

ORDINANCE #135

USE OF ALL-TERRAIN VEHICLES AND UTILITY TASK VEHICLES ORDINANCE

AN ORDINANCE REGULATING THE PERMITTING OF ALL-TERRAIN AND UTILITY TASK VEHICLES WITHIN THE CITY OF EYOTA, INCLUDING ADMINISTRATIVE PROCEDURES AND PROVIDING PENALTY FOR VIOLATION

As amended by Ordinance #140.

THE CITY COUNCIL OF THE CITY OF EYOTA, MINNESOTA DOES ORDAIN:

SECTION 1. DEFINITIONS

All-terrain vehicle or vehicle. "All-terrain vehicle" or "vehicle" means a motorized flotation-tired vehicle of not less than four low pressure tires, but not more than six tires, that is limited in engine displacement of less than 1,000 cubic centimeters and includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle.

Class 1 all-terrain vehicle. "Class 1 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of less than **1,200 pounds. (amended 11-24-14)**

Class 2 all-terrain vehicle. "Class 2 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of **1,200 to 1,800 pounds. (amended 11-24-14)**

Utility task vehicle or vehicle. "Utility task vehicle" or "vehicle" means a side-by-side, four-wheel drive, off-road vehicle that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds.

SECTION 2. AUTHORIZED USE

A. Pursuant to the authority granted by Minnesota Statute 169.045, use of all-terrain or utility task vehicles are permitted within the city under the conditions set forth below.

B. Only persons who have a valid permit issued by the city shall operate all-terrain or utility task vehicles within the city on streets and alleys only.

C. All-terrain and utility task vehicles are not authorized within the city on pedestrian paths, on bike trails, on sidewalks, or in parks unless specifically permitted by the city.

D. All-terrain vehicle Class 1, may cross Center Ave or on 5th Street, but may not drive on said roads within the city of Eyota.

E. All Class 2 all-terrain vehicles and utility task vehicle may drive on all city streets within the city limits including Center Ave and 5th Street (south) but must ride to the most right hand side of the road.

SECTION 3. GENERAL PERMIT REQUIREMENTS

A. Standard mufflers which are properly attached to the vehicles 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 vehicle. 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.

B. Brakes adequate to control the movement of and to stop and hold the vehicle under any condition of operation.

C. At least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness and under normal atmospheric conditions, 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. Such headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming vehicle operator. The vehicle 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 500 feet to the rear during hours of darkness under normal atmospheric

D. Each permit must be renewed **every two (2) years. (amended 11-24-14)**

E. Speed limit for all vehicles is set at 15 MPH in the City limits of the City of Eyota.

F. Each person desiring a permit for the operation of a vehicle must submit an application to Eyota City Hall with an application fee, show proof of insurance and a current Department of Natural Resources (DNR) registration, if applicable.

G. A permit may be revoked at any time if it is shown that the permit holder cannot safely operate the vehicle on the designated roadway or if the permit holder has had a driver's license revoked or suspended and is currently under revocation or suspension.

H. Operation of vehicles by minors. Vehicle operators who are minors and who wish to operate vehicles within the city limits are subject to the following conditions in addition to those required for adult operators:

1. No minor under 16 years of age shall be permitted to operate a vehicle in the City of Eyota.
2. All minors at least 16 years of age but less than 18 years of age may operate a vehicle 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.
3. Effective January 1, 2006, anyone born after July 1, 1987 and is 16 or older, must complete an independent study course component of vehicle safety training before operating a vehicle on public lands.

I. Every person operating a permitted vehicle has all the rights and duties applicable to the driver of any other vehicle, except when those provisions cannot reasonably be applied to all-terrain or utility task vehicles.

J. If the vehicle is equipped with seat belts, the seat belts must be worn while operating the vehicle on the city streets.

SECTION 4. GENERAL PERMIT REQUIREMENTS FOR THE HANDICAPPED

A. The general permit requirements as specified in Section 3 above must be met.

B. Each application shall be accompanied by a doctor's certificate dated not more than 30 days prior to the application date certifying that the individual is capable of safely operating a vehicle.

C. This requirement shall be deemed satisfied if the applicant has been issued a motor vehicle permit for a handicapped person.

D. Permits issued under handicapped requirements authorize the driver to go into city parks and use on park paths only as a direct means of access to facilities or functions, not for recreational type travel.

SECTION 5. EXCEPTIONS

SUBDIVISION 1. For Lawn and Snow Removal Equipment Provided the vehicle also complies with all other regulations above herein, and has a DNR "Public Use" registration tag (if applicable); a vehicle otherwise defined as an all-terrain or utility task vehicle, shall be allowed to travel on city streets and alleys (but not highways, except to cross); provided it is equipped with lawn-mowing or snow removal attachments, and is being used only for either of those purposes between 5:00 a.m. and 10:00 p.m.

SUBDIVISION 2. For Permitted City Maintenance Provided the vehicle also complies with all other regulations above herein, and has a DNR "Public Use" registration tag (if applicable); a vehicle otherwise defined as an all-terrain or utility task vehicle, shall be allowed to travel in city parks and on city paths and trails; provided it has been permitted for city maintenance, and is being used only for those purposes.

SUBDIVISION 3. For Permitted Emergency Vehicle Provided the vehicle also complies with all other regulations above herein, and has a DNR "Public Use" registration tag (if applicable); a vehicle otherwise defined as an all-terrain or utility task vehicle, shall be allowed to travel in city parks and on city paths and trails; provided it has been permitted for emergency vehicle, and is being used only for those purposes.

SECTION 6. CITY LIABILITY

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 a vehicle by a permit holder, or from the city's failure to revoke a permit.

SECTION 7. ENFORCEMENT

SUBDIVISION 1. Issuance of Citations The City of Eyota may authorize any police officer or any other authorized representative of the law to issue a citation to any person, firm, or entity for

any alleged violations of this ordinance and any other ordinance or statute which provides the basis for prosecution of violations of this ordinance. Nothing within this ordinance shall be construed to limit the authority of police officers to enforce any provisions of this ordinance or related statutes or ordinances. The police officer, or other official of the City, is authorized to issue a citation to any person, firm, or entity for any alleged violation of this ordinance as often as each day the violation persists.

SUBDIVISION 2. Revoking Permits The City of Eyota may revoke a permit at any time if it is shown that the permit holder:

1. cannot safely operate the vehicle on the designated roadway, or
2. has had a driver's license revoked or suspended and is currently under revocation or suspension, or
3. cannot provide proof of current insurance coverage, or
4. has had repeat offenses while driving an all-terrain or utility task vehicle.

SUBDIVISION 3. Penalties Unless otherwise specified, violations of this ordinance are declared to be misdemeanor offenses and are punishable by fine of up to \$1,000 and/or ninety (90) days in jail.

SUBDIVISION 4. Severability If any provision of this ordinance or the application of any provision to a particular situation is held to be invalid by a court of competent jurisdiction, the remaining portions of this ordinance and the application of the ordinance to any other situation shall not be invalidated.

Effective Date This ordinance shall be effective January 1, 2014. Publication will be in summary form, in the Post Bulletin.

Passed and adopted by the Eyota City Council the 12th day of September 2013.

Amended and adopted by the Eyota City Council the 24th day of November 2014.

Tyrel Clark
Mayor

ATTEST:

Marlis Knowlton
Clerk/Treasurer