycles on public lands, waters, and property under its jurisdiction other than public road rights-of-way within its boundaries, by resolution or ordinance and by giving appropriate notice, provided that the ordinance fits the following criteria:

Minn. Stats. §§ 84.787 - 84.795. Minn. R. ch. 6102.

- It must be consistent with state law and rules.
- It may not impose a fee for the use of public land or water under the jurisdiction of either the DNR or another state agency, or for the use of an access to it owned by the state, a county, or a city.
- It may not require an off-highway motorcycle operator to possess a motor vehicle driver's license while operating an off-highway motorcycle.

5. Off-road vehicles

Minn. Stat. § 84.804, subd. 3.

DNR: Off-Road Vehicle (ORV) Safety.

According to state DNR law, a person may not drive or operate a vehicle off-road:

- at a rate of speed greater than is reasonable under the circumstances;
- in a careless, reckless, or negligent manner which may endanger or cause injury or damage to the person or property of another;
- without a functioning stoplight if so equipped;

RELEVANT LINKS:

- in a tree nursery or planting in a manner that damages or destroys growing stock;
- without a hand or foot brake or in a manner that violates rules; or on an airport.

Minn. Stat. § 84.804, subd. 6.

Cities may, by ordinance, regulate the operation of off-road vehicles on public lands, waters, and property in city boundaries, other than public road rights-of-way within its boundaries, and by giving appropriate notice. The ordinance must meet the following criteria:

Minn. Stat. §§ 84.797-804.

- It must be consistent with state law.
- It likely requires a public hearing or some notice before adoption.
- It may not impose a fee for the use of public land or water under the jurisdiction of the DNR or another agency of the state, or for the use of an access to the public land or water owned by the state, a county, or a city.

6. Snowmobiles

Minn. Stat. § 84.82.
Minn. R. 6100.5000.
Minn. Stat. § 84.872.
Minn. R. 6100.5200.
Minnesota Department of Natural Resources: 2024-2025 Snowmobile Regulations.

There are extensive regulations in state law and rule that apply to operating a snowmobile, which are beyond the scope of this memo. In summary, however, most snowmobiles must be registered with the state, and young people under the age of 18 must comply with specific restrictions. Cities may also regulate the operation of snowmobiles in city limits.

Minn. Stat. § 84.85.
Minn. Stat. § 84.87.

Cities may, by ordinance, allow two-way operation of snowmobiles on either side of the right-of-way of a street or highway under city jurisdiction, where the city, as road authority, determines that two-way operation will not endanger users of the street or highway or riders of the snowmobiles using the trail. Many cities use one ordinance to regulate operation of ATVs, snowmobiles, or other recreational vehicles using the same map for all such vehicles, discussed subsequently.

Minn. R. 6100.5200, subp. 2.
Minn. Stat. § 84.795.
Minn. R. ch. 7460.

City ordinances must comply with state law. Any penalties in a local ordinance for a particular offense must match the penalty in state law for that same offense. Cities must not charge fees to snowmobile operators and must not require that operators possess a driver's license while operating the snowmobile. Cities are not authorized to license snowmobiles.

7. ATVs

Minn. Stat. 84.928, subd. 1 (h).
DNR: Off-highway Vehicle Regulations, 2024-2025.

State law covers operation of ATVs on public (non-city) lands extensively. Basically, Minnesota law prohibits the riding of Class 1 ATVs in ditches (or rights-of-way) south of the agriculture line, roughly from Moorhead to Taylors Falls along Highway 10 and Highway 95, between April 1 and Aug. 1. This does not apply to ATVs licensed and used for agricultural purposes.

RELEVANT LINKS:

According to the DNR, Class 2 ATVs may not be operated on the shoulder of a state trunk highway.

Note that utility task vehicles (UTVs) fit the definition of a Class 1 or Class 2 ATV based on the width of the tire rim. Due to larger sized tires, most UTVs fit the definition of a Class 2 ATV when used for recreational purposes.

Cities have choices with respect to regulating Class 1 and 2 ATVs, including:

Minn. Stat. § 84.928, subd. 1(d).

- Declining to regulate ATVs in the city and, by doing so, allowing state law regulating operation of ATVs to apply to any county or state road right-of-way in city boundaries.

Minn. Stat. § 84.928, subd. 1(d).

- After a public hearing, prohibit operation of ATVs altogether in city boundaries.

Minn. Stat. § 169.045.

- Allowing operation of ATVs on city streets by permit in the same way golf carts and mini-trucks are regulated and discussed below.

a. Regulation by resolution or ordinance

If a city council chooses to regulate ATVs under state law pertaining to the Department of Natural Resources, it must pass a resolution or an ordinance consistent with state law and rule.

Minn. Stat. § 84.928, subd. 6 (b).

- The city council must likely first hold a public hearing.

Minn. Stat. § 84.92 – 84.928.

- An ordinance may not impose a fee for the use of public land or water under the jurisdiction of either the Department of Natural Resources or other agency of the state, or for access to land owned by the state county or city.
- An ordinance may not require an all-terrain vehicle operator to possess a motor vehicle driver's license while operating an all-terrain vehicle.

See section III-A-2, ATVs.

In theory, councils may pass ordinances allowing both ATV operation on city streets by permit—and ATV operation in the right-of-way.

b. Simultaneous city regulation of ATVS and snowmobiles

Minn. Stat. § 84.928, subd. 1(d).

Regulating Recreational Vehicles, LMC Model Ordinance.

Some cities pass an ordinance combining the use of ATVs and snowmobiles along the same city street right-of-ways. Many cities use a map of the city to designate specific streets in the city where either ATVs or snowmobiles or both may operate in the right-of-way. This may include the larger Class 2 ATVs.

RELEVANT LINKS:

III. City regulation

A. Regulating golf carts, UTVs, ATVs, and mini-trucks (special vehicles)

Minn. Stat. § 169.045.

Regulating Special Vehicles, LMC Model Ordinance.

Cities may adopt an ordinance permitting the operation of golf carts, smaller ATVs, utility task vehicles, and mini-trucks on city streets. This is a local decision, so if a city does not specifically permit the use of these special vehicles, they may not operate on city streets. Note that city regulation of special vehicles does not apply to their use on private property. If vehicles operating on private property cause other problems, such as excessive noise, it may become a nuisance issue, but the operation of the vehicles on private property is not otherwise subject to city regulation. Descriptions of the special vehicles cities may regulate by permit are as follows.

1. Golf carts

Minn. Stat. § 169.045, subd. 1.



The term “motorized golf carts” is not further defined in state law. Regardless, operation of a motorized golf cart on city streets may only be done with a city-issued permit. There are many types of golf carts, including electric and gas powered, but all generally have a small wheel base and are not completely enclosed.

2. ATVs

Minn. Stat. § 169.045, subd. 1.



For permitting purposes, an “all-terrain vehicle" means a motorized vehicle with not less than three, but not more than six low pressure or non-pneumatic tires; a total dry weight of 2,000 pounds or less; and a total width from outside of tire rim to outside of tire rim that is 65 inches or less. It includes a class 1 and class 2 ATVs.

3. Utility task vehicles

Minn. Stat. § 169.045, subd. 1 (3).



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State law was amended in 2011 to allow cities to issue permits to operate utility task vehicles on city streets. As with the other special vehicles—motorized golf carts, all-terrain vehicles, or mini-trucks—operation of a utility task vehicle on city streets is authorized only by a city-issued permit. A UTV is a side-by-side, four-wheel drive, off-road vehicle that has four 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 but less than 2,600 pounds. UTVs differ from ATVs; they are heavier, have side-by-side front seats, and some sort of roof structure.

RELEVANT LINKS:

4. Mini-trucks

A "mini-truck" is a motor vehicle that:

Minn. Stat. § 169.011, subd. 40a.
Minn. Stat. § 169.045.



- Has four wheels.
- Is propelled by an electric motor or an internal combustion engine with an enclosed cabin and a seat for the vehicle operator.
- Commonly resembles a pickup truck or van, including having a cargo area or bed located at the rear of the vehicle.
- Was not originally manufactured to meet federal motor vehicle safety standards, but must have head lamps; an exterior mirror mounted on the driver's side of the vehicle; either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror; a windshield; a seat belt for the driver and front passenger; and a parking brake.

B. City permitting ordinance

City regulation of these special vehicles requires a permitting scheme. Cities may issue permits as spelled out in a local ordinance so residents may operate mini-trucks, golf carts, UTVs, or ATVs on designated roadways under city jurisdiction. Such ordinances must:

Minn. Stat. § 169.045.
Minn. Stat. § 169.022.

- Regulate only what the state law allows a city to regulate.
- Be merely additional and complementary to a state law by covering specifically what the statute covers generally.
- Provide the same procedural protections as the state law when prosecuting offenses covered by an ordinance.
- Not prohibit what state law allows.

Beckius v. City of Canby, No. A07-1497 (Minn. Ct. App. July 1, 2008) (unpublished decision).

One case provides some guidance concerning a local ordinance regulating golf carts. This is an unpublished case, which means it does not set precedent or carry much weight legally, but it may be instructive in general terms. The case found that uniformity is the goal of the state law on permitting special vehicles. So, if cities allow special vehicles on city streets, the regulations should generally be consistent from city to city. The Minnesota Court of Appeals found that a city ordinance requiring that not only drivers but also passengers on a golf cart have a permit (and a disability) to ride on a golf cart goes beyond what state law allows. The Court found that state law pre-empts such a unique restriction by one city. Thus, local ordinances governing special vehicles may not prohibit what state law allows or allow what state law prohibits.

RELEVANT LINKS:

1. Permitting scheme in ordinance

Minn. Stat. § 169.045.
Minn. Stat. § 169.345, subd. 2(f).

Local ordinances must describe the application process for a permit. A city ordinance may also set out conditions a person must meet to get an operator's permit. Cities may revoke permits if owners show an inability to operate the vehicles safely, but cities must allow a person to dispute the revocation.

2. Specific vehicle requirements

Minn. Stat. § 169.045, subd. 4 citing Minn. Stat. § 169.522.

State law includes some vehicle-specific requirements that must be in each city ordinance. Specifically, the local ordinance must:

- Require all golf carts to display a slow-moving vehicle emblem.

Minn. Stat. § 169.045, subd. 5.
Minn. Stat. § 169.045, subd. 7.
Minn. Stat. § 169.70.
Minn. Stat. § 169.045, subd. 7a.

- Limit the operation of golf carts, UTVs, and ATVs on designated roadways to between sunrise and sunset, unless equipped with original equipment headlights, taillights, and rear-facing brake lights.
- Prohibit the operation of golf carts, UTVs, and ATVs in inclement weather or when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient light to clearly see persons or vehicles on the roadway at a distance of 500 feet.
- Likely not require that UTV, ATV, and golf cart operators have a driver's license. (However, operators must be old enough to purchase insurance on the special vehicle, discussed below).

Minn. Stat. § 169.045, subd. 8.
Minn. Stat. § 65B.48, subd. 5.

- Require mini-trucks to have at least two headlamps, at least two tail lamps, and front and rear turn-signal lamps.
- Require mini-truck operators to have a valid driver's license.
- Allow the operators of any special vehicle to cross any street or highway that intersects a designated roadway.
- Require all special vehicles to have rear-view mirrors.
- State law requires insurance—on all four types of special vehicles—that complies with insurance for a motorcycle. City ordinances must require evidence of insurance complying with state law. Therefore, a person must present proof of insurance on the golf cart, UTV, ATV, or mini-truck before the city issues them a permit. If a person cannot get insurance on a special vehicle, the state insurance plan offers coverage.

Regulating Special Vehicles, LMC Model Ordinance and *Regulating Recreational Vehicles*, LMC Model Ordinance.

The model ordinances linked here set forth the basic requirements for permitting these special vehicles in a city. Before adopting any of these ordinances, a city should review it with its attorney to adapt it to the city's specific circumstances. Because provisions in these ordinances are related to state statutes and affect state and federal constitutional rights, the city attorney should review any modifications to ensure they conform to current state law and legal decisions.

RELEVANT LINKS:



Minn. Stat. § 169.011, subd. 47.
Minn. Stat. § 169.011, subd. 39.
49 C.F.R. § 571.500.



IV. Regulating neighborhood electric vehicles medium-speed electric vehicles, and natural gas vehicles in cities

A “neighborhood electric vehicle" (NEV) is 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 mph, on a paved level surface.

“Medium-speed electric vehicles” (MSEV) are very similar, but must be completely enclosed and can go slightly faster than an NEV. An MSEV is an electrically powered four-wheeled motor vehicle that:

- Is equipped with a roll cage or crushproof body design.
- Can attain a maximum speed of 35 mph on a paved level surface.
- Is fully enclosed and has at least one door for entry.
- Has a wheelbase of 40 inches or greater and a wheel diameter of 10 inches or greater.
- Meets or exceeds regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements, except with respect to maximum speed.

49 C.F.R. § 571.500.

Federal law, referenced in Minnesota statutes, requires that NEVs or MSEVs operating on public streets and highways meet these safety and equipment standards.

Minn. Stat. § 169.224.

State law also governs operation of these small car-like vehicles on public roadways, allowing operation only on a street or highway with a speed limit less than 35 mph (except to make a direct crossing of that street or highway). A person may operate a three-wheeled neighborhood electric vehicle without a two-wheeled vehicle endorsement, provided the person has a valid driver's license. State law also gives cities the authority to prohibit or further restrict operation of NEVs and MSEVs on city streets, but gives no particular instruction on how cities might do this. Best practice suggests consultation with the city attorney before further regulating these tiny cars.

Minn. Stat. § 169.011, subd. 46a.
Minn. Stat. § 169.824, subd. 3 (b).

“Natural gas vehicle” or “NGV” means a motor vehicle that is capable of being propelled by natural gas, including compressed natural gas and liquefied natural gas. An NGV may exceed typical weight restrictions. State and federal law regulate NGVs.

RELEVANT LINKS:

V. Other vehicles subject to limited city regulation

Some low-power vehicles are subject to limited city regulation. Cities cannot generally prohibit use of non-motorized bicycles, motorized foot scooters (like motorized Razor™ scooters) pocket bikes, mini-motorcycles, motorized bicycles, or electric-assisted bicycles. State law governs operation of these vehicles on public roadways, but cities may also regulate where some of these vehicles operate with city boundaries.

A. Bicycles and electric-assisted bicycles

Minn. Stat. § 169.011, subd. 4.

A "bicycle" is defined by state law to be any device capable of being propelled solely by human power upon which any person may ride, having two tandem wheels and including any device generally recognized as a bicycle though equipped with two front or rear wheels. The term "bicycle" includes electric-assisted bicycles which are bicycles with electric motors that travel up to 20 mph. Electric-assisted bikes have additional regulation in state law.

Minn. Stat. § 169.011, subd. 27.

Minn. Stat. § 169.011, subd. 45.

The term "bicycle" does not include mopeds, scooters, motorized foot scooters, or similar devices. "Bicycles" are also not be confused with motorized bicycles which have a gas or electric motor and travel between 20 and 30 mph at most.

1. Bicycles in general

Minn. Stat. § 169.222.

Minn. Stat. § 169.72, subd. 1.

Persons operating bicycles have all of the rights and duties applicable to the driver of any other vehicle, except as provided by law. A city cannot prohibit persons from riding in the road, even if a bicycle path is available.

Minn. Stat. § 169.222, subd. 6.
Minn. Stat. § 169.222, subd. 4.

State law governs bicycle tires and brakes. Persons operating a bicycle upon a roadway are required to ride as close as practicable to the right-hand curb or edge of the roadway, with certain exceptions. Cities may, by ordinance, prohibit riding a bike on local sidewalks. A person riding a bike on the shoulder of a roadway must travel in the same direction as the adjacent vehicular traffic.

Minn. Stat. § 169.222, subd. 10.

Bicycle events, parades, contests, or racing on a highway are legal if state or local authorities having jurisdiction over that highway approve the event. Participants in an approved bicycle highway event may be exempt from complying with traffic laws if traffic control is adequate to assure the safety of all highway users.

RELEVANT LINKS:

Minn. Stat. § 160.263, subd. 2.

A city may, by ordinance, designate any roadway or portion of a roadway under its jurisdiction as a bicycle lane, and designate any sidewalk or portion thereof under its jurisdiction as a bicycle way, provided the designation does not destroy a pedestrian way or pedestrian access.

A city that designates a bicycle way or bicycle lane may:

- Designate the type and character of vehicles or other modes of travel that are allowed on the lanes or ways, provided this operation is not inconsistent with the safe use and enjoyment of bicycles.
- Establish priority rights of way on the lane or way, and otherwise regulate the use of the lane or way.
- Paint lines, construct curbs, or establish other physical separations to exclude the use of the lane or way by vehicles other than those specifically permitted by the city.

The city council may, after public hearing, prohibit through-traffic on any highway or a highway portion if the council has designated it as a bicycle lane. Through-traffic on a trunk highway may not be prohibited. The city must erect and maintain official signs giving notice of the regulations and priorities and must also mark all bicycle lanes and bicycle ways with appropriate signs.

Minn. Stat. § 160.263, subd. 4.

The city council may, by resolution or ordinance, and without an engineering or traffic investigation, designate a safe speed, not lower than 25 mph, for any street or highway with an established bicycle lane. The ordinance or resolution designating a safe speed is effective when the city has erected appropriate signs designating the speed.

2. Electric-assisted bicycles in particular

Minn. Stat. § 169.011, subd. 27.

An electric-assisted bicycle is defined as a bicycle that:

- Has two or three wheels that has a saddle and fully operable pedals for human propulsion.

49 C.F.R. § 571.1.
16 C.F.R. § 1512.

- Meets the requirements of federal motor vehicle safety standards for a motor-driven cycle or for bicycles under federal law,

Minn. Stat. § 169.011, subd. 15a-15c.

- Has an electric motor that has a power output of not more than 750 watts;
- Meets the requirements of a class 1, class 2, class 3, or multiple electric-assisted bicycle; and
- Has a battery or electric drive system that has been tested to an applicable safety standard by a third-party testing laboratory.



RELEVANT LINKS:

Minn. Stat. § 169.011, subd. 27(c).

A vehicle is not an electric-assisted bicycle if the manufacturer or seller designed, manufactured, or intended it to be configured or modified to not meet the electric-assisted bicycle requirements. Configured or modified includes any of the following changes:

- A mechanical switch or button;
- A modification or change to the electric motor or the electric drive system;
- The use of an application to increase or override the electric drive system;
- Through any other means represented or intended by the manufacturer or seller to modify the vehicle to no longer meet the electric-assisted bicycle requirements.

Minn. Stat. § 168A.03, subd. 1.

An electric-assisted bicycle that fits the above definition does not require a state-issued certificate of title.

Minn. Stat. § 160.263, subd. 2.

A governing body may not prohibit or restrict operation of an electric-assisted bicycle on any bikeway, roadway, or shoulder unless the governing body determines that operation of the electric-assisted bicycle is not consistent with the safety or general welfare of bikeway, roadway, or shoulder users, or with the terms of any property conveyance. Otherwise, a person may operate an electric-assisted bicycle (like any other bicycle) on the shoulder of a roadway, on a bikeway, or on a bicycle trail if not otherwise prohibited by state law.

Minn. Stat. § 169.222, subd. 4.

Minn. Stat. § 85.018, subd. 4.

While no motorized vehicle may be operated on state trails designated for non-motorized use, this does not apply to electric-assisted bikes (or motorized devices operated by an individual with a physical disability)

Minn. Stat. § 169.222, subd. 6a.

No one under age 15 may operate an electric-assisted bicycle anywhere in the state.

B. Pedicabs, rickshaws, or other similar vehicles

Minn. Stat. § 221.091, subd. 2.

A statutory or home rule charter city that licenses and regulates small vehicle passenger service must do so by ordinance. The ordinance must, at a minimum, provide for driver qualifications, insurance, vehicle safety, and periodic vehicle inspections.

Minn. Stat. § 221.021.

A statutory or home rule charter city that has adopted an ordinance complying with this subdivision may enforce the registration requirement found in state law.

Minn. Stat. § 169.011, subd. 27 (3).

A statutory or home rule charter city that regulates, by ordinance, pedicabs, rickshaws, or other similar vehicles used for passenger service may permit authorized vehicles to be equipped with an electric motor that meets the requirements for an electric-assisted bicycle under state law.

RELEVANT LINKS:

C. Motorized foot scooters

Minn. Stat. § 169.011, subd. 46.
Minn. Stat. § 169.225.



A "motorized foot scooter" is a device with handlebars that the operator can stand or sit on, powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion. It has no more than two 12-inch diameter or smaller wheels and has an engine or motor that is capable of a maximum speed of 15 mph on a flat surface. If operated under conditions when motor vehicle lights are required, a scooter must have a headlight and a taillight that comply with standards established by the commissioner of Public Safety.

Minn. Stat. § 169.225.

Motorized foot scooter operators have the same rights and responsibilities as bicycle riders. Operators must comply with the following rules: They must not operate on a sidewalk, except when necessary to enter or leave adjacent property. They must not carry passengers. They must be at least 12 years old. If under 18, they must wear a helmet.

Minn. Stat. § 169.225, subd. 6.

A person operating a motorized foot scooter on a public street must ride as close as practicable to the right-hand curb or edge of the roadway, except in the following situations:

- When overtaking and passing another vehicle proceeding in the same direction.
- When preparing for a left turn, in which case the operator shall stop and dismount at the right-hand curb or right edge of the roadway, and shall complete the turn by crossing the roadway on foot, as a pedestrian must do.
- When reasonably necessary to avoid impediments or conditions that make it unsafe to continue along the right-hand curb or edge.

Minn. Stat. § 169.225, subd. 6(3) (b).

Cities cannot prohibit or regulate motorized foot scooters on city streets. A city may, however, prohibit motorized foot scooters on a bike path, lane, trail, or bikeway designated for non-motorized use only and governed by a local ordinance.

D. Motorized bicycle

Minn. Stat. § 169.011, subd. 45.

Similar in function to an electric-assisted bicycle, the more powerful "motorized bicycle" or moped is a bicycle that fits the following parameters:

- Is propelled by an electric or a liquid fuel motor of a piston displacement capacity of 50 cubic centimeters or less.
- Has a maximum of two brake horsepower.
- Can travel not more than 30 miles per hour on a flat surface with not more than 1 percent grade in any direction when the motor is engaged.

RELEVANT LINKS:

MN DPS Motorcycle and Motorized Bicycle Manual.

Minn. Stat. § 169.223, subd. 1.

16 C.F.R. § 1203.

Minn. Stat. § 169.223, subds. 1 and 4.

Minn. Stat. § 169.222, subd. 9.

Minn. Stat. § 171.02, subd. 3. Minnesota Motorcycle Safety Center.

Minn. Stat. § 169.223, subd. 2.

Minn. Stat. § 169.223, subd. 3.

Minn. Stat. § 169.011, subd. 40b.

A motorized bicycle does not include an electric-assisted bicycle as defined above and in state law. Motorized bicycles are registered with the state as "mopeds."

Motorized bicycles are subject to state law governing operation of motorcycles with several exceptions, including the following:

- Protective headgear includes helmets that meet national standards for bicycle helmets.
- A motorized bicycle equipped with a headlight and taillight meeting the requirements of lighting for motorcycles may operate during nighttime hours.
- Protective headgear is not required for operators 18 years of age or older.
- Requirements for parking of motorized bicycles are the same as parking of regular bikes.

A motorized bicycle may be operated under either a driver's license or a special permit ("moped permit"). The Minnesota Department of Public Safety issues both motorized bicycle operator's permits and instructional permits.

A person under the age of 16 operating a motorized bicycle under permit is subject to the restrictions on motorcycles except that:

- A parent or guardian of an operator under the age of 16 may also ride on the motorized bicycle as a passenger or operator if the motorized bicycle is equipped with a seat and footrests for a second passenger.
- A motorized bicycle equipped with a headlight and taillight meeting the requirements of lighting for motorcycles may be operated during nighttime hours.
- Operators under age 18 must wear protective headgear that meets national standards.

Motorized bicycles must not operate on a sidewalk at any time, except when such operation is necessary for the most direct access to a roadway from a driveway, alley, or building.

E. Micromobility Facilities

"Micromobility device" means a vehicle that:

- Is capable of: (i) being propelled solely by human power; (ii) being powered solely by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current; or both;
- When solely powered by an electric motor, is not capable of propelling the vehicle at a speed greater than 30 miles per hour; and
- Has an unloaded weight of up to 500 pounds.

RELEVANT LINKS:

This definition includes a bicycle, a motorized foot scooter, a motorized bicycle, and an electric personal assistive mobility device.

A "micromobility facility" is an installation for micromobility devices (as defined above) that provides for one or more of the following: a rack or docking station, a battery charging or swapping station, or a storage facility. Cities may place and maintain advertisements, arts and informational signs on a micromobility facility if:

Minn. Stat. § 160.27, subd. 7.

For more information on city right of ways, see LMC's Informational Memo Regulating City Right of Way.

- A road authority has issued a permit to the city authorizing the micromobility facility to be placed within a right-of-way of a public highway;
- The city has recommended and the road authority has authorized in the permit the placement of advertisements, public art, and informational signs on the micromobility facility; and
- The placement does not create an unsafe situation.

F. Motorcycles and autocycles

"Motorcycle" includes motor scooters and autocycles. It is a motor vehicle having a seat or saddle for the use of the rider. It is designed to travel on not more than three wheels in contact with the ground.

Minn. Stat. § 169.011, subd.44. Minn. Stat. § 169.011, subd. 3a.

Note the term "motorcycle" does not include either motorized bicycles or electric-assisted bicycles (as defined in state law and this memo) or a tractor.

Minn. Stat. § 169.011, subd. 44.

Motorcycle operators must have a valid standard driver's license with a two-wheeled vehicle endorsement as provided by law. The commissioner of Public Safety will only issue a two-wheeled vehicle endorsement if the applicant has a valid two-wheeled vehicle instruction permit. The commissioner of Public Safety may issue a two-wheeled vehicle instruction permit to any person over 16 years of age. State law governs motorcycle equipment, driving rules, and noise limitations.

Minn. Stat. § 169.974.



An autocycle is defined as a motorcycle that:

Minnesota Department of Public Safety
Driver and Vehicle Services Division: Motorcycle and Motorized Bicycle Manual (includes autocycles).

- Has three wheels in contact with the ground.
- Is designed with seating that does not require operators or any occupants to straddle or sit astride it.
- Has a steering wheel.
- Is equipped with antilock brakes.
- Is originally manufactured to meet federal motor vehicle safety standards for motorcycles in Code of Federal Regulations, title 49, part 571, and successor requirements.

RELEVANT LINKS:

Minn. Stat. § 171.02 subd. 2 (c) (9).

Minn. Stat. § 169.686, subd. 1.

A person may operate an autocycle without a two-wheeled vehicle, or motorcycle endorsement, provided the person has a valid Class D driver's license. A driver and passengers of an autocycle must properly use shoulder and lap seat belts.

G. Pocket bikes and mini-motorcycles



State law does not define or regulate the use of pocket bikes, also known as mini-motorcycles, mini-bikes, mini-pocket rockets, or mini-choppers. Marketed as toys, they stand only about 15 inches above the ground and reach speeds ranging from 30 to 50 mph depending on the vehicle, the rider's weight, and the riding surface.

Minn. Stat. § 169.011, subd. 46.
Minn. Stat. § 169.011, subd. 44.
Minn. Stat. § 169.974.
Minn. Stat. § 65B.48, subd. 5.

Mini-motorcycles previously fit the definition of a motorized foot scooter in state law; however, current state law defines motorized foot scooters as having a wheel size of 12 inches. Since the wheel size on most mini-motorcycles is 10 inches, they no longer fit that definition. Thus, operation of mini-motorcycle with any size wheel on public roads must likely comply with state law governing motorcycles. And state law requires a valid driver's license or permit and insurance to operate a motorcycle on public roads.

VI. Vehicles used by pedestrians

Some low-power vehicles are for pedestrian use only and are not subject to city regulation. These include Segways™, self-balancing scooters, manual or motorized wheelchairs, scooters, tricycles, or similar devices used by people with disabilities as a substitute for walking.

A. Segways™ and self-balancing scooters

Minn. Stat. § 169.011, subd. 26.



State law defines a Segway as an "electric personal assistive mobility device," meaning a self-balancing device with two non-tandem wheels, designed to transport not more than one person, and operated by an electric propulsion system that limits the maximum speed of the device to 15 mph. It must have reflective material on the front, back, and wheels, visible at night from 600 feet when illuminated by the lower beams of headlamps of a motor vehicle.



Recently, there has been an increase in the use of self-balancing scooters, often called "hoverboards." Self-balancing scooters generally have two wheels and are connected to a self-balancing control mechanism using built-in gyroscopes and sensor pads. These devices are propelled by the user's balance and body position.

Minn. Stat. § 169.212.

A person operating a Segway or self-balancing scooter has the rights and responsibilities of a pedestrian under state law and must also follow specific rules:

RELEVANT LINKS:

- Operation may be on a bicycle path.
- It may not carry more than one person.
- No person may operate it on a roadway, sidewalk, or bicycle path at a rate of speed that is not reasonable and prudent under the conditions.
- A Segway operator must use due care in operating the device.

Minn. Stat. § 169.212, subd. 2.

A Segway or self-balancing scooter may be operated on a roadway only under the following circumstances:

- While making a direct crossing of a roadway in a marked or unmarked crosswalk.
- Where no sidewalk is available.
- Where a sidewalk is so obstructed as to prevent safe use.
- When so directed by a traffic control device or by a peace officer
- Temporarily in order to gain access to a motor vehicle.

Minn. Stat. § 169.212, subd. 2.

A Segway or self-balancing scooter may not be operated at any time on a roadway with a speed limit of more than 35 mph except to make a direct crossing of the roadway in a marked crosswalk. A person operating these devices on a sidewalk must yield the right-of-way to pedestrians at all times. A person operating a Segway on a bicycle path must yield the right-of-way to bicycles at all times.

Minn. Stat. § 169.212, subd. 4.

A city may not prohibit or further regulate the operation of these devices, except that a city may allow and regulate their operation on roadways within its jurisdiction that have a speed limit of more than 35 mph. The Minnesota Court of Appeals has found that a Segway is not a "motor vehicle" for purposes of driving while intoxicated (DWI) statute.

State v. Greenman, 825 N.W.2d 387 (Minn. Ct. App. 2013).

B. Wheelchairs, scooters, and tricycles

Minn. Stat. § 169.011, subd. 93.

State law defines a "wheelchair" to include any manual or motorized wheelchair, scooter, tricycle, or similar device used by a disabled person as a substitute for walking.

Minn. Stat. § 169.21.
Minn. Stat. § 169.21, subd. 5.

A person using a wheelchair must comply with state law governing pedestrians because the definition of "pedestrian" is any person on foot or in a wheelchair. Specifically, a person using a wheelchair along a roadway must stay on the left side of the street or its shoulder giving way to oncoming traffic. Where there are accessible sidewalks pedestrians in wheelchairs must use them.

RELEVANT LINKS:

LMC information memo, *Acquisition and Maintenance of City Streets*.

VII. Conclusion

The proliferation of unique vehicles is likely to continue. The state recognizes city authority to regulate many of these vehicles to ensure safe local streets. Cities regulate particular vehicles by passing ordinances. Best practice suggests close consultation with the city attorney to ensure that local ordinances accomplish the desired level of regulation and are consistent with state and federal law.

Appendix A: Definitions

Definitions of conveyances that are not motor vehicles

All-terrain vehicle: A motorized vehicle with: not less than three, but not more than six low pressure or non-pneumatic tires; a total dry weight of 2,000 pounds or less; and a total width from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does not include an electric-assisted bicycle as defined in section 169.011, subdivision 27, golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes. **All-terrain vehicle, Class 1**: An all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is 50 inches or less. **All-terrain vehicle, Class 2**: "Class 2 all-terrain vehicle" means an all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is greater than 50 inches but not more than 65 inches. Minn. Stat. § 84.92, subd. 8-10. *"Motor vehicle" includes an all-terrain vehicle only if the all-terrain vehicle (1) has at least four wheels, (2) is owned and operated by a physically disabled person, and (3) displays both disability plates and a physically disabled certificate and does not include an all-terrain vehicle except (1) an all-terrain vehicle described in paragraph (b), or (2) an all-terrain vehicle licensed as a motor vehicle before August 1, 1985. Minn. Stat. § 168,002, subd. 18 (b) (c).

Bicycle: Every device capable of being propelled solely by human power upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or rear wheels. Bicycle includes an electric-assisted bicycle. "Bicycle" does not include scooters, motorized foot scooters, or similar devices. Minn. Stat. § 169.011, subd. 4.

Bicycle – electric-assisted: A bicycle with two or three wheels that: has a saddle and fully operable pedals for human propulsion; meets the requirements: of federal motor vehicle safety standards for a motor-driven cycle in Code of Federal Regulations, title 49, sections 571.1 et seq.; or for bicycles under Code of Federal Regulations, title 16, part 1512, or successor requirements; and has an electric motor that has a power output of not more than 750 watts, meets the requirements of a class 1, class 2, class 3, or multiple mode electric-assisted bicycle; and has a battery or electric drive system that has been tested to an applicable safety standard by a third-party testing laboratory. Minn. Stat. § 169.011, subd. 27.
A vehicle is not an electric-assisted bicycle if the manufacturer or seller designed, manufactured, or intended it to be configured or modified to not meet the electric-assisted bicycle requirements. Configured or modified includes any of the following charges: a mechanical switch or button; a modification or change to the electric motor or the electric drive system; the use of an application to increase or override the electric drive system; or any other means represented or intended to modify the vehicle.

Electric personal assistive mobility device: A self-balancing device with two non-tandem wheels, designed to transport not more than one person, and operated by an electric propulsion system that limits the maximum speed of the device to 15 miles per hour. Minn. Stat. § 169.011,

subd. 26. *"Motor vehicle" does not include an electric personal assistive mobility device. Minn. Stat. § 168.002, subd. 18 (d).

Motorized foot scooter: A device with handlebars designed to be stood or sat upon by the operator, and powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion, and that has no more than two 12-inch or smaller diameter wheels and has an engine or motor that is capable of a maximum speed of 15 miles per hour on a flat surface with not more than one percent grade in any direction when the motor is engaged. An electric personal assistive mobility device, a motorized bicycle, an electric-assisted bicycle, or a motorcycle is not a motorized foot scooter. Minn. Stat. § 169.011, subd. 46. *"Motor vehicle" does not include a motorized foot scooter. Minn. Stat. § 168.002, subd. 18 (e).

Snowmobile: A self-propelled vehicle originally manufactured and designed for travel on snow or ice steered by skis or runners. Snowmobile does not include the following vehicles equipped with aftermarket ski and track configurations: an all-terrain vehicle; an off-highway motorcycle; an off-road vehicle; a mini truck; a utility task vehicle; or any other vehicle being operated off road. Minn. Stat. § 84.81, subd. 3.

***Snowmobile is not a motor vehicle**: "Motor vehicle" means any self-propelled vehicle including, but not limited to, automobiles, trucks, dune buggies, minibikes, motorcycles, trail bikes, and all-terrain vehicles (ATV's), but not including snowmobiles. Minn. Rule 6100.0500, subd. 7.

Wheelchair: Includes any manual or motorized wheelchair, scooter, tricycle, or similar device used by a disabled person as a substitute for walking. Minn. Stat. § 169.011, subd. 93.

Definitions of motor vehicles

Autocycle: A motorcycle that: has three wheels in contact with the ground; is designed with seating that does not require operators or any occupants to straddle or sit astride it; has a steering wheel; is equipped with antilock brakes; and is originally manufactured to meet federal motor vehicle safety standards for motorcycles in Code of Federal Regulations, title 49, part 571, and successor requirements. Minn. Stat. § 169.011, subd. 3a.

Electric Vehicle Medium Speed Vehicle (MSV): An electrically powered four-wheeled motor vehicle, equipped with a roll cage or crushproof body design, that can attain a maximum speed of 35 miles per hour on a paved level surface, is fully enclosed and has at least one door for entry, has a wheelbase of 40 inches or greater and a wheel diameter of ten inches or greater, and except with respect to maximum speed, otherwise meets or exceeds regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements. Minn. Stat. § 169.011, subd. 39.

Electric Vehicle: Neighborhood Electric Vehicle (NEV): 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. Minn. Stat. § 169.011, subd. 47.

Golf cart: Not specifically defined other than "motorized golf cart." Minn. Stat. § 169.045, subd. 1.

Micromobility device: a vehicle that: is capable of: (i) being propelled solely by human power; (ii) being powered solely by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current; or both; when solely powered by an electric motor, is not capable of propelling the vehicle at a speed greater than 30 miles per hour; and has an unloaded weight of up to 500 pounds. This definition includes a bicycle, a motorized foot scooter, a motorized bicycle, and an electric personal assistive mobility device.

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. A mini truck does not include: 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. Minn. Stat. § 169.011, subd. 40a.

Motor vehicles: Every vehicle that is self-propelled, other than an electric personal assistive mobility device [Segway] and any vehicle propelled or drawn by a self-propelled vehicle, and not deriving its power from overhead wires except snowmobiles. Minn. Stat. § 171.01, subd. 39.

Motorcycle: Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including motor scooters and autocycles. Motorcycle does not include motorized bicycles or electric-assisted bicycles or a tractor. Minn. Stat. § 169.011, subd. 44.

Motorcycle – off highway: 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, including a vehicle that is registered under chapter 168 for highway use if it is also used for off-highway operation on trails or unimproved terrain. Minn. Stat. § 84.787, subd. 7. *"Motor vehicle" includes an off-highway motorcycle modified to meet the requirements of state traffic regulations. Minn. Stat. § 168.002, subd. 18 (f).

Motorized bicycle: A bicycle that is propelled by an electric or a liquid fuel motor of a piston displacement capacity of 50 cubic centimeters or less, and a maximum of two brake horsepower, which is capable of a maximum speed of not more than 30 miles per hour on a flat surface with not more than one percent grade in any direction when the motor is engaged. Motorized bicycle does not include an electric-assisted bicycle or a motorcycle. Minn. Stat. § 169.011, subd. 44-45.

Motorized recreational vehicle: Any self-propelled, off-the-road, or all terrain conveyance, including but not limited to a snowmobile, minibike, amphibious vehicle, motorcycle, go-cart, trail bike, or dune buggy. Minn. Rule 9900.0100, subp. 6.

Natural gas vehicle (NGV): A motor vehicle under subdivision 42 that is capable of being propelled by natural gas, including compressed natural gas and liquefied natural gas. Minn. Stat. 169.011, subd. 46a.

Off-highway vehicles: For the purposes of sections 84.771 to 84.930, "off-highway vehicle" means an off-highway motorcycle [OHV], an off-road vehicle [ORV], or an all-terrain vehicle. Minn. Stat. § 84.771. In some situations, an OHV or and ORV is a motor vehicle, but an ATV is not one.

Off-road motorcycle: Off-highway motorcycle" means 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, including a vehicle that is registered under chapter 168 for highway use if it is also used for off-highway operation on trails or unimproved terrain. Minn. Stat. § 84.787, subd. 7.

Off-road vehicle: A motor-driven recreational vehicle capable of cross-country travel on natural terrain without benefit of a road or trail. Off-road vehicle does not include a snowmobile; an all-terrain vehicle; a motorcycle; an electric-assisted bicycle as defined in section 169.011, subdivision 27, a watercraft; a farm vehicle being used for farming; a vehicle used for military, fire, emergency, or law enforcement purposes; a construction or logging vehicle used in the performance of its common function; a motor vehicle owned by or operated under contract with a utility, whether publicly or privately owned, when used for work on utilities; a commercial vehicle being used for its intended purpose; snow-grooming equipment when used for its intended purpose; or an aircraft. Minn. Stat. § 84.797, subd. 7.

Recreational vehicles: Any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including but not limited to snowmobiles, trail bikes, ATVs, utility task vehicles, hovercraft, and motor vehicles used for recreation. Minn. Stat. § 84.771. Certain recreational vehicles may be considered a motor vehicle in specific situations.

Trail bike: not specifically defined, but referred to in various statutes and rules. Minn. Stat. § 84.90; Minn. Rule 6105.0210; Minn. Rule 6100.0500; Minn. Rule 6136.0300; Minn. Rule 6232.0300. A trail bike may be a motor vehicle depending on the use and the location of operation.

Utility task vehicle (UTV): a side-by-side, four-wheel drive, off-road vehicle that has four 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 but less than 2,600 pounds. Minn. Stat.§ 169.045, subd. 1(3). Some UTVs may be considered motor vehicles depending on the use, operation and modifications.

Appendix B: State and federal regulations

Vehicles or conveyances and definitional citation	Operator regulations including licensure	Includes	Who regulates the operation	Statutory cites
All-terrain vehicles (ATVs). Minn. Stat. § 84.92, subd. 8.	DNR Registration. No driver's license required.	Class one and class two ATVs.	State and city. City by permit, resolution or ordinance.	Minn. Stat. §§ 84.92-84.928.
Bicycles Minn. Stat. § 169.011, subd. 4.	No title, driver's license, or registration required.	Human-powered bikes, electric assisted bicycles.	State and city only if city sets up a bike trail in city boundaries.	Minn. Stat. § 169.222. Minn. Stat. § 169.222, subd. 4(d). Minn. Stat. § 160.263, subd. 2.
Bicycle - Electric-assisted Minn. Stat. § 169.011, subd. 27.	No title, driver's license, or registration required. Minimum operator age is 15.		State. City may prohibit electric-assisted bicycles on trails for non-motorized use in some situations, only by local ordinance.	Minn. Stat. § 169.222. Minn. Stat. § 169.223, subd. 5 (3).
Bicycle, motorized (moped) Minn. Stat. § 169.011, subd. 45.	Title. Driver's license or operator's permit Registration tax.		State.	Minn. Stat. § 169.011, subd. 45. Minn. Stat. § 171.02, subd. 3. Minn. Stat. § 168.013, subd. 1h.
Conveyances used by pedestrians Minn. Stat. § 169.011, subd. 93.	No driver's license, registration or tax applies.	Wheelchairs, scooters, tricycles.	State.	Minn. Stat. § 169.21.
Electric cars-Neighborhood electric vehicles (NEVs) Minn. Stat. § 169.011, subd. 47.	Title. Valid driver's license. Registration.		State and city.	Minn. Stat. § 169.224. Minn. Stat. § 168A.05, subd. 9. Minn. Stat. § 171.02, subd. 1. Minn. Stat. § 168.013, subd. 1. 49 C.F.R § 571.500 and successor requirements.
Electric cars - Medium-speed electric vehicles (MSEVs): Minn. Stat. § 169.011, subd. 39.	Title. Valid driver's license. Registration.		State and city.	Minn. Stat. § 169.224. Minn. Stat. § 168A.05, subd. 9. Minn. Stat. § 168.013, subd. 1.

Vehicles or conveyances and definitional citation	Operator regulations including licensure	Includes	Who regulates the operation	Statutory cites
				49 C.F.R § 571.500 and successor requirements.
Electric personal assistive mobility device Minn. Stat. § 169.011, subd. 26.	No driver's license, registration or tax applies.	Segways™ and self-balancing scooters.	State.	Minn. Stat. § 169.212.
Motorcycles, autocycles. Minn. Stat. § 169.011, subd. 3a, 44, 45.	Title. Valid driver's license with a two-wheeled vehicle endorsement. Autocycle: driver's license only.	Autocycle.	State.	Minn. Stat. § 168A.05. Minn. Stat. §169.974. Minn. Stat. §169.011, subd. 3a.
Motorized foot scooters. Minn. Stat. § 169.011, subd. 46.	No driver's license, title, registration or tax required. The minimum operator age is 12 years old.	Razors™	State and city. City only by ordinance and may only prohibit on bike paths, trail or non-motorized bikeway.	Minn. Stat. § 169.225. Minn. Stat. §§ 168.002, subd. 18 (e). Minn. Stat. § 168.013, subd. 1. Minn. Stat. § 168.09, subd. 1. Minn. Stat. § 169.011, subd. 46.
Natural gas vehicles (NGVs) Minn. Stat. 169.0911, subd. 46a.	Title. Valid driver's license. Registration.	Overweight NGVs allowed per Minn. Stat. § 169.824, subd. 3 (b) (c).	State.	Minn. Stat. § 168A.05, subd. 9. Minn. Stat. § 171.02, subd. 1. Minn. Stat. § 168.013, subd. 1.
Off-highway motorcycle. Minn. Stat. § 84.787, subd. 7.	Limited to registration with DNR. May have dual registration to use on public roads.		State. City by ordinance or resolution.	Minn. Stat. §§ 84.787-84.796.
Off-highway vehicles (OHV). Minn. Stat. § 84.771.	Limited to registration with DNR.	Off-highway vehicle means an off-highway motorcycle, an off-road vehicle, or an all-terrain vehicle.	State—outside city boundaries. Cities may regulate ORVs and ATVs in city boundaries.	Minn. Stat. §§ 84.771- 84.781 (off-highway vehicles). Minn. Stat. § 84.787, subd. 7. (off - highway motorcycle). Minn. Stat. § 84.797, subd. 7. (off-road vehicle). Minn. Stat. §§ 84.92-84.928 (all-terrain vehicles).
Off-road vehicle (ORV). Minn. Stat. § 84.797, subd. 7.	Driver's license required unless operated only off road.	Vehicles able to travel cross-county with no road or trail.	State and city.	Minn. Stat. §§ 84.771 – 84.781.

Vehicles or conveyances and definitional citation	Operator regulations including licensure	Includes	Who regulates the operation	Statutory cites
Pocket bikes. No definition in state law or rule.	Likely driver's license with a two-wheeled vehicle endorsement.	Pocket bikes, mini-motorcycles, mini-bikes, mini-choppers, mini-rockets.	State.	Minn. Stat. § 65B.48, subd. 5. Minn. Stat. § 84.788, subd. 12 (d).
Snowmobiles Minn. Stat. § 84.81, subd. 3.	Registration with DNR with exceptions. Minn. Stat. § 84.82.	Snowmobiles on frozen public waters.	State. City, only in city boundaries and on frozen public waters with DNR permission.	Minn. Stat. §§ 84.81-84.915. Minn. R. 6100.5200, subp. 2. Minn. Stat. § 84.795, subd. 8 (3). Minn. Stat. § 84.85.
Special vehicles Minn. Stat. § 169.045.	City permit. Registration for ATVs, UTVs and mini trucks. Mini truck operators must have driver's license, possibly with an exception.	Motorized golf carts, UTVs, ATVs, and mini-trucks.	City in city boundaries. Non-city operation may be subject to state or county regulation.	Minn. Stat. § 169.045. Minn. Stat. § 169.045, subd. 7.

City Council Agenda Item 3.C
Meeting of October 12, 2026

Title:	Zoning Code rewrite update
Report from:	Susan Thomas, AICP, City Planner
Submitted through:	Julie Wischnack, FAICP, Community Development Director Erik Nilsson, City Attorney Mike Funk, City Manager
Presenter:	Julie Wischnack, FAICP, Community Development Director and Susan Thomas, AICP, City Planner

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Action Requested: Receive the report and provide feedback.

Summary Statement
The city council introduced the zoning ordinance update on Oct. 5, 2026. The council requested additional information on several topics, as well as further planning commission consideration. Staff will update the council on the planning commission public hearing scheduled for Oct. 8.

Background
See supplemental background report.

Discussion Questions
Does the summary of requested additional information and further planning commission consideration reflect the council request? If no, staff seeks additional direction.

ATTACHMENTS:
Supplemental Background Report
Addendum

Supplemental Background Report

Council review Oct. 5, 2026

The city council introduced the zoning ordinance update on Oct. 5, 2026. The council requested additional information on several topics, as well as further planning commission consideration. Some information will be provided and considered at the Oct. 8, planning commission meeting; staff will update the council on planning commission discussion at the study session.

Affordability

To be provided to the commission on Oct. 8

- Information about existing housing policy, city programs, and “real costs” associated with home construction.

Density

To be provided to the commission on Oct. 8

- Explanation of Met Council’s overall density goals for Minnetonka.
- Explanation of Minnetonka’s Comprehensive Guide Plan density designations.
- Outline Minnetonka's existing density in low-density areas and overall.

Neighborhood Character – size/ownership status

To be provided to the commission on Oct. 8

- What is Minnetonka experiencing in teardown/rebuilds – size of homes.
- What is Minnetonka experiencing in levels of investor ownership/rental of new construction?

Sustainability/Resilience

To be provided to the commission on Oct. 8

- Should the “point system” be applied to subdivision/residential development proposals?
- Should the city require a “cost of operation” calculation prior to issuance of a certificate of occupancy?

Two-unit Dwellings

Some information to be provided to the commission on Oct. 8 and some on Nov. 5

- Do other cities allow two-unit dwellings in low density areas? If so, how do their ordinances address them?
- Other than permitted uses, what options does the city have to review proposed two-unit dwellings? For example, rezoning or CUPs. What are the pros and cons of these options?

CUP and IUP Approvals

To be provided to the commission on Nov. 5

- Should the planning commission have authority to approve CUPs and IUPs?

Drive-Thrus Uses

To be provided to the commission on Nov. 5

- Should drive-thrus be allowed by CUP in more village centers than proposed and, in particular, in the Ridgedale Village Center?

High-Resources Uses

To be provided to the commission on Nov. 5

- How are other communities addressing these uses in their ordinances?
- Are other communities seeing increases in water and utility rates due to data centers?
- Should additional standards be considered?

Setbacks

To be provided to the commission on Nov. 5

- Review proposed required setbacks in village centers. How were they determined and are they appropriate?
- How will shadow studies be incorporated into review?
- Review minimum 10-ft side yard setback in low density residential areas.

Submitted Worksheets

As an additional check in – staff requested councilmembers complete a worksheet to help identify issues in the draft ordinance. Six councilmembers submitted completed identification of issues worksheets. Results are as follows:

Concerns about consolidating low density into one district

Concerned	0
Somewhat concerned	1
Neutral	1
Somewhat supportive	1
Very supportive	3

The ordinance provides districts that result in appropriate density

Concerned	0
Somewhat concerned	0
Neutral	1
Somewhat supportive	2
Very supportive	3

Allowing twinhomes in the new LDR

Concerned	
Somewhat concerned	3*
Neutral	
Somewhat supportive	3*
Very supportive	

* one person answered both somewhat concerned and supportive

Establishing impervious surface max. with incremental increases allowed

Concerned	
Somewhat concerned	1
Neutral	2
Somewhat supportive	2
Very supportive	1

ADUs allowed as permitted uses rather than CUP

Concerned	
Somewhat concerned	1
Neutral	1
Somewhat supportive	1
Very supportive	3

New village centers and limiting drive-thrus

Concerned	
Somewhat concerned	
Neutral	1
Somewhat supportive	2
Very supportive	3

New sustainability and trail-oriented standards

Concerned	
Somewhat concerned	
Neutral	
Somewhat supportive	1
Very supportive	5

Environmental protection ordinances and elimination of density exemption

Concerned	
Somewhat concerned	1
Neutral	
Somewhat supportive	2
Very supportive	2

Individual councilmember also includes written comments that were raised during discussion. Written comments received on the worksheet but not discussed include:

- How do reduced setbacks take into account future road projects?
- How will impervious surface restrictions affect affordability and land prices?
- How are garages considered in calculations of floor area for ADUs relative to ADUs?
- Request for comparative information in LDR, MDR, and HDR.

Next steps:

The continued and second hearing at the planning commission will be held on Nov. 5th. The commission will provide a recommendation for council consideration on Nov. 23, 2026. If the city council would like to continue the consideration of the ordinance, the decision would then be made in Jan. of 2027.

Public comments and feedback are still able to be provided at minnetonkamatters.com or by emailing city staff.

CITY OF MINNETONKA

14600 Minnetonka Blvd. | Minnetonka, MN 55345 | 952-939-8200 | minnetonkamn.gov

TO: City Council

FROM: Susan Thomas, AICP, City Planner

DATE: Oct. 5, 2026

SUBJECT: Item 3C, addendum for Oct. 12, 2026, City Council Study Session

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Item 3C Planning staff has prepared a memo recapping the planning commission's Oct. 8, 2026 public hearing and discussion.

CITY OF MINNETONKA
14600 Minnetonka Blvd. | Minnetonka, MN 55345 | 952-939-8200 | minnetonkamn.gov

FROM: Susan Thomas, AICP, City Planner

TO: City Council

DATE: Oct. 12, 2026

SUBJECT: Oct. 8 Planning Commission public hearing and discussion.

Public Hearing

The planning commission held the first of two public hearings on the zoning ordinance update on Oct. 8, 2026. Ten members of the public provided comments.

Of the six speakers who expressed concerns about the ordinance, three specifically mentioned opposition to allowing twin homes in predominantly single-unit dwelling areas. One of these speakers highlighted apprehension about the "as of right" allowance for such structures. Two speakers were generally opposed to the ordinance update, particularly because it could allow developers and investors to build projects that "neighbors don't want."

Four speakers expressed support for the ordinance, especially as it would provide an opportunity to increase Minnetonka's housing stock. One of these speakers felt the ordinance did not "go far enough."

Council Requests

During its Oct. 5 introduction of the ordinance, the council requested additional information on certain topics to provide additional clarity and insight for commission discussion. The following outlines the information provided to the commission and commissioner questions, requests or discussion on the topics.

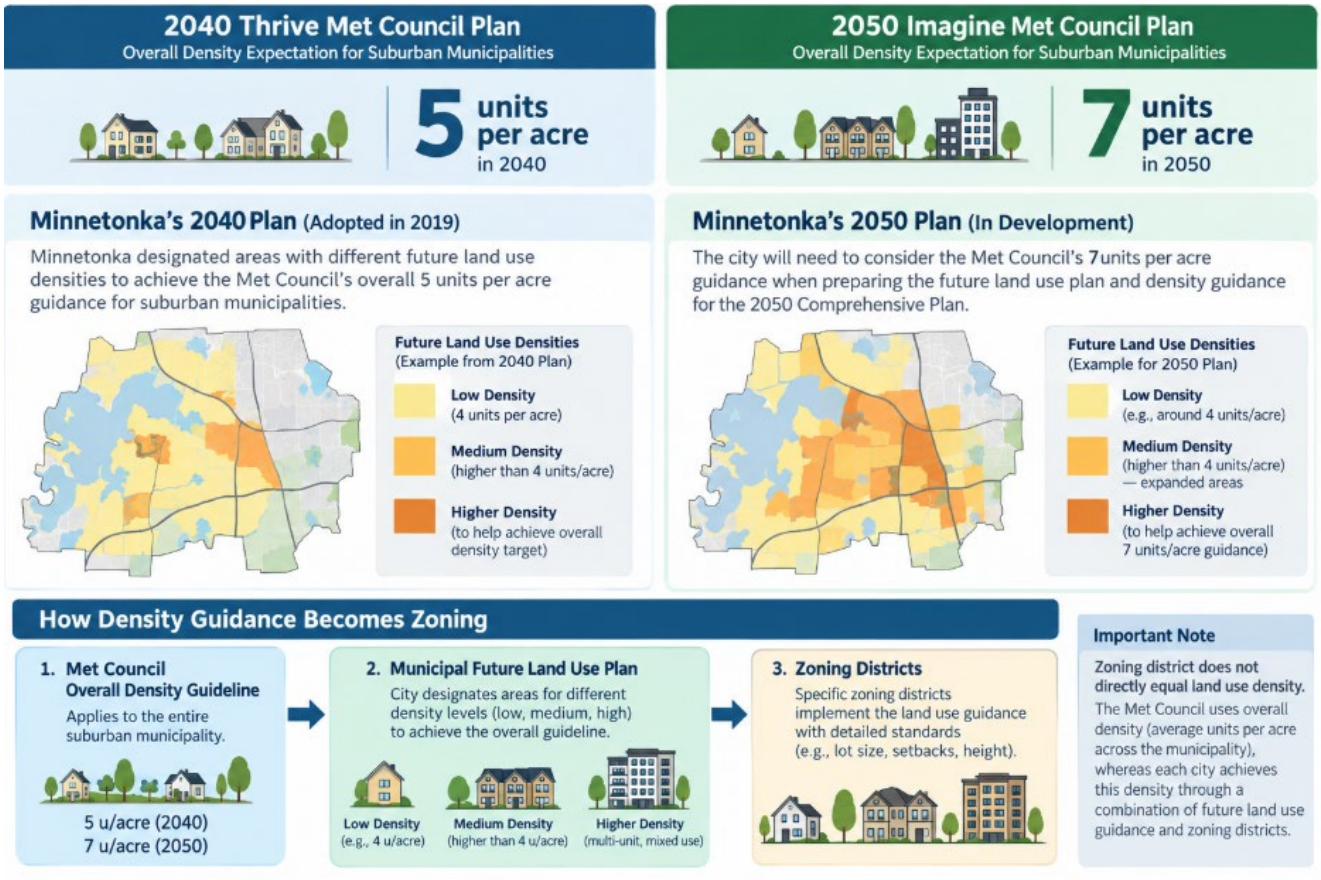
- **Topic: Affordability.** When the zoning ordinance update process began in 2024, the council established five goals that have been highlighted in every update and report over the last two years. One goal is to support a diverse range of housing options by removing barriers present in the previous ordinance.

  A diverse range of housing options may result in a broader range of housing prices. However, neither the existing nor the proposed zoning ordinance alone will create new affordable housing or guarantee the preservation of naturally occurring affordable housing. Nevertheless, the city supports affordability in several ways including the city's affordable housing policy; its affordable housing trust fund; downpayment assistance programs and continued demonstration projects to better understand housing cost drivers and effective strategies to address those costs. Additionally, the city's strategies relating to housing and affordability are identified in the economic improvement program found at this link.

  ✓ *The commission had no questions, comments or requests about affordability.*

- **Topic: Density.** To accommodate regional growth through efficient land use, the Metropolitan Council establishes overall density expectations for cities based on "community designations." Minnetonka holds a "suburban" community designation. As cities begin their 2050 Comprehensive Plan updates, the overall density expectation for suburban communities is 7 units per acre. Each community determines in its individual comprehensive plan how to achieve this expectation through guided plan density classifications.

  While the comprehensive plan outlines area densities, the zoning ordinance establishes zoning classifications – and within those, lot size regulations – to ensure alignment with land use categories. The proposed zoning ordinance would maintain this consistency. Although minimum lot sizes would change, density designations would remain the same for two reasons: (1) density designations are set by the comprehensive plan, not the zoning ordinance; and (2) the proposed minimum lot sizes would still fall within the density ranges established by the comprehensive plan.



Staff gathered data; AI-created image

✓ *A commissioner suggested that staff consider how Minneapolis and other communities support density increases along major corridors. This would be an appropriate discussion and consideration for the 2050 Comprehensive Plan update.*

- **Topic: Sustainability and Resilience.** The proposed ordinance requires new multi-unit and commercial buildings to incorporate sustainability features that support the City's Climate Action and Adaptation Plan (CAAP). If approved, staff will take on a larger, more technical role during the development review process to ensure developments comply with the new regulations.

  While all buildings use resources, the proposed ordinance prioritizes regulating larger developments, which use resources more intensively and have greater environmental impacts than single- and two-unit households. Although existing (and therefore older) single- and two-unit dwellings are excluded, the city is engaging these less efficient homes in CAAP outreach through other means, such as incentive programs. Examples include the city's discounted Home Energy Squad visit program and grant-funded water-efficiency and energy-rebate programs.

  As currently proposed, the Sustainable and Resilient Development Plan requirement is unique because it covers a much broader range of development types and sizes than other cities' sustainable development policies, which typically trigger only when a project receives public funding, incentives, or special approvals. Staff will evaluate the impact of the Sustainable and Resilient Development Plan annually to recommend updates as needed.

  ✓ *The commission had no questions, comments or requests about affordability.*

- **Topic: Two-unit Dwellings.**Although the city has received relatively few comments on the proposed zoning ordinance update, many focus on permitting two-unit dwellings in the proposed LDR district. The council has requested additional information for further discussion

  ✓ **Existing opportunities for construction.** Two-unit dwellings can currently be built in Minnetonka under the existing ordinance, which permits twinhomes in the R-2 zoning district. For example, in 2024, the city rezoned a city-owned property on Rowland Road from R-1 to R-2. The site was previously occupied by a single-unit dwelling, and single-unit homes still exist on adjacent properties and across the street. The rezoned lot was subsequently divided along the common wall of the new twinhome, as permitted under the current subdivision ordinance.


Photo taken during construction

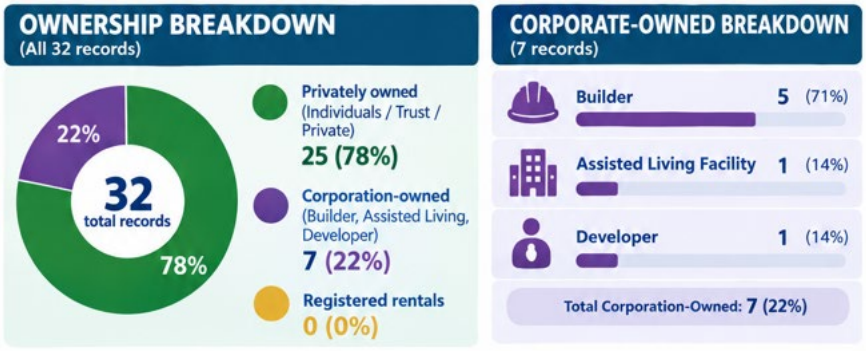


Photo taken during construction

- ✓ **Other communities.** Planning staff reviewed ordinances from 12 comparable cities –similar in land size and/or population. Three cities allow two-unit dwellings within predominantly single-unit neighborhoods Bloomington, St. Louis Park, and Woodbury. Bloomington has had two twinhomes built since 2024. St. Louis Park indicates they received a few applications in the last two years, but many inquiries have been about converting existing single dwellings into two-unit dwellings through interior building changes. Woodbury staff indicates they have had no new construction of twinhomes.

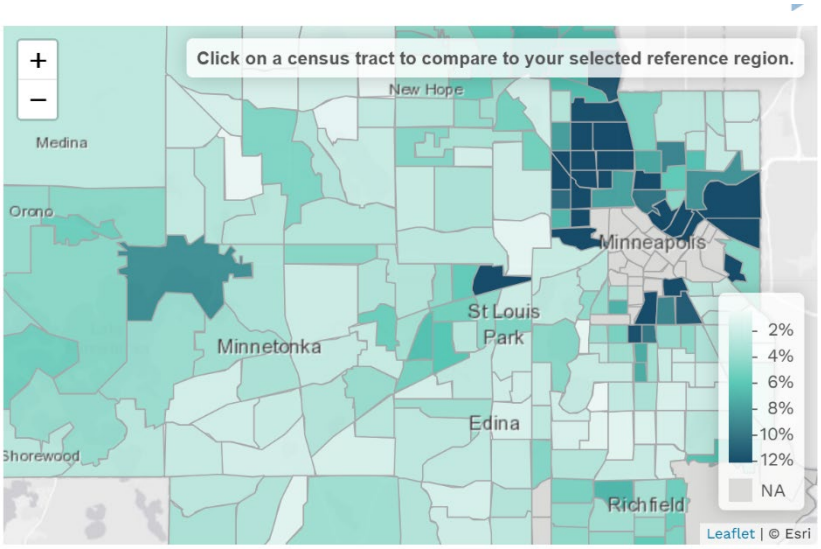
- ✓ **Neighborhood character.** The proposed ordinance establishes identical setback requirements for both single-unit and two-unit buildings. This approach supports diversifying housing options while maintaining the established neighborhood pattern. Staff will provide visual comparisons with the Nov. 5 planning commission packet.

- ✓ **Sales and Ownership.** Neither the existing nor the proposed ordinance addresses the private sale or future ownership of properties. Of the 32 new homes permitted in 2025, most are privately owned. Seven are corporate-owned: five are still under construction and owned by the builder, one is for sale, and one is an assisted living facility. None are registered as rentals. This reflects information



Staff gathered data; AI created image

- ✓ This link reflects information from the Federal Reserve regarding investor ownership of residential properties.



- ✓ *A commissioner requested additional information on: (1) data trends for twinhome construction; and (2) how many lots on cul-de-sacs would become non-conforming due to the proposed ordinance's increased width requirement.*

Other City Council Discussion

The council also requested discussion on other topics. Research and information on these topics will be prepared for planning commission review at its continued public hearing on Nov. 5. These include:

- **Setbacks.** Review of setbacks and shadow studies in village centers and 10-ft side yard setbacks in the low-density residential district.

- **Drive-thrus.** Consideration of whether drive-thru uses should be allowed in village centers other than 101 & 7, Williston & 7, and Cedar Lake.

- **High Resource Uses.** Review of what other communities are doing and if other standards should be considered.

- **CUPs and IUPS.** Discussion about whether the planning commission or city council should have final review authority.

City Council Agenda Item 3.D
Meeting of October 12, 2026

Title:	Comp Plan process preview
Report from:	Julie Wischnack, FAICP, Community Development Director
Submitted through:	Will Manchester, Public Works Director Kelly O'Dea, Recreation Director Darin Nelson, Finance Director Erik Nilsson, City Attorney Mike Funk, City Manager
Presenter:	Julie Wischnack, FAICP, Community Development Director

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Action Requested: Review the report and provide feedback.

Summary Statement
The comprehensive plan update will be completed in 2027 and 2028. This report overviews the requirements for the comprehensive plan update and an initial work plan to complete the update.

Background
See supplemental background report.

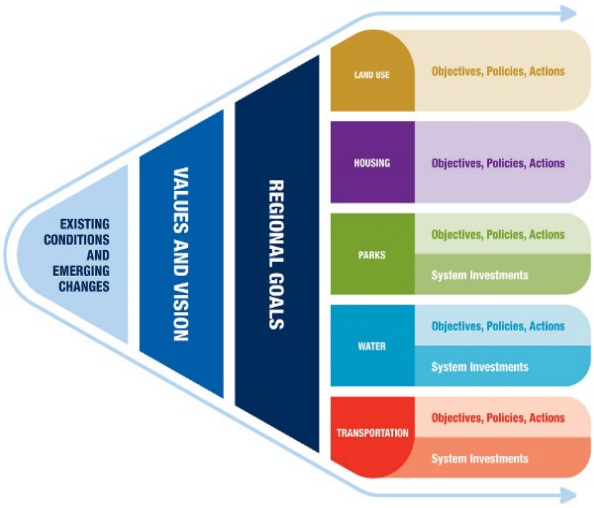
Discussion Questions
Does the city council have any questions or clarifications about the comprehensive plan process?

ATTACHMENTS:
Supplemental Background Report

Supplemental Background Report

Background

Metropolitan cities are required to submit comprehensive plans to the Metropolitan Council every ten years. The next iteration of plans is due no later than Dec. 31, 2028. Each city is required to submit a plan that contemplates 20 years of city growth and development and conforms to the metropolitan system plans, is consistent with adopted policy plans, and is compatible with adjacent and affected jurisdictions. The Metropolitan Council has adopted a regional development guide named. "Imagine 2050". This document includes five policy plans that have objectives, polices and actions that meet the regional vision, values and goals.



Metropolitan Council 2050 Regional Development Guide

Minnetonka last updated its plan in 2019 and it is titled the 2040 Comprehensive Guide Plan.

Plan elements

There are several required plan elements for the comprehensive plan. Plan elements include the following:

- Land Use (forecasts, existing and future land use, density) *
- Housing (existing housing need, projected need, implementation) *
- Transportation (roadways, transit, biking, etc.) *
- Water Resources (wastewater, water supply, surface water) – minor updates for wastewater, wellhead protection complete plan 2026, water supply minor updates, surface water minor updates
- Parks and Trails (regional parks and trails, local parks and trails) – updated 2022
- Climate (mitigation and adaptation) – adopted 2023
- Natural Systems – adopted 2021
- Implementation

The city will engage several consultants to assist with the plan; however, the asterisks indicate where elements need the most updating. The remaining elements have recent updates or need minor updates.

Checklist and System Statement

Specific to Minnetonka, the Metropolitan Council issues a checklist for the city's updated plan and also provides a system statement which explains the implications of the metropolitan system plans for each community. The system statement contains information about all plan elements, but many are curious about the regional forecasts for the city, see table. This forecast indicates growth of approximately 16,000 in population and 11,500 jobs by 2050. Also, the allocation of affordable housing is included in the system statement. See table below for forecasted affordable housing need:

Minnetonka Population, Households and Employment Forecasts

Forecast	2020	2030	2040	2050
Population	53,776	59,300	64,000	69,900
Households	23,694	26,600	28,900	31,600
Employment	43,624	49,600	52,100	55,100

Local forecasts have been updated with most recent Met Council actions.

Minnetonka Affordable Housing Need Allocation for 2031 - 2040

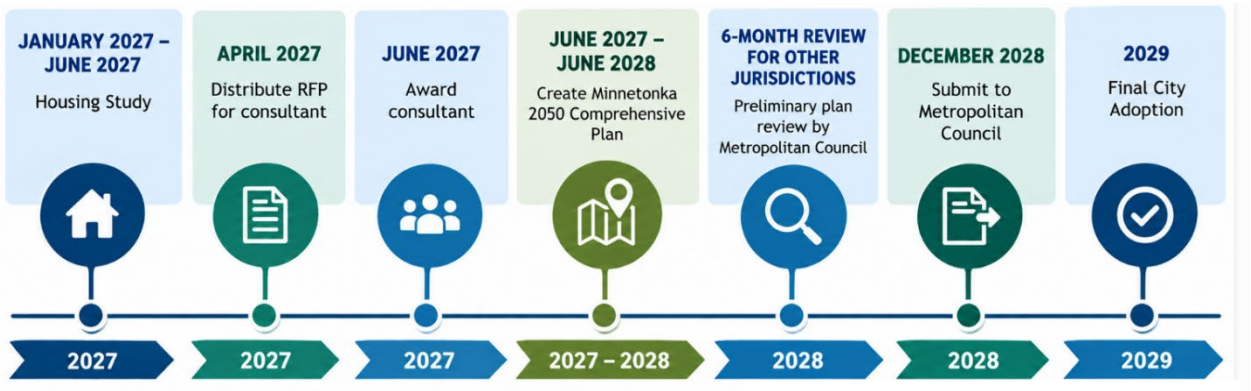
Income Level	Allocation
At or below 30% AMI	767
31% to 50% AMI	428
51% to 60% AMI	151
Total Units	1,346
AMI = Area Median Income	

Local forecasts have been updated with most recent Met Council actions.

The goal of the city's comprehensive plan update is to address the regional forecasts and indicate where and how the city will manage these growth projections.

Process

To begin the process of updating the plan staff would engage with a housing consultant to update the city's housing inventory. The previous housing study can be found here. The housing study will then help inform the land use and transportation plan. Additionally, other elements will need to consider the new population and employment numbers and be updated accordingly. The chart below outlines a possible process for the comprehensive plan update:



City staff created timeline, AI generated graphic

Staff are also considering a major update to the Strategic Plan which is due in 2027/2028. There may be an opportunity to combine efforts with public outreach between the Strategic Plan and the 2050 Comprehensive Plan. As we move further into these processes, staff will engage with the city council to determine next steps.

City Council Agenda Item 3.E
Meeting of October 12, 2026

Title:	City Manager review process, training and compensation
Report from:	Moranda Dammann, Assistant City Manager
Submitted through:	Sarah Donovan, Human Resources Manager Erik Nilsson, City Attorney Mike Funk, City Manager
Presenter:	Sarah Donovan, Human Resources Manager and Moranda Dammann, Assistant City Manager

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Action Requested: Receive training and provide feedback on compensation.

Summary Statement
Each year, the Minnetonka City Manager undergoes a performance review as outlined in the employment agreement, providing the City Council an opportunity to give feedback on the manager's leadership and alignment with City priorities. In response to Council feedback, the evaluation form was updated and implemented for the 2025 review. For the 2026 evaluation, the City will transition to NeoGov Perform, and Council will receive training on the platform and evaluation process as part of this agenda item. Additionally, as part of the annual review process, the City Council reviews the City Manager's compensation for the upcoming year, including the process for negotiating compensation in good faith.

Strategic Plan Relatability
N/A

Background
Each year, the Minnetonka City Manager undergoes a performance evaluation as required by Article 3 of the employment agreement. The evaluation provides the City Council an opportunity to provide feedback on the City Manager's leadership and alignment with City priorities and must occur during the last fiscal quarter of each calendar year.

Following Council feedback, the evaluation form was updated and used for the 2025 review. For 2026, the evaluation will transition to NeoGov Perform. Council members will receive training, and on October 13 will receive access to the evaluation, a training video and directors' evaluations. Evaluations must be completed by October 30.

The review will be conducted at the November Council meeting with the fewest agenda items.

Additionally, in 2023, Minnesota removed the statutory salary cap for local government employees. In late 2024, the City Council had three members volunteer to review Mr. Funk's compensation and recommend his 2025 salary. In 2026, he received the same increase provided to non-union employees. The Council previously expressed interest in revisiting the compensation as the market continues to move.

Staff is seeking Council direction on whether to conduct an in-depth review of the City Manager's compensation. Council could choose to continue the existing process without an in-depth review; ask fewer than a quorum of Council members to volunteer to review compensation and make a recommendation, similar to the 2024 process; or review the City Manager's compensation relative to peer cities as a full Council and address compensation directly with City Manager Funk.

Discussion Questions

Does the city council have any questions regarding the review process?
Does the city council wish to evaluate the City Manager compensation?

- If yes, which option does the council desire?

City Council Agenda Item 3.F
Meeting of October 12, 2026

Title:	November study session topics
Report from:	Sarissa Seracki, Senior Management Coordinator
Submitted through:	Mike Funk, City Manager
Presenter:	Mike Funk, City Manager

Action Requested:	Affirm upcoming topics.

Summary Statement
This item is informational and is intended to provide the council with the upcoming study session agenda items and study session schedule.

Strategic Plan Relatability
N/A

Background
The Minnetonka City Council is scheduled to hold a total of eleven study sessions in 2026. To maximize study session meetings, provide staff direction and focus on council priorities, council members ranked specific topics they expressed interest to review. At the Dec.15, 2025 and Dec. 22, 2025 study sessions the city council reviewed these rankings, discussed priorities and provided direction to staff.

At the Jan.12, 2026 regular council meeting the city council approved the 2026 study session work plan. See attached. Staff committed that at each proceeding study session the topics for the upcoming study session will be provided.

Section 1.5 of the City Council Rules of Procedure states, individual council members may propose agenda items for future meetings at a study session, and the council may provide direction to the city staff regarding scheduling such matters. In essence, this document can be modified throughout the remainder of the year by a majority of council members.

Unless modified by the city council, the 2026 study session work plan agenda items for Nov. 16, 2026 are:

- 2027 general fund, enterprise fund and special revenue fund budgets

Discussion Questions
Does the city council have any new topics for consideration?

ATTACHMENTS:
2026 Study Session Work Plan

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2026 Study Session Work Plan

The purpose of a study session is to give the city council and city staff the opportunity to study and discuss policy matters in greater detail in a less formal environment than a regular meeting. The council may provide direction to staff but does not take formal action on business matters at study sessions.

QUARTER 1

JAN. 26

- Park board and planning commission interviews
- Long-term asset planning

FEB. 9

- 2026 community survey planning discussion
- 2026/2027 trail, street and major Capital Improvement Program project review

MARCH 2

- Policy/Ordinance review:
  - Council policies
  - Rearrangement of regular meeting agenda
  - Substance regulations
  - Zoning code rewrite update (Short-term rentals)

QUARTER 2

APRIL 20

- 2027 director budget presentations
- Public Safety Master Plan implementation review
- 30-minute open time

MAY 11

- 2027 budget kick-off discussion:
  - Marsh operations
  - Rec amenities funding
  - Priority based budgeting
- 2026 community survey results

JUNE 15

- 2027 Capital Improvement Program (CIP)
- Purgatory Park off-leash dog review

QUARTER 3

JULY 20

- Economic Improvement Plan (EIP): Housing
- Developer refinancing policy
- Zoning code rewrite update (Drive thrus, ADUs)
- Firearms

AUG. 17

- 2027 general fund budget and levy discussion
  - Priority based budgeting

SEPTEMBER

No study session scheduled.

QUARTER 4

OCT. 12

- Zoning code rewrite update
- Comp Plan process preview
- E-bikes
- City manager review
- 30-minute open time

NOV. 16

- 2027 general fund, enterprise fund and special revenue fund budgets

DEC. 14

- 2027 strategic plan action steps
- 2027 study session work plan
- 2027 legislative priorities
- 2027 council and staff appointments

LOOKING AHEAD

- JANUARY 2027: Boards and commissions interviews

City Council Agenda Item 3.G
Meeting of October 12, 2026

Title:	Thirty minutes open time
Report from:	Moranda Dammann, Assistant City Manager
Submitted through:	Erik Nilsson, City Attorney Mike Funk, City Manager
Presenter:	Mike Funk, City Manager

Action Requested: Discuss topics brought forward by individual councilmembers.

Summary Statement

The 2026 study session work plan includes dedicated 30-minute open discussion periods in Quarter 1 (April 20) and Quarter 4 (Oct. 12). These sessions provide a valuable opportunity for city council members to bring forward items, concerns, or emerging issues for discussion without the pressure of immediate decision-making. The purpose of these open times is to create space for council members to explore and deliberate on matters of public policy, fostering dialogue and helping to identify potential priorities for future action. This format encourages a more flexible and responsive approach to governance, allowing the council to address evolving topics as they arise throughout the year.