



City of Grand Forks
Staff Report
Committee of the Whole - N/A
City Council - September 2, 2025 and September 15, 2025

APPROVED & ACCEPTED

by City Council

09/02/2025

Maureen Storstad
Maureen Storstad
City Auditor

Agenda Item: Low Speed Vehicles use as Mobility Devices on the Greenway

Submitted by: Jason Freedman, Chief of Police

Staff Recommended Action: Recommend allowing Low Speed Vehicles (LSV) as mobility devices, for Greenway users with verified mobility needs.

Committee Recommended Action:

Council Action: 09/02: Motion by Berg, second by Osowski to approve as presented. Motion passed unanimously.
09/15:

BACKGROUND:

In April of 2025, members of the Grand Forks Police Department met with a citizen who wished to remain anonymous regarding allowing the use of a Low-Speed Vehicle (LSV) as a mobility device upon city streets and the Greenway. The community member advised the use of a LSV would allow for greater use of the Greenway, such as allowing a community member with mobility needs to carry fishing equipment to fishing areas along the Greenway Trail that cannot be accessed by vehicle. The community member also indicated allowing a LSV to be utilized on city roads would be optimal, as one could simply drive the LSV from their residence to the Greenway.

On May 1, 2025, Deputy Chief Macki reviewed City Code and noted that LSV appeared to already meet the description of a Utility Task Vehicle (UTV) as set forth in 8-0302, which would allow LSV to be operated on city streets as indicated in 8-1302. DC Macki requested the city attorney's office review this as well, to ensure accuracy.

On May 13, 2025, DC Macki attended a Greenway Technical Advisory Committee Meeting and advised the committee members of the request, as well as provided information on a permitting system that could be utilized to control and identify the use of LSV on the Greenway. The current approval for mobility vehicles only allowed for mobility vehicles with a 30" maximum width, as opposed to the roughly 50" width of a LSV. Those present discussed the issue at length and advised they would further research ADA best practice and decide later as to whether they would support allowing a LSV to be utilized as a mobility vehicle.

ANALYSIS AND FINDINGS OF FACT:

Approval of Concept:

On June 20, 2025, both the Greenway Technical Committee and the City Attorney's office responded with their decisions.

Marcus Skonieczny of the City Attorney's office advised that LSV are contemplated under the UTV ordinance, and based on state statute, is currently only limited from traversing upon state highways such as Gateway Drive and South Washington Street. State statutes also require LSV to be registered and operated by a licensed driver to be utilized on the roadway, which mirrors city ordinance.

Kim Greendahl advised that the committee supports granting a variance for use of a LSV as a mobility device under the following conditions:

1. LSV use would only be allowed by permit, after mobility needs are verified.
2. LSV must remain on paved surfaces along the Greenway.

Kim Greendahl advised she will work towards creating verbiage changes on the Greenway Mobility Device Policy, which will reflect allowing permitted LSV use on the Greenway for those with verified mobility needs, once the concept is approved by council.

Permitting Option:

Discussions with Sherrie Lundmark from City Finance indicate a relatively simple modification to the existing city permit process would allow for verification of mobility need through submission of a doctor's certification. The initial thought is issuing a bright blue laminated 8 ½ x 11-inch permit for approved LSV. This laminated permit would be prominently mounted on the windshield of the LSV. Mounting in such a manner would ensure clear visibility of an approved vehicle, which would aid in enforcement and community identification that the vehicle is approved for use on the Greenway.

The blue permit can have an individualized large font number such as "25-01", which would not only be easily visible to law enforcement and Greenway users, but would also easily identify the operator should Greenway users have complaints about the operator's conduct. In the above example, 25 indicates year of issuance and 01 indicates the permit number. Requiring an annual permit is advisable, as it would help ensure only those with verified mobility need accessing the Greenway with LSV to avoid congestion and

confusion.

Additionally, this permit could have user rules printed in the inward facing portion of the permit, such as:

- Maximum Greenway Speed 15mph
- Use only authorized on Grand Forks Greenway trails
- ADA prohibits passengers on Mobility Devices
- Mobility devices must remain on paved surfaces

Additional Considerations:

Discussions with Chief Mike Hedlund from East Grand Forks would indicate support for this program, and potential expansion into East Grand Forks in the future. Should this expansion come to fruition, the potential for a permitting process that allows for reciprocity between ND and MN is likely.

The police department would advertise LSV restrictions on Social Media to help provide guidance to those requiring mobility devices.

RECOMMENDATION:

Allow the use of LSV on the Greenway for those with verified mobility needs, which would require amendment to Greenway Ordinance 14-0402 (E) Mobility Device definitions to include LSV, to ensure clear guidance for community members.

SUPPORT MATERIALS:

Greenway Memo Dated June 20, 2025.

Memo from City Attorneys Office Dated June 20, 2025

Ordinance 14-0402

LSV Image

724 North 47th Street
PO Box 5200
Grand Forks, ND 58206-5200



PUBLIC WORKS DEPARTMENT
GREENWAY
(701) 738-8746

Deputy Chief William Macki
Grand Forks Police Department
P.O. Box 5200
Grand Forks, ND 58206-5200

June 20, 2025

Dear Deputy Chief Macki,

I am writing to you on behalf of the Greenway Technical Committee and the Bicycle, Pedestrian, and Greenway Advisory Committee regarding the request you submitted to allow a low-speed vehicle on a Greenway trail.

Both groups evaluated the request and discussed the following criteria.

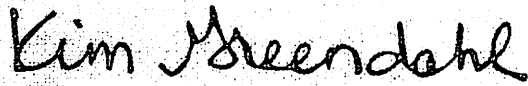
- Impact on other shared-use path users. Although the request is for the use of the OPDMD on a specific section of the Greenway, any decision to allow an OPDMD that exceeds the size approved in the OPDMD policy impacts the entire shared-use path system.
- Width of the shared-use path system. The paths within the GF portion of the Greenway are 12 feet wide, but all other paths throughout the community are 8 feet wide. Allowing a vehicle over 36" impacts how others use the paths.
- Regulating unauthorized users. Allowing a larger vehicle on the shared-use path system has the potential to increase similar activity by unauthorized users.
- Use of a vehicle on unpaved trails. The sensitivity of the unpaved trails outweighed the need for access.

After much discussion from both groups, the recommendation for the request is to **support granting this variance for the use of an oversized low-speed vehicle on the shared-use path system with two conditions. One is that a permitting system can be implemented for this and similar requests.** A permit system will provide a way to monitor users, offer visual reassurance to other path users, and also allow for interaction between law enforcement and the requestor regarding the proper use of an OPDMD on a non-motorized path. **The second condition is that this vehicle remains on paved surfaces.**

I did not research to determine if any ordinances need to be revised to accommodate this request or if it is necessary to have approval from the City Council to develop a permitting system. I will leave that up to you to research.

On behalf of both committees, I'd like to express thanks to you and the requesting party for your patience with this process. The wheels of government can be slow, but the long-term benefit can be worth it.

Sincerely,

A handwritten signature in black ink that reads "Kim Greendahl". The signature is written in a cursive, slightly slanted style.

Kim Greendahl
Greenway Specialist

Cc: Todd Feland, City Administrator
Dan Gaustad, City Attorney

Supporting documents: Greenway Mobility Device Policy adopted March 2012
Special Request assessment form completed at the May 13, 2025, GW Tech
Committee meeting

Mobility Device Policy

In accordance with the US Department of Justice (DOJ), Americans with Disabilities Act (ADA), revised regulations for Titles II and III, the 2010 ADA Standards for Accessible Design of 15 November, 2010, the cities of Grand Forks and East Grand Forks adopt the following policies concerning individuals with mobility impairments.

To accommodate mobility disabled persons, wheelchairs and similar devices built specifically for mobility disabilities are allowed.

Other Power-Driven Mobility Devices (OPDMD), not specifically designed for disabilities may be used on the trail, provided the device is no more than 36" wide, internal combustion devices including, but not limited to, all-terrain vehicles (ATV), golf carts or dirt bikes are not allowed except on trails designated for that purpose.

Rationale for Policy:

The paved trail system throughout Greater Grand Forks is designed and constructed primarily for bicycling, walking, inline skating and skateboard related activities. The popularity of the Greenway trail is verified by the heavy volume of local and regional visitors using the trail on a regular basis. The Greenway provides a valuable connection for trails throughout the community, increasing access and connectivity throughout the two communities. It is the goal of this policy to provide persons with mobility disabilities the ability the opportunity to experience what others have found to be an exceptional asset to the two communities.

The staff of the managing agencies of the Greenway Technical Committee developed the OPDMD policy based on the following criteria supplied by the Department of Justice:

- I. The type, size, weight, dimensions, and speed of the device;
 - a. Rationale: With the exception of the trails located within the Greenway, most trails are eight (8) feet wide. This width makes it difficult for users to pass safely on foot or bicycle. Allowing OPDMD greater than 36" wide would compound that problem. Driving off the trail for passing raised concerns for tipping from ridges between the trail and ground.
- II. The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
 - a. Rationale: Trail usage has been increasing, especially within the Greenway, and the flow of traffic at peak times has made trail navigation between users difficult. Adding OPDMD over 36" increases the potential for navigation issues.
- III. The design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user)
 - a. Not applicable.
- IV. Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility
 - a. Rationale: See items i and ii.
- V. Whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.

Validation of Mobility Disability:

Persons with a mobility disability may show a valid, State-issued, disability parking placard or card, or other State-issued proof of disability that has been issued to them, or they may state that they are using the mobility device due to a mobility disability. Representatives of the Cities of Grand Forks and East Grand Forks law enforcement may not ask about the nature and extent of the individual's disability.

Department of Justice ADA regulations also add that the claim of a mobility disability must be considered valid as long as it is not contradicted by observable fact.

Questions concerning this policy should be directed to 701-738-8746.



The Greenway Technical Committee Project and Special Request Assessment Form

| PROPOSAL DETAILS | |
|--|---|
| Project name: | Request for OPDMD over the agreed size of the city OPDMD policy |
| Proposed location: | Greenway |
| Submitted by: | Bill Macki, GF Police Department |
| Desired start date: | Immediately |
| Is this request: <input type="checkbox"/> Annual event <input checked="" type="checkbox"/> New installation <input type="checkbox"/> Improvement to existing facility | |

| REVIEW OF POTENTIAL IMPACTS | | | | |
|-----------------------------|----|-----|-----|---|
| YES | NO | UNK | N/A | Will or does this project, activity or special event: |
| | | x | | Have support from a significant number of users? |
| x | | | | Enhance or compete with a similar activity already offered somewhere else in the GGF community? Competes with existing policy regarding width of OPDMD |
| | x | | | Introduce a new kind of recreational activity to the Greenway? Mobility devices are already allowed through ADA compliance. This request is asking for the use of a device larger than allowed by policy. |
| | x | | | Significantly change the level of public use? |
| x | | | | Be located near a heavily populated residential area? The trail system impacts the entire community. |
| x | | | | Be self funded? |
| | | x | | Require ongoing maintenance by agency staff? |
| x | | | | Require a change to the Greenway plan? Requires changes to ordinances and policy regarding OPDMD |
| x | | | | Compromise greenway rules or city ordinances? See above |
| | | x | | Jeopardize needs described in other plans? Possibly, if allowed in undeveloped areas |
| | | x | | Contribute to cumulative effects with other proposals or projects? |
| | | x | | Likely generate significant public opposition or controversy? |
| x | | | | Take place in an area that is relatively undisrupted? Specific request is to access a fishing area that does not have pavement |
| | x | | | Impede the function of the Greenway as a floodplain? |
| x | | | | Does this the project address ADA accessibility needs? If not, explain. Would expand on existing OPDMD policy requirements and limitations |
| | x | | | Involve development or modifications of wetlands, protected waters or water control structures? |
| | x | | | Introduce an organism(s) which is different genetically or species-wise from those presently or historically occurring in the Greenway? |
| | | | x | Affect any known archaeological, historical or cultural site? |
| x | | | | Involve habitat loss, alteration or fragmentation or land use changes such as planting, burning, grazing, clearing or water manipulation? Potential to erode riverbank or impact vegetation |
| | x | | | Include the use of chemical toxicants? |
| | | x | | Affect any known federal or state listed species, other rare species or any designated or proposed natural or scenic waterway, wilderness area, State Natural Areas, Natural Heritage Registry site, significant natural community or private land? |

| | | | |
|---|---|---|---|
| x | | | Disturb soil or result in soil erosion, deposit, compaction, and/or loss of sod or ground cover? Most likely if allowed on unpaved trails. |
| x | | | Have a greater impact under certain weather conditions, especially rainy or wet conditions? Potential for rutting on unpaved trails. |
| | x | | Affect research activities or monitoring plots? |
| x | | | Require permits from other agencies? State certification |
| x | | | Likely require temporary or permanent mitigation measures? |
| | | x | Have any natural/cultural resource impacts not listed above? |

IMPORTANT: Completion of the application assessment for the proposed project/action/special request does not constitute approval for the project to begin. Approval for the request to move ahead will be provided by the Greenway Technical Committee staff.

ADDITIONAL INFORMATION AND SUPPORT DOCUMENTS

Concerns – Describe concerns regarding application information:

- Both cities adopted a Mobility Device Policy in March 2012. This policy was required by the US Department of Justice (DOJ), the Americans with Disabilities Act (ADA), revised regulations for Titles II and III, and the 2010 ADA Standards for Accessible Design of 15 November 2010.
- Vehicle width. The adopted policy does not allow OPDMDs that are over 36" in width. The request is to allow a vehicle wider than 50".
- Impact on the shared-use path system. This decision would impact more than just the greenway. This change in policy would open all shared-use paths to this policy.
- Trail widths. Excluding the greenway, most of the SUPs are 8' wide.
- Traffic flow. The flow of traffic at peak times has made trail navigation between users difficult. Adding OPDMD over 36" increases the potential for navigation issues.
- Natural resources. The potential impact of using the OPDMD creates a substantial risk of serious harm to the immediate environment or natural and cultural resources.
- Employee access. Except for the mosquito control staff, city staff in either city do not drive a vehicle on the unpaved trails. This is due to the trails' wear and tear, and the mud is very slippery when wet. The mosquito control crew does some repairs on the unpaved trails when necessary.
- Soil conditions. Is the city liable if an OPDMD person gets stuck, slips in the mud, or is injured because those trails receive minimal maintenance?
- City ordinances. If LSVs like the one described are permitted, a few city ordinances would have to be revised.
- State ordinances. Does the MN DNR allow for this type of vehicle in these conditions?
- Fishing sites. The committee acknowledges that the majority of the sites recognized for fishing are accessible on pavement. The docks in downtown GF and EGF are both designed to accommodate ADA access.

Information sources & field review:

- List dates and names of information sources (individuals & written) consulted in this process.
- List significant native plant communities, rare species, cultural resources or other important natural/cultural elements which could be impacted.
- Greenway Mobility Device Policy adopted March 2012
- Assessment graph from OPDMD or Wheelchair: Where Can They Go? webinar
- Department of Justice ADA guidelines <https://www.ada.gov/resources/opdmds>
- Power-Driven Mobility Device Application and Permit for Access to City of Superior Recreation Areas from Superior, WI
- <https://bit.ly/ADAinfoGGF>

Recommended course of action:

- Review unpaved trails to determine if there are any that should be excluded because of a lack of space for turnaround, only one way in and out (concerns about needing to turn around to exit), and low areas that remain wet for extended periods of time.
- Research liability for access to low to no maintenance areas.
- 6/17/2025 Greenway Technical Committee staff meeting: approve the modification to the OPDMD to accommodate this request, with the stipulation that there is a permit system in place.
- 6/20/2025 Letter sent to Deputy Chief Macki regarding this decision.

List all permits required:

- State certification of need for mobility device
- Potential permit from the city

Greenway Technical Committee staff recommendation:

Proposal accepted. Applicant will be informed to work with designated agency for further assistance. Designated agency:

Proposal denied for the following reasons: Against ordinance, not the appropriate use for the trails.

Proposal incomplete or requires more information. Staff will work with applicant to clarify the application.

Kim Greendahl

Signed by Greenway Technical Committee Chairperson

June 20, 2025

Date



CITY OF GRAND FORKS

24 North 4th Street
GRAND FORKS, NORTH DAKOTA 58203

OFFICE OF CITY ATTORNEY

E-MEMORANDUM

To: Deputy Chief Bill Macki (BMacki@grandforksgov.com)

CC: Dan Gaustad (dan@grandforkslaw.com); Joe Quinn (jquinn@grandforkslaw.com)

From: Marcus Skonieczny (marcus@grandforkslaw.com)

Re: UTV Ordinance

Date: June 19, 2025

Dear, Deputy Chief:

ISSUE

- A. You asked our office if it would be our opinion that these Low Speed Vehicles fit the UTV description, and are actually already allowable on the roadways by ordinance 8-1301, 8-1302, and 8-1303?

SHORT ANSWER

- B. Our office would agree with you that Low Speed Vehicles are contemplated under the UTV ordinance.

ANALYSIS

- C. There is a specific Low Speed Vehicle Chapter in the Century Code which is N.D.C.C. 39-29.1. Within N.D.C.C. 39-29.1 the State has designated the ability to regulate, restrict or prohibit the use of low-speed vehicles operating in city limits to the jurisdiction of the city. With that while a City cannot require a license or registration of the vehicle, there are state requirements for both. Therefore, this is something to bear in mind when pulling these vehicles over because the vehicle must be registered to be able to be operated under N.D.C.C.

- D. While our ordinance does not specifically define low speed vehicles, they fit within the definition of the UTV. Low speed vehicles are specifically prohibited from operating on highways so this would take Washington and Gateway out the mix, but they can cross each of these streets, as long as they do so in accordance with 8-1302.

CONCLUSION

- E. In conclusion, the use of low speed vehicles on streets in Grand Forks is allowed within the confines of 8-1301, 8-1302, and 8-1303. Please let us know if you have any questions.

14-0402. - Definitions.

The following definitions are to only apply to the ordinances in this chapter entitled "The Greenway." Any other definition provided by the code is superceded by these definitions concerning the ordinances appearing in this chapter only.

- (A) *Commercial use* means any authorized use of the greenway by a business, club, non-profit organization and/or fraternal society.
- (B) *City council* refers to the Grand Forks City Council.
- (C) *Employee* means any full-time or part-time employee of the City of Grand Forks and also includes a recognized volunteer for the City of Grand Forks.
- (D) *Greenway* refers to the physical space controlled by the city council generally described as the wet side of the toe of the levee adjacent to the riverbank, excluding areas leased to the park district and flood protection features such as floodwalls, levees, and pump stations. The greenway generally starts at approximately fifty (50) feet north of the centerline of the north pedestrian bridge, north of Riverside Dam, to the centerline of the south end drainway as more particularly shown on appendix A.
- (E) *Mobility device* means any motorized wheelchair, scooter, tricycle or similar device designed for and used by a person with disability as a substitute for walking when operated by such person. The term shall not include a golf cart, lawn tractor, mower, off-road vehicle, all-terrain vehicle, snowmobile or other motor vehicle.
- (F) *Motor vehicle* means every device in, upon, or by which person or property is or may be transported or drawn upon a roadway except devices moved by human power. This term shall not include a wheelchair or mobility device when used by a person with disability as a substitute for walking.
- (G) *Person or persons* means individuals, firms, corporations, societies, or any group or gathering whatsoever.
- (H) *Permit* means written permission to conduct specified activities as provided in this article.
- (I) *Special events* refers to any scheduled events which are to be conducted within the physical boundaries of the greenway area.
- (J) *Wheelchair* means a mobility-assisted device of three (3) or four (4) wheels used by and designed for persons with disability as a substitute for walking, whether operated manually or powered and not exceeding thirty (30) inches in width and forty-eight (48) inches in length measured two (2) inches above the ground and which does not weigh more than six hundred (600) pounds when occupied. The term shall not include any motorized unit that has been retrofitted to make it usable by a person with a disability nor shall it include any internal-combustion-powered unit.
- (K)



Low Speed Vehicles are typically separated in classification from golf carts by the following features:

1. Can reach speeds in excess of 20 MPH
2. Have lights, turn signals and horns
3. Carry passengers, not cargo (golf-clubs)
4. Have mirrors

ORDINANCE NO. _____

An ordinance to amend Grand Forks City Code § 14-0402, and creating 14-0420 relating to the use of mobility devices on the Greenway.

BE IT ORDAINED by the City Council of the City of Grand Forks, North Dakota, pursuant to its home rule charter, Grand Forks City Code and N.D.C.C. ch. 40-11 that:

Section 1: Amending Clause to Amend Grand Forks City Code § 14-0402.

Grand Forks City Code § 14-0402 is amended to read as follows (the amending language in bold, with deletions stricken through and additions underlined):

14-0402. - Definitions.

The following definitions are to only apply to the ordinances in this chapter entitled "The Greenway." Any other definition provided by the code is superceded by these definitions concerning the ordinances appearing in this chapter only.

(A) *Commercial use* means any authorized use of the greenway by a business, club, non-profit organization and/or fraternal society.

(B) *City council* refers to the Grand Forks City Council.

(C) *Employee* means any full-time or part-time employee of the City of Grand Forks and also includes a recognized volunteer for the City of Grand Forks.

(D) *Greenway* refers to the physical space controlled by the city council generally described as the wet side of the toe of the levee adjacent to the riverbank, excluding areas leased to the park district and flood protection features such as floodwalls, levees, and pump stations. The greenway generally starts at approximately fifty (50) feet north of the centerline of the north pedestrian bridge, north of Riverside Dam, to the centerline of the south end drainway as more particularly shown on appendix A.

(E) *Mobility device* means any motorized wheelchair, scooter, tricycle or similar device designed for and used by a person with disability as a substitute for walking when operated by such person. The term shall not include a golf cart, lawn tractor, mower, off-road vehicle, all-terrain vehicle, snowmobile or other motor vehicle, **unless such vehicle meets the criteria of Article 13 of the Grand Forks City Ordinances.**

(F) *Motor vehicle* means every device in, upon, or by which person or property is or may be transported or drawn upon a roadway except devices moved by human power. This term shall not include a wheelchair or mobility device when used by a person with disability as a substitute for walking.

(G) *Person or persons* means individuals, firms, corporations, societies, or any group or gathering whatsoever.

(H) *Permit* means written permission to conduct specified activities as provided in this article.

(I) *Special events* refers to any scheduled events which are to be conducted within the physical boundaries of the greenway area.

(J) *Wheelchair* means a mobility-assisted device of three (3) or four (4) wheels used by and designed for persons with disability as a substitute for walking, whether operated manually or powered and not exceeding thirty (30) inches in width and forty-eight (48) inches in length measured two (2) inches above the ground and which does not weigh more than six hundred (600) pounds when occupied. ~~The term shall not include any motorized unit that has been retrofitted to make it usable by a person with a disability nor shall it include any internal-combustion-powered unit.~~

(K) *Wildlife* means any living creature, not human, wild by nature, including, but not limited to, mammals, birds, amphibians, insects, reptiles, crustaceans, or mollusks.

Section 2: Enacting Grand Forks City Code § 14-0420.

Grand Forks City Code Chapter 14, Article 0420 is enacted to read as follows:

14-0420. – Permits for Mobility Devices and Wheelchairs.

- (1) Upon application to the City Finance Department, an individual may be granted a permit to allow such individual to operate a Mobility Device greater than 30 inches in width on the paved surfaces of the Grand Forks Greenway.**
- (2) The permit application must be renewed on an annual basis, with applications being due by December 1 of each year to be permitted for the following year.**
- (3) The permit will be a blue laminated 8 ½ inch x 11 inch permit which specifically lays out the rules each permit holder must follow and is individually numbered to allow for easy identification by law enforcement.**

Section 3: Effectivity.

This ordinance shall be in full force and effect after publication thereof, as provided by law.

Brandon Bochenski, Mayor

Dated: _____

ATTEST:

Maureen Storstad, City Auditor

Dated: _____

Introduction and first reading: _____

Public Hearing: _____

Second reading and final passage and approval: _____

Approved: _____

Published: _____