

SECTION 6

506.000. OPERATION OF ALL-TERRAIN VEHICLES WITHIN THE CITY.

506.001. **STATE LAW ADOPTED.** Minnesota Statutes § 84.92 through and including § 84.928 regulating all-terrain vehicles, are hereby incorporated by reference as though fully set forth herein and shall be included as part of this code.

506.002. **DEFINITIONS.** The definition of all-terrain vehicles for purposes of this Municipal Code shall be the same as those set forth in Minnesota Statute § 84.92 as may be amended from time to time.

- A. The current definition for "all-terrain vehicle" contained in Minnesota Statute § 84.92, Subd. 8 is as follows:

All-terrain vehicle or vehicle. "All-terrain vehicle" or "vehicle" means 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. All-terrain vehicle includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle 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.

- B. The current definition for a "class 1 all-terrain vehicle" is contained in Minnesota Statute § 84.92, Subd. 9 is as follows:

Class 1 all-terrain vehicle. "Class 1 all-terrain vehicle" means 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.

- C. The current definition for a "class 2 all-terrain vehicle" is contained in Minnesota Statute § 84.92, Subd. 10 is as follows:

Class 2 all-terrain vehicle. "Class 2 all-terrain vehicle" means 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.

506.003. REGULATIONS.

- A. It shall be unlawful to operate an all-terrain vehicle on any public (including, but not limited to, streets, alleys, parks, or any other City owned property of any nature whatsoever) or private property within the City of Winsted, Minnesota with the following exceptions:

1. The operator's property or the private property of another person when the other person has given permission for the use of his/her property by the

operator of the all-terrain vehicle.

2. Emergency situations during the period of time when and at locations where snow upon the roadway renders travel by automobile impractical.
 3. A City resident shall be able to operate an all-terrain vehicle upon a City street while driving non-stop from his/her residence to the most direct route in or out of the City limits. The all-terrain vehicle must be driven on the furthestmost right portion of the roadway while leaving or entering the City and may not be operated in the non-traveled part of any street, roadway or public thoroughfare. The operator of the all-terrain vehicle must be at least sixteen (16) years of age and have a current and valid Minnesota Driver's License.
- B. No all-terrain vehicle shall be operated at a speed in excess of 15 miles per hour.
- C. No all-terrain vehicle shall be operated between the hours of 1 a.m. and 7 a.m. except that notwithstanding anything to the contrary herein, a person may operate an all-terrain vehicle at any time as long as the same is equipped with a plow or snow blower, and is being used to remove snow.
- D. No all-terrain vehicle shall be operated 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.
- E. It shall be unlawful for the registered owner of an all-terrain vehicle to allow his/her all-terrain vehicle to operate contrary to this Section of the City's Municipal Code or governing State Law. The registered owner of the all-terrain vehicle may not be prosecuted and punished if:
1. The all-terrain vehicle was reported as stolen to the Commissioner of Natural Resources or a law enforcement agency at the time the alleged unlawful conduct occurred.
 2. The registered owner demonstrates that the all-terrain vehicle was either stolen or is not in use at the time of the alleged unlawful conduct.
 3. The registered owner furnishes to law enforcement officers upon request, the identity of the person in actual physical control of the all-terrain vehicle at the time of such unlawful conduct.
- F. Permits. The City may allow the use of all-terrain vehicles by permit. The permit may be issued by the City Council under circumstances that call for the use of all-terrain vehicles during City-wide parades or special events conducted by the City or community organizations
- G. Use by City. The City of Winsted may use all-terrain vehicles in order to conduct the business of the City and is, therefore, exempt from this Section of the City's Municipal Code.

H. Snowplowing. An all-terrain vehicle may be used for snow removal purposes.

506.004. **PENALTY.** Violation of this Section is Misdemeanor and is therefore punishable by a sentence of not more than 90 days or a fine of not more than \$1,000, or both. Said punishment to be the same as stated in Minnesota Statute § 609.02, Subd. 3 as amended from time to time.
(Ord. 16-08, 11/1/2016)