

Ordinance No. 2004-22

AN ORDINANCE REGULATING THE USE OF ATV'S IN THE CITY OF ROCKVILLE

WHEREAS, the Rockville City Council hereby ordains:

Section 1. Definitions: For the purpose of this ordinance, the terms defined herein shall have the meaning set forth in the following subdivisions:

- Subd. 1. All terrain vehicle (ATV): refers to trail bikes, mini bikes, and amphibious vehicles and similar devices other than snowmobiles used at least partially for travel on natural terrain but not special mobile equipment defined in MN Statute 168.011, Subd. 22.
- Subd. 2. Owner: Means a person, other than a lien holder having the property in or title to ATV entitled to the use or possession thereof.
- Subd. 3. Operate: Means to ride in or on and control the operation of an ATV.
- Subd. 4. Operator: Means every person who operates or is in actual physical control of an ATV.
- Subd. 5. Roadway: Means all that portion of a traveled surface of any road, street, alley, or highway limited to that part improved, designed or ordinarily used for vehicular travel.

Section 2. Permitted Uses. ATV's may be used as follows:

- Subd. 1. As permitted by law, including, but not limited to, Minn. Stat. §§ 84.92 to 84.928, except as expressly limited in this Ordinance.
- Subd. 2. On ones own land.
- Subd. 3. On private land where permission has been granted by the landowner.
- Subd. 4. For agricultural purposes: to inspect crops, to plow ones driveway, and for normal farming/herding operations.
- Subd. 5. On designated trails or traveled surface of city streets

- Subd. 6. By persons under the age of 18 in accordance with MN Statutes for Youthful Operation.
- Subd. 7. On roadways if part of a special event specifically authorized by the City Council.
- Subd. 8. On a public roadway in an emergency when and at such locations where the conditions of the roadways renders travel by an automobile impractical.
- Subd. 9. In all cases of permitted use and/or operation, the ATV must have the following equipment:
- A. Brakes adequate to control the ATV and to stop and hold the ATV under any condition of operation.
 - B. When operated between the hours of one-half hour after sunset and one-half hour before sunrise, or at times of reduced visibility, at least one clear headlamp 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 under normal atmospheric conditions. Such head lamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming operator. It 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. The head and taillight must be functioning anytime the ATV is being operated.
 - C. Reflector material of a minimum area of sixteen (16) square inches mounted on each side forward of the handlebars.
 - D. A sled, trailer, or other device being towed by an ATV must be equipped with reflective materials as required by rule of the Commissioner of Public Safety.

Section 3. State, County, Municipality, Public Utility and Land Survey Uses.

- Subd. 1.** State, county or municipal agencies may allow employees to operate an ATV for emergency purposes or for functions directly related to conducting government business on any roadway as long as safety is not jeopardized.
- Subd. 2.** A public utility employee may operate an ATV for emergency purposes or for functions directly related to conducting business on any roadway, park, or City owned property as long as safety is not jeopardized.
- Subd. 3.** A land surveying operation employee may operate an ATV on any roadway for functions directly related to conducting business as long as safety is not jeopardized.

Section 4. Uses Allowed for the Disabled. If you hold a Class A or Class B hunting (disabled) permit, you may operate an ATV on the roadway portion of a highway (not an interstate) if you are traveling for the purpose of hunting which is allowed by the permit. However, you must meet safety certificate and age restrictions if they apply.

Section 5. Prohibited Uses. It shall be unlawful to use or operate an ATV in a manner prohibited by this Section.

- Subd. 1. On any park, boulevard, or other City owned property without the advance, express written permission of the City Council.
- Subd. 2. In road ditches at any time unless as needed for agricultural purposes.
- Subd. 3. On trails designated for snowmobiles unless they are also designated for ATV's.
- Subd. 4. Along the inside bank or slope of a public right-of-way.
- Subd. 5. On the exposed lake and stream bed below the ordinary high water mark of any navigable water except to launch or load a boat, canoe, or other watercraft in the most practical manner.
- Subd. 6. On marshes, bogs, ponds or in unfrozen public waters including lakes, rivers and streams.
- Subd. 7. On agricultural land without permission. Failure of a landowner to post their property does not give you the authority to ride there.

- Subd. 8. On a public sidewalk or walkway provided or used for pedestrian travel.
- Subd. 9. While the operator is under the influence of liquor or narcotics or habit-forming drugs.
- Subd. 10. At a rate of speed greater than reasonable or proper under all surrounding circumstances; and when operating in residential areas, in no case greater than twenty (20) miles per hour.
- Subd. 11. In a careless, reckless or negligent manner so as to endanger the person or property of another or cause injury or damage thereto.
- Subd. 12. In a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys or interferes with the peace and quite of other persons.
- Subd. 13. To chase, run over or kill any animal (wild or domestic).
- Subd. 14. Without a tail light and headlight lighted at all times if the ATV is equipped with a tail light and headlight.
- Subd. 15. Without a functioning stoplight if equipped.
- Subd. 16. With more persons that the ATV is designed for except as provided in Minn. Stat. § 84.9257.
- Subd. 17. Without a brake operational by either hand or foot.
- Subd. 18. At a speed exceeding ten (10) miles per hour on the frozen surface of public waters within 100 feet of a person not on an ATV or within 100 feet of a fishing shelter.

The Sauk River, when frozen over, is very unsafe within the City of Rockville, so caution is recommended.

***Liability of Landowners:** Landowners who give permission for ATV use on their property or to cross their property by way of a trail may not be required to keep the premises safe for recreational activities, to inspect the property, or to give warning of an unsafe condition, use or activity on the property. The property owners may be held free of liability. You should consult with an attorney for a better understanding of your responsibilities and liabilities; and check with local DNR. Please ride safely.

Section 6. Penalties: Any person who shall violate any provisions of the Minnesota Statutes contained or referred to in this ordinance shall be guilty of a misdemeanor. Any person who shall violate any provisions of this ordinance not covered by the to the Minnesota Statutes is guilty of a petty misdemeanor and subject to penalty. For current penalties or fines refer to the MN DNR "Off Highway Vehicle Regulations" handbook. (Available from the DNR or at Rockville City Hall)

ADOPTED THIS 17th DAY OF NOVEMBER, 2004

ATTEST:

**VERENA M. WEBER-CMC
ADMINISTRATOR/CLERK**

**BRIAN HERBERG
MAYOR**