

SECTION 8.08. ALL-TERRAIN VEHICLE (ATV) REGULATIONS.

Subd. 1. Definitions. For the purposes of this Section, the following definitions apply:

1. "All-Terrain Vehicles (ATVs)" – All-Terrain Vehicles (ATVs) as defined in Minnesota Statutes, Section 84.92, as it may be amended from time to time. As of June 2016, Section 84.92 defines an ATV as a motorized vehicle with: (1) not less than three, but not more than six low pressure or non-pneumatic tires; (2) a total dry weight of 2,000 pounds or less; and (3) a total width from outside of tire rim to outside of tire rim that is 65 inches or less. ATV includes a Class 1 ATV and Class 2 ATV. ATV does not include a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes. In the event the statutory definition of ATV is amended, the statutory definition will trump the definition of ATV provided in this paragraph.
2. "Class 1 ATV" – a Class 1 all-terrain vehicle as defined in Minnesota Statutes, Section 84.92, as it may be amended from time to time. As of June 2016, Section 84.92 defines a Class 1 ATV as an ATV that has a total width from outside of tire rim to outside of tire rim that is 50 inches or less. In the event the statutory definition of Class 1 ATV is amended, the statutory definition will trump the definition of Class 1 ATV provided in this paragraph.
3. "Class 2 ATV" – a Class 2 all-terrain vehicle as defined in Minnesota Statutes, Section 84.92, as it may be amended from time to time. As of June 2016, Section 84.92 defines a Class 2 ATV as an ATV 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. In the event the statutory definition of Class 2 ATV is amended, the statutory definition will trump the definition of Class 2 ATV provided in this paragraph.
4. "Owner" – a person, other than a person with a security interest, having a property interest in or title to an ATV entitled to the use and possession of the vehicle.

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5. "Operate" – to ride in or on and control the operation of an ATV.
6. "Operator" – every person who operates or is in actual physical control of an ATV.
7. "Right-of-way" – the entire right-of-way of a public roadway, including the traveled portions, banks, ditches, shoulders, and medians of a roadway that is not privately owned.

Subd. 2. Operation of ATVs.

- A. Consistent with the limitations found in the remainder of this section, side by side Class 1 ATVs designed by the manufacturer for off-road use to be driven by a steering wheel and equipped with operator and passenger seat belts and a roll-over protective structure may be operated on the extreme right hand side of the right-of-way of streets, roadways, or alleys that are used for other public motor vehicle travel and that are under the jurisdiction of the City. Class 1 ATVs that do not meet these specifications may not be operated on any right-of-way of any streets, roadways, or alleys that are used for other public motor vehicle travel and that are under the jurisdiction of the City.
- B. Consistent with the limitations found in the remainder of this section, Class 2 ATVs may be operated on the extreme right hand side of the right-of-way of streets, roadways, or alleys that are used for other public motor vehicular travel and that are under the jurisdiction of the City.

Subd. 3. ATV Crossing of Public Road Right-of-Way.

- A. A person operating an ATV 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 ATV is brought to a complete stop before crossing the shoulder or main traveled way of the street or highway;
 3. The operator yields the right-of-way to all oncoming traffic that 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. When crossing between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, both front and rear lights must be illuminated.

B. Age Restrictions.

1. No person under 12 years of age shall make a direct crossing of a street or highway as the operator of an ATV.
2. A person 12 years of age or older, but less than 16 years of age, may make a direct crossing of streets and highways as provided herein only if that person possesses a valid ATV safety certificate from the State Commissioner of Natural Resources as provided by Minnesota Statutes, Section 84.9256, as amended, and when accompanied by a person 18 years of age or older who holds a valid driver's license.
3. Unless otherwise provided by law, it is a misdemeanor for the owner of an ATV to permit the ATV to be operated contrary to these provisions.

Subd. 4. Operation of ATVs. The following requirements are in addition to those already stated in this section:

A. Operation Permitted. ATVs:

1. Must be primarily designed for off-road, rugged terrain and constitute what is customarily referred to by manufacturers as a Class 2 ATV or a side by side Class 1 ATV.
2. Must be operated at a rate of speed reasonable or proper under all surrounding circumstances and in no event, at a speed greater than 20 miles per hour.
3. Must follow the traffic provisions of the City Code and Minnesota Statutes chapters 169 and 169A, except for those provisions relating to required equipment and those which by their nature have no application.
4. May not enter any intersection without yielding the right-of-way to any vehicles or pedestrians at the intersection, or so close to the intersection as to constitute an immediate hazard.
5. May be operated in connection with an approved PUPP application. In connection with an application for the Private Use of Public Property, if an entity or individual intends to use a Class 2 ATV for the event in a manner that is not compliant with the City Code, the individual or entity must include in the PUPP application a detailed description of the proposed use of the Class 2 ATV, as well as a description of all provisions of the City Code related to the use of ATVs that will not be met by the proposed use. It is within the City Council's discretion as to whether or not to approve the use of a Class 2 ATV in connection with such an application.

B. Permit Required. No person shall operate an ATV pursuant to this section without a valid permit from the City. Permit applications shall be available at the police department.

1. The City Council shall set fees for such permits by ordinance.

2. Requirements for permit. Applicants must present proof of registration of the ATV, if such registration is required by Minnesota Statutes, Section 84.922, as amended. Applicants must present proof of insurance from their insurance provider verifying that the applicant maintains liability insurance for the payment of tort liabilities arising out of the maintenance or use of the ATV in this state in accordance with Minnesota Statutes, Section 65B.48, Subd. 5, as the same may be amended from time to time.
 3. An operator must have possession of a valid permit while operating an ATV pursuant to this section. A permit may be revoked at any time by the Red Wing Police Chief if there is evidence that the permittee cannot safely operate the ATV on the right-of-way as provided herein. The Police Chief will give the permittee written notice of the revocation. The notice will provide a description of the evidence demonstrating that the permittee cannot safely operate the ATV, and will inform the permittee that he or she may appeal the revocation and that failure to do so within 14 days of the date of the notice will terminate the permittee's right to an appeal. If an appeal is not filed within the timelines and in the manner specified herein, the Police Chief's decision will be final. An appeal must be in writing, must specify the grounds for the appeal, and must be filed with the Police Chief within 14 days of the date of the notice of revocation. The City Council will appoint a committee of the Council to conduct the appeal hearing, which will take place within 30 days of the receipt of the notice of appeal. The committee of the Council will issue a recommendation on the matter to the City Council within 14 days after the hearing. The City Council may reverse, modify, or affirm, in whole or in part, the recommendation.
 4. All permits granted pursuant to this section shall be issued for a period not to exceed one year and may be renewed annually by complying with the requirements of this section.
 5. Nothing in this section 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 an ~~Class 2~~ ATV by a permit holder; the grant of such permit; or the failure by the City to revoke said permit.
- Ⓒ. Age Requirement. In order to operate an ATV on the right-of-way as permitted by this section, operators must be at least 18 years of age. Notwithstanding the foregoing, a Class 2 ATV may be operated by a City seasonal employee, who is less than 18 years of age, to perform the functions of his or her job as a City seasonal employee.

D. Passenger Limits.

1. An operator 18 years of age or older may carry only one passenger on a Class 1 ATV.
2. An operator 18 years of age or older may operate a Class 2 ATV while carrying up to the number of passengers for which the Class 2 ATV was designed.

E. Equipment Required. Unless otherwise provided by law, it is a misdemeanor for any person to operate an ATV contrary to these provisions. A person is prohibited from operating an ATV on the right-of-way as permitted by this section unless it is equipped with the following:

1. A rear view mirror or left and right side view mirrors, located so as to reflect to the operator a view of the roadway for a distance of at least 200 feet to the rear of the vehicle.
2. Standard mufflers as required by Minnesota Rule 6102.0040, subpart 4, as amended, 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, bypass, straight pipe or similar device on an ATV motor.
3. Brakes adequate to control the movement of and to stop and hold the ATV under normal operating conditions.
4. A safety or so-called "deadman" throttle in operating condition. A safety or "deadman" throttle is defined as a device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving track.
5. At least two clear headlamps and two red taillights. Such headlamps and taillights are to be lit at all times while operating ATVs.

The headlamps must have a minimum candlepower of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness or reduced visibility under normal atmospheric conditions. Such headlamps shall be aimed so that glaring rays are not projected into the eyes of an oncoming ATV or other motor vehicle operator.

The taillights must have a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during hours of darkness or reduced visibility under normal atmospheric conditions.

In addition, when an ATV is operated before sunrise or after sunset, the ATV must be equipped with functioning rear-facing brake lights.

6. Reflective material at least 16 inches square on each side, forward of the steering wheel, so as to reflect light at a 90 degree angle.

F. Operation Prohibited. ATVs must not be operated:

1. In the downtown district. For purposes of this Subdivision, "downtown district" shall mean that portion of the City lying between East Avenue/Broad Street and Plum Street and between Levee Street and Fourth Street. However, Class 2 ATVs may be operated in the downtown

district by City employees (including seasonal employees) for the purpose of conducting official City business including, but not limited to, performing the maintenance and upkeep obligations of the City.

2. On trunk highways, such as Minnesota State Highway 58 (also known as Bush Street and Plum Street) and U.S. Highway 61 (also known as Main Street), as provided in Minnesota Statutes, Section 84.928, Subd. 1(a), as amended.
3. On interstate highways or freeways as provided in Minnesota Statutes, Section 84.928, Subd. 1(j), as amended.
4. On Old West Main Street between Withers Harbor and U.S. Highway 61. However, Class 2 ATVs may be operated in said location by City employees (including seasonal employees) for the purpose of conducting official City business including, but not limited to, performing the maintenance and upkeep obligations of the City.
5. To tow any passengers, except that a disabled vehicle being towed by any means may contain one human passenger if necessary to steer the vehicle.

Subd. 5. Every person leaving an ATV in a public place shall lock the ignition and remove the key.

Subd. 6. Operation of ATVs Prohibited. Unless otherwise provided by law, it is a misdemeanor for any person to operate an ATV contrary to these provisions. Except as herein specifically permitted and authorized, a person is prohibited from operating ATVs:

- A. On a public sidewalk provided for pedestrian travel except to remove snow from the sidewalk adjacent to the owner or operator's own premises or the premises of another person with the specific permission of that person.
- B. On boulevards within any public right-of-way.
- C. On private property of another without specific permission of the owner or person in control of the property.
- D. On any other public place, except as may be specifically permitted by other provisions of the City Code.
- E. Within 100 feet of any skating rink or sliding area.
- F. While under the influence of alcohol or drugs as defined in Minnesota Statutes, Section 169A.20, as it may be amended from time to time.
- G. At a rate of speed greater than reasonable or proper under all surrounding circumstances, but in no event at a speed greater than 20 miles per hour;
- H. 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 damage to any person or property.

- I. So as to intentionally chase, run over, or kill any animal.
- J. In inclement weather, or when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient visibility to clearly see persons and vehicles on the roadway at a distance of 500 feet.