

ORDINANCE NO. 2017-02

AN ORDINANCE RELATING TO AND REGULATING THE USE AND OPERATION OF ALL-TERRAIN VEHICLES (ATVs) IN THE CITY OF ST. AUGUSTA, AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF.

The City Council of the City of St. Augusta does ordain:

Section 1. Applicability. This Ordinance applies to the operation of all-terrain vehicles (ATVs) on public lands, private property, public rights-of-way within the boundaries of the City of St. Augusta.

Section 2. Definitions.

- A. All-Terrain Vehicles (ATVs)—
Class 1 ATVs is 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.
Class 2 ATVs is 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.
- B. Utility Terrain Vehicles (UTV) —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.
- C. Designated Roadways—All City streets, within City right-of-way, and County roads as approved by Stearns County, shall be designated routes for use by Class 2 ATVs. No United States or State of Minnesota road shall be a designated roadway for any Class 1 or Class 2 ATVs.

Section 3. Authorization ATVs. The operation of ATV's on designated roadways within the City is hereby authorized.

Section 4. License and Safety Certificate Requirement. No person shall permit the operation of a Class 1 ATV or Class 2 ATV who is less than sixteen (16) years of age, and persons born after July 1, 1987, must have successfully completed the ATV Safety Training Course available through the Minnesota Department of Natural Resources, before operating a Class 1 ATV or Class 2 ATV within the City of St. Augusta.

Section 5. State Registration. All Class 1 ATVs and Class 2 ATVs operated in the City of St. Augusta must be registered with the Minnesota Department of Natural Resources (DNR). Each Class 1 ATV and Class 2 ATV registered with DNR is issued a registration number and a registration card and decal. The DNR issued registration number and validation decal must be placed on the Class 1 ATV and Class 2 ATV.

Section 6. Insurance. Owners and operators of Class 1 ATVs and Class 2 ATVs shall carry liability insurance coverage pursuant to Minnesota Statutes 65B.48, Subdivision 5, and carry evidence of such coverage on the permitted vehicle.

Section 7. Conditions. Operation of ATVs on designated roadways in the City is subject to the following conditions:

- A. All ATVs shall display a license plate and/or sticker issued by the DNR.
- B. Every person operating an ATV under permit on designated routes has all the rights and duties applicable to the driver of any other vehicle under the provisions of Chapter 169 of Minnesota Statutes, except when these provisions cannot be reasonably applied to ATVs and except as otherwise specifically provided in Minnesota Statutes Section 169.045, Subdivision 7.
- C. Every person operating a Class 1 ATV and Class 2 ATV must be at least sixteen (16) years of age and hold a valid current Minnesota drivers license or have successfully completed the ATV Safety Training Course through the Minnesota Department of Natural Resources.
- D. All ATV operators and passengers under the age of eighteen (18) must wear a helmet.
- E. All ATV operators and passengers must wear a seatbelt if provided by the machine manufacturer.

Section 8. Equipment Required. No person shall operate a Class 1 ATV or Class 2 ATV on designated roadways for such vehicles, unless equipped with:

- A. Brakes—Brakes adequate to control the movement of and to stop and to hold such vehicle under any conditions of operation.
- B. Mufflers—Standard mufflers which are properly attached and which reduce the noise of operation of the vehicle to the minimum noise necessary for operating the vehicle, and no person shall use a muffler cut-out, bypass or similar device on said vehicles.
- C. Safety Throttle—A safety or “dead man” throttle which is defined as a device which, when pressure is removed from the accelerator or throttle, causes the motor to be disengaged from the driving track.
- D. Rearview Mirror.

Section 9. Unattended Vehicles on Public Property Prohibited. It is unlawful for the owner or operator to leave or allow a Class 1 ATV or Class 2 ATV to be or remain unattended on public property, streets or highways, while the motor is running or with the keys to start same in the ignition switch.

Section 10. Other Requirements for Operation. In addition to the provision of said State Statutes, no person shall drive or operate a Class 1 ATV or Class 2 ATV in the City of St. Augusta:

- A. At a speed in excess of 30 miles per hour upon designated routes in the City.
- B. Upon the private property of another without the express written consent of such other person.
- C. 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.
- D. Abreast with one or more Class 1 ATVs or Class 2 ATVs while upon any street, or thoroughfare or other place in the City.

- E. So as to pass or attempt to pass another moving Class 1 ATV or Class 2 ATV upon designated routes in the City.
- F. In a careless, reckless or negligent manner to endanger the person or property of another or cause injury or damage thereon.
- G. While under the influence of an alcoholic beverage or a controlled substance.
- H. With no more passengers than there are seats on the Class 1 ATV or Class 2 ATV to carry them. All passengers shall sit on the seats provided, with no infants or young children riding on laps.
- I. Without a rearview mirror as required under Minnesota Statutes Section 169.70.
- J. No person shall operate a Class 1 ATV or Class 2 ATV on a public sidewalk or trail unless otherwise authorized.
- K. While towing a sled, toboggan, wagon, trailer, or other object unless such sled, toboggan, wagon, trailer or other object is attached to the Class 1 ATV or Class 2 ATV by a solid hitch.

Section 11. Penalty. Any person who violates any provision of this Ordinance is guilty of a misdemeanor.

Section 12. Limitation of Liability. Nothing in this Ordinance shall be construed as an assumption of liability by the City for any injuries to persons or property which may result from the operation of a Class 1 ATV or Class 2 ATV.

Section 13. Repeal. Ordinance No. 2004-14, entitled, An Ordinance to Administer and Regulate the use of Recreational Motor Vehicles on Public Land Including City Streets and Right-of-Way, as adopted on September 7, 2004, and all other ordinances, resolutions, and acts and proceedings of the City and of the Council which are inconsistent with the terms of this Ordinance are hereby amended or repealed to the extent necessary to give full force and effect to this Ordinance.

Section 14. Effective Date. This Ordinance becomes effective upon its passage and publication.

Passed by the City Council this 7th day of February, 2017.

B.J. Kroll, Mayor

William R. McCabe, City Administrator

