

ARTICLE IV. - RECREATIONAL VEHICLES ^[35]

⁽³⁵⁾ **State Law reference**— Off-highway vehicles, Minn. Stats. § 84.771 et seq.; off-road motorcycles, Minn. Stats. § 84.787 et seq.; off-road vehicles, Minn. Stats. § 84.797 et seq.; snowmobiles, Minn. Stats. § 84.41 et seq.

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Sec. 54-96. - Purpose.

The purpose of this article is to provide reasonable regulations for the use of snowmobiles, all-terrain vehicles (ATVs), off-highway motorcycles and other Recreational Vehicles on public and private property in the city. This article is not intended to allow what the Minnesota Statutes expressly prohibit nor to prohibit what the state statutes allow. It is intended to prevent a public nuisance.

(Code 1978, § 6.04.01; Ord. No. 88-1, 2-25-1988)

Sec. 54-97. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agricultural Zone means the areas in the state lying south and west of a line along the following highway rights-of-way: starting at the North Dakota border, the line goes east along State Highway 10 to State Highway 23, then follows Highway 23 east to State Highway 95, which it follows to the Wisconsin border.

All-Terrain Vehicle (ATV) means a motorized flotation-tired vehicle of not less than three but not more than six low-pressure tires.

Boulevard means that portion of the street or highway between the roadway and private property.

Designated ~~Non-Use Area~~ Restricted Use Area means that area south of a straight line running from east to west at the 16700 block, starting at the Rum River on the east and running to the City of Elk River border on the west. Within the ~~Non-Use~~ Restricted Use Area, access to Elmcrest Park and Central Park will be made and restricted to loading and unloading of snowmobiles and ATVs in the parking lots only. A Designated Route from the parking lot will be clearly posted to allow access to the Designated Route on 167th Avenue from Elmcrest Park. A Designated Route from the parking lot of Central Park will be clearly posted to allow access to Armstrong Boulevard for direct northbound travel to the Designated Use Area.

Designated ~~trail~~ Route shall mean a clearly marked route for Recreational Vehicles to follow.

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Designated Use Area means the area north of a straight line running from east to west at the 16700 block, starting at the Rum River on the east and running to the City of Elk River border on the west.

Go-carts means a low, four-wheeled motorized device with an open or closed frame designed and used for off-road operation.

Minibikes means small, two-wheeled motorized devices designed for off-road operation. Minibikes may include miniature motorcycles and do not qualify as a moped, motorcycle or an ATV.

Off-highway motorcycle (OHM) means vehicles traveling on two wheels with a seat to be straddled by the operator with handlebars for steering control. OHMs may include some dirt bikes.

Operate means to ride in or on, and control the operation of a Recreational Vehicle.

Operator means every person who operates, or is in actual physical control of a Recreational Vehicle.

Public property means property that may be used by the public, subject to reasonable regulation by a governmental body. Such property includes city parks, city parking lots and public school parking lots and grounds.

Recreational Vehicle means all-terrain vehicles, snowmobiles, off-highway motorcycles, minibikes, go-carts, and other motorized vehicles, that by their Use, fit this definition.

Roadway means that portion of a street or highway improved, designed or ordinarily used for vehicular travel but not including the boulevard. For the purposes of this article, roadways not dedicated for public Use and not maintained by the city are not included within this definition.

Semi-public property means private property generally for Use by the public but not owned or maintained by a governmental body. Such property includes without limitation: church property, shopping center property and other property generally used by patrons of a commercial or private business establishment.

Snowmobile means a self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

Street or highway means the entire width between boundary lines of any way or place when any part thereof is open to the Use of the public, as a matter of right, for the purpose of vehicular traffic (includes the right-of-way or boulevard). For the purposes of this article, streets or highways not dedicated for public Use and not maintained by the city are not included within this definition.

Test drive means the operation of a Recreational Vehicle for evaluation purposes.

(Code 1978, § 6.04.03; Ord. No. 88-1, 2-25-1988; Ord. No. 09-14, § 1, 9-22-2009)

Sec. 54-98. - Operation limitations.

(a) ~~Designated Non-Use Areas~~ Restricted Area. Recreational Vehicles may not be operated in the Designated ~~Non-Use Areas~~ Restricted Areas except in those limited areas where permitted as follows:

- (1) Within the ~~Non-Use~~ Restricted Area, access to Elmcrest Park and Central Park will be made and restricted to loading and unloading of snowmobiles and ATV's in the parking lots only.
- (2) A Designated Route from the parking lot will be clearly posted to allow access to 167th Avenue from Elmcrest Park. A Designated Route from the parking lot of Central Park will be clearly posted to allow access to Armstrong Boulevard for direct travel to the Designated ~~trail~~ Route.

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(3) On a Designated Route through the River's Bend Park parking lot that allows access to the Rum River trail.

(3)(4) On any clearly marked Designated ~~trail~~ Route.

(4)(5) On your own property or the property of another with written permission only if the property is greater than two and one-half acres in size.

(5)(6) When the Recreational Vehicle is being used for maintenance or plowing, regardless of lot size.

(7) On City roadways within the Designated Restricted Area, as per MN State Statute allows, to get to a Designated route. (Does not include County Roads or State Highways.)

(b) *Designated Use Areas.* Recreational Vehicles may be operated only in the areas defined in section 54-97 as the Designated Use Areas and then only as follows:

(1) On the operator's property subject to the provisions of this article.

(2) On privately owned property if the operator has in possession written permission from the property owner; or, on privately owned property if the property owner has posted a clearly visible notice indicating "Recreational Vehicles Allowed" or words substantially similar.

(3) On trunk highways, county state aid roads or county roads within the Designated Use Area as regulated by MN State Statute.

(4) On city streets within the Designated Use Area only as allowed by MN State Statute. (Does not include County Roads or State Highways.)

(5) On public or semi-public property within the Designated Use Area only if said property is clearly posted with signs designating the area or specific areas as open to Recreational Vehicles.

(c) *Specific limitations for operation of ATV's and snowmobiles.* No all-terrain vehicles or snowmobiles may be operated within the right-of-way, including the ditch of a trunk, county state-aid, or county highway from April 1 to August 1 as part of Minnesota's Agricultural Zone.

(d) *Hours of operation.* Recreational Vehicles may not be operated any place in the city between the hours of 10:00 p.m. and 8:00 a.m. Sunday through Friday, and between the hours of 1:00 a.m. and 8:00 a.m. Saturday and Sunday.

(e) *Snow cover.* From November 1 to March 31, Recreational Vehicles may not be operated off the operator's property or the property of another that the operator has written permission to be on, unless there is a minimum six inches of snow cover on the ground.

(f) *Specific limitations for operation of mini-Bikes.* Mini-bikes greater than 110cc may not be operated within the Designated ~~Non-Use Area~~ Restricted Use Area, regardless of lot size.

(g) Recreational Vehicles may not be operated on any city sidewalks, bike or pedestrian trails.

(h) Snowmobiles with "studded" tracks shall not be operated on city roadways.

(Code 1978, § 6.04.04; Ord. No. 88-1, 2-25-1988; Ord. No. 88-19, 12-18-1988; Ord. No. 93-18, 12-13-1993; Ord. No. 09-14, § 1, 9-22-2009)

Sec. 54-99. - Towing restriction.

It is unlawful for any person to operate a Recreational Vehicle so as to tow any person or thing on a street or highway except through the Use of a rigid tow bar, as defined by state statute, attached to the rear of the Recreational Vehicle.

(Code 1978, § 6.04.05; Ord. No. 88-1, 2-25-1988; Ord. No. 88-19, 12-18-1988; Ord. No. 93-18, 12-13-1993)

Sec. 54-100. - Equipment requirements.

Recreational Vehicles may not be operated within the city unless it is equipped with the following:

- (1) Brakes adequate to control the movement of, and to stop and hold the Recreational Vehicle under any condition of operation.
- (2) When operated between the hours of one-half hour before sunrise, one-half hour after sunset, or at any time of reduced visibility, Recreational Vehicles shall have 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 under normal atmospheric conditions. The Recreational Vehicle shall also be equipped with at least one red tail lamp plainly visible under normal atmospheric conditions.
- (3) Standard mufflers that are properly attached and in constant operation and which reduce the noise of operation of the motor to the minimum necessary for operation. Use of a muffler cutout, bypass, straight pipe or similar device is prohibited. The exhaust system shall not emit or produce a sharp popping or cracking sound.
- (4) Snowmobiles must have reflective material of at least 16 square inches on each side forward of the handlebars, so as to reflect lights at a 90-degree angle.

(Code 1978, § 6.04.06; Ord. No. 88-1, 2-25-1988; Ord. No. 88-19, 12-18-1988)

Sec. 54-101. - Test driving.

Recreational Vehicles may be "test driven" within the Designated Use Area as follows:

- (1) Test drives shall only take place in an area clearly posted with signs designating the area as a test site.
- (2) Drivers shall wear helmets with a clearly visible orange stripe.

(Code 1978, § 6.04.07; Ord. No. 88-1, 2-25-1988)

Sec. 54-102. - Map.

A map showing the boundaries of the Designated ~~Use and Non-Use Areas~~ shall be on display at the city hall and the police department for public viewing, during normal business hours.

(Code 1978, § 6.04.08; Ord. No. 88-1, 2-25-1988)