

## ORDINANCE NO. T-500

### AN ORDINANCE REGULATING ALL-TERRAIN AND UTILITY TASK VEHICLES

The City Council of Rushford, Minnesota ordains:

#### 1. PURPOSE

(A) The purposes of this ordinance are as follows:

1. To provide reasonable regulations for the use of certain all-terrain vehicles and utility task vehicles on public and private property in the City of Rushford.
2. To ensure public safety and prevent public nuisances related to all-terrain vehicle and utility task vehicle use within the City of Rushford.

2. **AUTHORITY** - This ordinance is authorized by Minn. Stat. § 169.045, subd. 1 and 2.

3. **PENALTY** - A violation of any section of this ordinance is a misdemeanor.

4. **DEFINITIONS** - The following definitions shall apply to this ordinance.

(A) All-Terrain Vehicle. For the purposes of this ordinance, all-terrain vehicle means any vehicle defined as an all-terrain vehicle by Minn. Stat. §84.92, subd. 8, 9 and 10, and also has exactly four wheels.

(B) Driver. The driver is a person driving, operating or in having physical control over the all-terrain vehicle.

(C) Utility Task Vehicle. For the purposes of this ordinance, utility task vehicle means any vehicle defined as a utility task vehicle by Minn. Stat. §169.045, subd. 1(3)

#### 5. PERMIT REQUIRED

(A) No person shall operate an all-terrain vehicle or utility task vehicle on streets, alleys, or other public property without obtaining a permit as provided herein.

(B) Every application for a permit shall be made on a form supplied by the city and shall contain all of the following information:

1. The name and address of the applicant.
2. The nature of the applicant's physical handicap, if any.
3. Model name, make, and year and number of the all-terrain vehicle or utility task vehicle.
4. Current driver's license.
5. Other information as the city may require.

(C) The permit fee shall be as set forth in the annual adoption of the City's fee schedule as may be amended from time to time.

(D) Permits shall be granted for a period of three years and may be renewed.

(E) No permit shall be granted or renewed unless the following conditions are met:

1. The applicant may be required to submit a certificate signed by a physician that the applicant is able to safely operate an all-terrain vehicle or utility task vehicle on public roadways as authorized by this ordinance.
2. The applicant must provide evidence of insurance in compliance with the provisions of Minnesota Statutes concerning insurance coverage for the all-terrain or utility task vehicle.
3. The applicant has not had his or her driver's license revoked as the result of criminal proceedings.

## **6. ALL TERRAIN AND UTILITY TASK VEHICLE USE REQUIREMENTS AND REGULATIONS**

- (A) All-terrain and utility task vehicles may be operated on all roadways controlled by the City of Rushford between the hours from one-half hour before sunrise to one-half hour after sunset, unless clearly marked with a "No ATV/UTV Operation" sign. The City may restrict all-terrain and utility task vehicle use on any City street by Resolution of a majority of the members of the City Council. All-terrain and utility task vehicles may not be operated on state or federal highways, except to cross at designated intersections.
- (B) All-terrain and utility task vehicles shall be equipped with a rear-view mirror to provide the driver with adequate vision from behind as required by Minn. Stat. § 169.70.
- (C) Every person operating an all-terrain or utility task vehicle pursuant to a permit under this ordinance on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stat. Chapter 169, as it may be amended from time to time except as otherwise specifically provided in Minn. Stat. § 169.045, subd.7, as it may be amended from time to time.
- (D) The City Council may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this ordinance or Minn. Stat. Chapter 169, as it may be amended from time to time, or if there is evidence that the permit holder cannot safely operate the all-terrain or utility task vehicle on the designated roadways.
- (E) The number of occupants on the all-terrain or utility task vehicle may not exceed the design occupant load.
- (F) A person less than 18 years of age shall not drive or ride on an all-terrain or utility task vehicle without a helmet and properly fastened safety belt at all times on those all-terrain or utility task vehicles that were equipped with a safety belt by the vehicle's manufacturer.
- (G) Any person operating or riding an all-terrain or utility task vehicle with a saddle type seat must wear a helmet.

(H) No person under 18 years of age shall operate an all-terrain or utility task vehicle while carrying a passenger under the age of 20 or who is not an immediate family member. A person 18 years of age or older may only operate an all-terrain or utility task vehicle with passengers if the number of passengers is equal to or less the number of passengers for which the vehicle was designed;

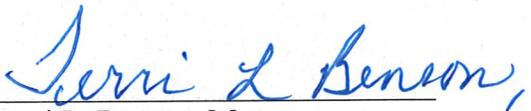
(I) It shall be unlawful to operate an all-terrain or utility task vehicle as follows:

1. On private property of another without specific written permission of the owner of the property; (Written permission may be given by a posted notice of any kind or description, so long as it specifies the kind of vehicles allowed, that the owner, occupant, or lessee prefers, such as by saying "All-Terrain/Utility Task Vehicles Allowed," "ATVs/UTVs allowed," or words substantially similar.)
2. On publicly-owned land, including school, park property, playgrounds, recreation areas and paved or unpaved walking or bike paths, except where permitted by this chapter.
3. Without standard mufflers properly attached and in constant operation to 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 the all-terrain or utility task vehicle and the exhaust system shall not emit or produce a sharp popping or crackling sound.
4. On a public sidewalk or walkway provided or used for pedestrian travel.
5. While under the influence of intoxicating liquor or controlled substances.
6. At a rate of speed greater than reasonable and prudent under the conditions.
7. For the purpose of intentionally driving, chasing or running over any animal, wild or domestic.
8. In a careless or reckless manner as defined by Minn. Stat. Sec. 169.13.
9. Within any public recreational areas or places where there are large gatherings of people, except for the occasional use of all-terrain or utility task vehicles on private property for the purpose of loading or unloading it from a trailer or performing emergency maintenance
10. Without properly functioning equipment including brakes and lights, and without a headlight and taillight illuminated at all times;

7. **SEVERABILITY AND SAVINGS CLAUSE** - if any section or portion of this ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as an invalidation or affect the validity and enforceability of any other section or portion of this ordinance.

8. **ADOPTION** – This ordinance shall be in full force and effect from and after is passage and publication, as provided by law.

Adopted by the Rushford City Council, Rushford, Minnesota this 26<sup>th</sup> day of May 2020

  
Terri L. Benson, Mayor

Mayor

Attested:

  
Kathy Zacher, City Clerk/Treasurer