

CHAPTER 74: SNOWMOBILES AND ALL TERRAIN VEHICLES

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§ 74.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALL-TERRAIN VEHICLE or ***ATV***. A motorized vehicle of not less than three low pressure or non-pneumatic tires, but not more than six tires, that is limited in engine displacement of less than 90 cubic centimeters and includes class 1 all-terrain vehicles and class 2 all-terrain vehicles. All ATVs must be registered with the Minnesota Department of Natural Resources, unless exempted. ATVs must also have a county ATV permit from either Wabasha County or Goodhue County. (Amended, Ord. 565)

CLASS 1 ALL-TERRAIN VEHICLE. An all-terrain vehicle that has a total dry weight of less than 1,200 pounds and a width of 50 inches or less. (Amended, Ord. 565)

CLASS 2 ALL-TERRAIN VEHICLE. An all-terrain vehicle that has a total dry weight of 1,200 to 1,800 pounds and a width of greater than 50 inches but less than 65 inches. (Amended, Ord. 565)

OPERATE. To ride in or on and control the operation of a vehicle.

OPERATOR. Every person who operates or is in actual physical control of a vehicle.

OWNER. A person, other than a lien holder, having ownership in or title to a vehicle and entitled to its use or possession.

RECREATIONAL VEHICLE. A self-propelled vehicle, including an ATV, off-highway motorcycle, snowmobile, or any other vehicle designed for travel on snow or ice or natural terrain steered by wheels, skis, or runners, or a vehicle designed for operation on a paved surface that is not licensed by the Minnesota Department of Public Safety or equivalent agency in another state for operation on public roads. A recreational vehicle does not include a mini truck.

RIGHT-OF-WAY. The entire strip of land traversed by a highway or street in which the public owns the fee or an easement for roadway purposes.

ROADWAY. That portion of a highway improved, designed, or ordinarily used for vehicular travel, including the shoulder.

SNOWMOBILE. A self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

STREET OR HIGHWAY. The entire width between boundary lines of any way or place open to the use of the public, as a matter of right, for the purposes of vehicular traffic.

§ 74.02 STATE STATUTES ADOPTED.

Minnesota Statutes, Sections 84.81 to 84.88 (relating to snowmobiles), 84.92 to 84.928 (relating to all-terrain vehicles) and Minnesota Statutes Chapter 169, except for those provisions of Chapter 169 relating to required equipment or provisions which by their nature have no application, are adopted by reference and are as much a part of this chapter as if fully set forth herein.

§ 74.03 APPLICATION OF TRAFFIC ORDINANCES.

All city traffic ordinances apply to the operation of recreational vehicles upon streets and highways.

§ 74.04 SNOWMOBILE OPERATION GENERALLY.

Except as otherwise specifically permitted and authorized, it is unlawful for any person to operate a snowmobile within the city: (Amended, Ord. 565)

- (A) On a public sidewalk or walkway provided or used for pedestrian travel;
- (B) On private property of another without lawful authority or consent of the owner or occupant;
- (C) On any publicly-owned lands or frozen waters, including but not limited to, school grounds, park property, playgrounds, recreation areas and golf courses, except areas previously listed or authorized for such use by the proper public authority, in which case such use should be lawful and the snowmobile must be driven in and out of such areas by the shortest route. Authorized operation areas in the city owned by the city will be designated by council resolution; (Amended, Ord. 565)
- (D) Within the city's business district as herein defined:
 - (1) High Street from Chestnut Street to Marion Street;
 - (2) Lakeshore Drive from Chestnut Street to Marion Street;
 - (3) Washington Street from Chestnut Street to Marion Street;
 - (4) Marion Street from Franklin Street to High Street;
 - (5) Lyon Avenue from Franklin Street to High Street; and
 - (6) Center Street from Franklin Street to High Street.
- (E) At any place, while under the influence of intoxicating liquor or narcotics or habit forming drugs;

(F) At a rate of speed greater than reasonable or proper under all the surrounding circumstances;

(G) At any place in a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;

(H) So as to tow any person or thing on a public street or highway except through use of a rigid tow bar attached to the rear of the vehicle;

(I) At a speed greater than ten miles an hour when within 100 feet of any lakeshore, people fishing, ice houses, or skating rinks, nor will operation be permitted within 100 feet of any sledding area, nor where the operation would conflict with the lawful use of property or would endanger other persons or property; or

(J) In a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys, or interferes with the peace and quiet of other persons.

§ 74.05 ATV OPERATION GENERALLY

(A) Except as otherwise specifically permitted and authorized, it is unlawful for any person to operate an ATV within the city:

(1) On a public sidewalk or walkway provided or used for pedestrian travel;

(2) On private property of another without lawful authority or consent of the owner or occupant;

(3) On any publicly-owned lands or frozen waters, including but not limited to, school grounds, park property, playgrounds, recreation areas and golf courses, except areas previously listed or authorized for such use by the proper public authority, in which case such use should be lawful and the ATV must be driven in and out of such areas by the shortest route. Authorized operation areas in the city owned by the city will be designated by council resolution;

(4) Within the city's business district as herein defined:

(a) High Street from Chestnut Street to Marion Street;

(b) Lakeshore Drive from Chestnut Street to Marion Street;

(c) Washington Street from Chestnut Street to Marion Street;

(d) Marion Street from Franklin Street to High Street;

(e) Lyon Avenue from Franklin Street to High Street; and

- (f) Center Street from Franklin Street to High Street.
 - (5) On Lakeshore Drive (Highway 61);
 - (6) On Lyon Avenue;
 - (7) At any place, while under the influence of intoxicating liquor or narcotics or habit forming drugs;
 - (8) At a rate of speed greater than reasonable or proper under all the surrounding circumstances;
 - (9) At any place in a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;
 - (10) So as to tow any person or thing on a public street or highway except through use of a rigid tow bar attached to the rear of the vehicle;
 - (11) At a speed greater than ten miles an hour when within 100 feet of any lakeshore, people fishing, ice houses, or skating rinks, nor will operation be permitted within 100 feet of any sledding area, nor where the operation would conflict with the lawful use of property or would endanger other persons or property; or
 - (12) In a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys, or interferes with the peace and quiet of other persons.
- (B) ATVs must be operated in the city using the following routes:
- (1) All persons wishing to travel from the north side of the city to the south side of the city by ATV must utilize the shortest route possible to 7th Street and then use the following route:
 - (a) Head south on North 7th Street;
 - (b) Turn right on Walnut Street;
 - (c) Turn left on 8th Street; and
 - (d) Continue on 8th Street and proceed onto the marked pathway that runs from Lakewood Avenue to Marion Street.
 - (2) All persons wishing to travel from the south side of the city to the north side of the city by ATV must utilize the route states in paragraph (B) (1) above in reverse.
 - (3) Wabasha County Road 5 and Goodhue County Road 5 and County Road 9 are to be utilized when traveling to and from residences.

(4) All other ATV travel must run north or south (parallel to Lakeshore Drive (Highway 61)) from the residence to the main roadway. ATVs must not travel in an east/west direction on a city street;

(5) Under all circumstances, the shortest route possible that is permitted by this chapter from residence to destination and destination to residence must be used.

(Added, Ord. 565)

§ 74.06 OPERATION ON STREETS AND HIGHWAYS

(A) No person may operate a recreational vehicle upon the roadway, shoulder, inside bank, or slope of any city street. ATVs may be operated on city streets for the purposes of traveling to a business or residence for the purposes of plowing snow and also as authorized by section 75.05 of this chapter. Operation of a recreational vehicle in the ditch, extreme right-hand side of the road or within the right-of-way of any county road or state highway is permitted if authorized by state law or county ordinance. (Amended, Ord. 565)

(B) *Crossings.* A recreational vehicle may make a direct crossing of a street or highway except an interstate highway or freeway, provided:

- (1) The crossing is made at an angle of approximately 90 degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;
- (2) The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the street or highway;
- (3) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard;
- (4) In crossing a divided street or highway, the crossing is made only at an intersection of such street or highway with another public street or highway; and
- (5) If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if the recreational vehicle's front and rear lights are on.

(C) *Intersections.* No recreational vehicle shall enter any uncontrolled intersection without making a complete stop and the operator shall yield the right-of-way to any vehicles or pedestrians which constitute an immediate hazard.

(D) *Operation of Recreational Vehicles.* Notwithstanding any prohibition in this section, a recreational vehicle may be operated on a public thoroughfare in an emergency during

the period of time when and at locations where snow upon the roadway renders travel by automobile impractical.

(E) *Operation of ATVs.* Notwithstanding anything in this section to the contrary, all-terrain vehicles may be operated within the road right-of-way as permitted through Agricultural Use Registration by the Minnesota Department of Natural Resources.

§ 74.07 RECREATIONAL VEHICLE EQUIPMENT.

(A) It is unlawful for any person to operate a recreational vehicle anywhere within the limits of the city unless it is equipped with the following:

- (1) Standard mufflers which are properly attached and in constant operation, and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass, straight pipe or similar device on a recreational vehicle motor, and the exhaust system must not emit or produce a sharp popping or crackling sound;
- (2) Brakes adequate to control the movement of and to stop and hold the recreational vehicle under any conditions of operation;
- (3) A safety throttle in operating condition;
- (4) At least one clear lamp attached to the front of the vehicle, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. Such head lamp must be so aimed that glaring rays are not projected into the eyes of an oncoming vehicle operator. The vehicle must also be equipped with at least one red tail lamp having a minimum candle power of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during the hours of darkness under normal atmospheric conditions. The equipment must be in operating condition when the vehicle is operated between the hours of one-half hour after sunset to one-half hour before sunrise or at times of reduced visibility; and
- (5) Reflective material at least 16 square inches on each side, forward of any handlebars, so as to reflect or beam light at a 90 degree angle.

(B) A person may not operate an off-road motorcycle without an eye protective device.

§ 74.08 OPERATION BY MINORS.

(A) *Snowmobiles.* Notwithstanding Section 84.87 of Minnesota Statutes, persons under 14 years of age are prohibited from operating a snowmobile upon a street or highway.

- (1) A person between 14 and 18 years of age may make a direct crossing of a trunk, county state-aid, or county highway only if the person has a valid snowmobile safety certificate issued by the state of Minnesota; or has a valid driver's license or other valid identification with a snowmobile qualification indicator.
- (2) Notwithstanding Section 84.862 of Minnesota Statutes, no person under 14 years of age shall operate a snowmobile without the accompaniment or supervision of a parent, guardian, or authorized person 18 years of age or older.
- (3) A person 12 years of age or older but under the age of 14 years may operate a snowmobile if the person possesses a valid snowmobile safety certificate issued by the state of Minnesota or a valid identification card with a snowmobile qualification indicator.

(B) *ATVs.*

- (1) A driver's license is required to operate an ATV along or on a public road right of-way, except for operation on public road rights-of-way pursuant to Section 84.928 of Minnesota Statutes.
- (2) A person under 12 years of age shall not make a direct crossing of a public road right-of-way; operate an ATV on a public road right-of-way in the state; or operate an ATV on public lands or waters, except a person between 10 and 12 years of age may operate an ATV with an engine capacity up to 90cc on such lands if accompanied by a parent or legal guardian.
- (3) A person 12 years but less than 16 years of age may make a direct crossing of a public road right-of way, only if that person possesses a valid ATV safety certificate issued by the commissioner and is accompanied by a person 18 years of age or older who holds a valid driver's license.
- (4) A person under 15 years of age shall not operate a class 2 ATV.
- (5) A person 12 years of age but less than 16 years of age may operate an ATV on the bank, slope, or ditch of a public road right-of-way as permitted under Section 84.928 of Minnesota Statute if the person: possesses a valid ATV safety certificate issued by the Commissioner of the Department of Natural Resources; and is accompanied by a parent, legal guardian, or authorized person 18 years of age or older on a separate ATV.

(C) *Off-Highway Motorcycles.*

- (1) No person shall operate an off-highway motorcycle along or on a public

road right-of-way without a valid driver's license, except for operation that is permitted under Section 84.795 of Minnesota Statutes.

- (2) A person less than 16 years of age operating an off-highway motorcycle on public lands must possess a valid off-highway motorcycle safety certificate issued by the state of Minnesota.
- (3) A person under 12 years of age may not make a direct crossing of a public road right-of-way; operate an off-highway motorcycle on a public road right-of-way; or operate an off-highway motorcycle on public lands or waters unless accompanied by an authorized person 18 years of age or older or with a state-issued special use permit.
- (4) A person less than 16 years of age may make a direct crossing of a public road right-of-way of a trunk, county, state-aid or county highway with an off-highway motorcycle only if accompanied by an authorized person 18 years of age or older who holds a valid driver's license.
- (5) A person less than 16 years of age may operate an off-highway motorcycle on a public road right-of-way in accordance with Section 84.795, subdivision 1(a) of Minnesota Statutes only if accompanied by a person 18 years of age or older who holds a valid driver's license.

(D) *Helmets Required.* Persons less than 18 years of age shall not ride as a passenger or as an operator of an all-terrain vehicle on public land, waters or on a public road right-of-way unless wearing a safety helmet approved by the Commissioner of Public Safety.

(E) *Prohibition on Person in Lawful Control.* It is unlawful for any person who is in lawful control of a recreational vehicle to permit it to be operated contrary to this section.

§ 74.09 LEAVING UNATTENDED.

Every person leaving a recreational vehicle in a public place must lock the ignition, remove the key, and take the key with them.

§ 74.10 CHASING ANIMALS.

It is unlawful to intentionally chase, run over, or kill any animal, wild or domestic, with a recreational vehicle.

§ 74.11 EXCEPTION.

The city is authorized to operate recreational vehicles as needed for city business regardless of whether or not said operation is otherwise prohibited by this chapter.

(Ord. 526, 10/14/2013)