

ALL TERRAIN VEHICLE ORDINANCE

710 ALL TERRAIN VEHICLES (ATV)

710.1 Definitions.

“All Terrain Vehicle.” An ATV shall be defined to mean any motor vehicle as that term is defined by Minnesota Statutes Chapter 169.01, subd. 3 which is designed for use primarily on surfaces or terrain of the traveled portion of public roadways as those terms are defined by this ordinance. This definition is specifically intended to include, but not be limited to, such common terms for all terrain vehicles such as “three-wheelers,” “four wheelers,” “dune buggies,” or “ATVs.” This definition is specifically intended to exclude passenger vehicles, motorcycles, or motorized bicycles as those terms are defined by Minnesota Statute Chapter 169.01, subd. 3(a), 4 and 4(a), respectively. This definition is also specifically intended to exclude riding lawn mowers.

“Traveled Portion of Public Roadways.” The traveled portion of a public roadway shall be defined in the case of paved, public roads as that portion which is actually paved. In the case of unpaved public roadways, the traveled portion shall refer to that portion actually used for vehicular travel and shall exclude ditches, slopes and back slopes supporting the traveled portion of the roadway.

“Operate.” Operate means to ride in or on and control the operation of an ATV.

“Operator.” Operator means every person who operates or is in actual physical control of an ATV.

“Owner.” Owner means a person, other than a lien holder, having the property in or title to the ATV, entitled to the use or possession thereof.

“Parade.” For purposes of this ordinance, “parade” shall be defined as any organized procession of march for which permission to organize has been obtained from the City Council of Plainview, Minnesota.

“Person.” Person includes an individual, partnership, corporation, the State and its agencies and subdivisions and any body of persons, whether incorporated or not.

710.2 Operation of ATV’s by Adults

710.2.1 Operation on Public Roadways Restricted. It shall be unlawful for any person to operate, permit the operation, or be in actual physical control of any ATV upon the traveled portion of any public roadway within the City of Plainview, Minnesota except as provided in Minnesota Statute Sections 84.92 to 84.929 or as specifically authorized and permitted under the terms of this ordinance.

710.2.2 Permit Requirements. Any person who intends to operate an ATV on any public roadway within the limits of the City of Plainview shall obtain an operation permit from the Plainview Police Department. The Police Department shall issue an operation permit upon verification that the applicant has:

- A. A valid driver's license.
- B. Proof by the applicant of liability insurance which covers the ATV.
- C. Proof that the applicant has registered the ATV with the Minnesota Department of Natural Resources.
- D. Standard mufflers which are properly attached to the ATV 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 an ATV. The apparatus shall not be audible for a distance more than 500 feet from the place or places where such devices or apparatus will be located.
- E. Brakes adequate to control the movement of and to stop and hold the ATV under any condition of operation.
- F. At least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least one hundred (100) feet ahead during the hours of darkness and under normal atmospheric conditions, when the ATV is operated between the hours of one-half hour after sunset to one-half hour before sunrise, or at times of reduced visibility. Such headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming ATV operator. The ATV shall also be equipped with at least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear during hours of darkness under normal atmospheric conditions.

710.2.4 Restrictions on Operation of ATV's on Public Roadways Following Permit Insurance.

Once a permit has been issued to any person, it shall be unlawful for that person to drive any ATV on the portion of any right of way of any public highway, street, road, trail or alley used for motor vehicle travel, except a person may operate upon the most right hand lane of a municipal street or alley unless otherwise herein or hereafter restricted, and may, in passing or making a left turn, operate on other lanes which are used for vehicle traffic in the same direction; and they may also be operated upon the ditch bottom or the outside bank of truck, county, state-aid and county highways which are so configured within the corporate limits. No travel is permitted on any state or county highway within the City limits.

710.2.4 Other Prohibited Places and Manners of Operation. It shall be unlawful for any person to operate an ATV:

- A. On a public sidewalk providing for pedestrian traffic;
- B. On private property of another without written/dated/signed permission of the owner of person in control of said property, which permission shall be on the operator's person while operating the ATV;

- C. Upon any school grounds without written/dated/signed permission of responsible school authorities, which permission shall be on the operator's person while operating said ATV;
- D. On any other public place or ground except as may be specifically permitted by other provisions of the City Code;
- E. At any place, while under the influence of alcohol or drugs as defined in Minnesota Statute 169.121, which is hereby incorporated herein by reference.
- F. At a rate of speed greater than (20) miles per hour.
- G. At any place in a careless, reckless or negligent manner or heedlessly in disregard of the rights or safety of others, or in a manner so as to endanger or be likely to endanger or cause injury or damages to any person or property.
- H. During the hours of 10:00 PM to 7:00 AM, Sunday through Thursday, and 12:00AM To 7:00 AM on other days, except that during said prohibited hours of operation, such operation shall be permitted when returning to the City of Plainview for the purpose of following the most direct practical route possible from a point outside the limits of the City of Plainview to the residence of the operator or passenger, and except during the prohibited hours of operation such operation shall be permitted for the purpose of leaving the City of Plainview by the most direct practical route possible to go to a specific destination outside of the City of Plainview.
- I. Without a lighted headlight and taillight at night.
- J. In any trees, nursery or planting that damages or destroys growing stock or on any private property without the permission of the owner thereof.
- K. Entering any intersection without yielding the right of way to any vehicles or pedestrians, which are at the intersection, or so close to the intersection as to constitute an immediate hazard.
- L. Leaving an ATV in a public place without locking the ignition, removing the key and taking the same with him/her.
- M. Intentionally driving, chasing, running over, or killing any animal with an ATV.
- N. All passengers and riders under the age of 18 years must wear a safety helmet.

710.2.5 Exceptions. The provisions of this chapter shall not apply to an ATV used by governmental agencies in the pursuit of their duties or during emergency use. Nothing in this Ordinance shall prohibit the use of ATVs within the right-of-way of a State Trunk or county state aid highway or upon public lands or waters under the jurisdiction of the Commissioner of Natural Resources in an organized contest or even subject to the consent of the official or board having jurisdiction over the highway or public lands or waters. Nothing in this ordinance shall prohibit the use of ATVs within the right-of-way of a state trunk or county state aid highway or upon other public streets in the City of Plainview during a parade.

710.2.6 All Other Traffic Regulations Applicable. When at any time an ATV is operated within the right-of-way of a public roadway, but outside of the traveled portion, or when an ATV is operated as permitted in crossing a public roadway, all other traffic regulations of the City of Plainview and the State of Minnesota, including, but not limited to, those permitting to operating or being in actual physical control of a motor vehicle while intoxicated shall be applicable to the operators of such ATVs. Furthermore, for the purpose of enforcing traffic regulations at any time

that any ATV is within the right-of-way of a public roadway or lawfully upon the traveled portion of a public roadway, the ATV shall be deemed to be a motor vehicle, as subject to all rules, ordinances, statutes and regulations pertaining thereto as the same term is defined by Minnesota Statutes Chapter 169.01, subd. 3.

710.3 Operation of ATV's by Minors

ATV operators who are minors and who wish to operate ATVs within the City limits are subject to the following conditions in addition to those required for adult operators:

- A. No minor under 16 years of age shall be permitted to operate an ATV in the City of Plainview.
- B. All minors at least 16 years of age but less than 18 years of age may operate an ATV subject to the restrictions set forth above if the minor possesses a valid driver's license and wears a safety helmet approved by the Commissioner of Public Safety.

710.4 Penalty.

Any person convicted of violating any provision of this ordinance, is guilty of a petty misdemeanor.