

## ***ALL-TERRAIN VEHICLES***

### **70.010 DECLARATION; DEFINITION; INTENT.**

The laws of the State of Minnesota as set forth in Minnesota Statutes Section 84.81 through Section 84.928 and Chapter 169 are adopted in full. The definition of "all-terrain vehicle" (hereafter "ATV") for purposes of this Code shall be the same as those set forth in Minnesota Statutes Section 84.92. It is the intent of this section to allow for the limited use of ATVs within the City for purposes described herein.

### **70.011 OPERATORS OF ATVS.**

When the operation is in compliance with all other provisions of this Code, ATVs may be operated by persons:

- (A) 18 years of age or older;
- (B) with a driver's license that is valid with the State of Minnesota; and
- (C) with a valid operator's permit issued by the City.

### **70.012 OPERATORS' PERMITS.**

(A) The operator of an ATV must apply annually for an operators' permit, which may be issued by the City of Olivia upon the following conditions:

(1) Permit applications must be made on a form approved by Resolution of the City Council. Application forms shall be available at the City Office.

(2) At the time the application is submitted, the applicant shall:

(a) Provide proof of insurance complying with the requirements of Minnesota Statutes section 65B.48, subd. 5, as it may be amended from time to time.

(b) Pay the permit fee.

(c) Provide all other information as may be required by Resolution of the City Council.

(B) The City Council shall establish and may from time to time modify the permit fee amount by Resolution.

(C) No person shall operate an ATV on public property within the City of Olivia without a

valid operators' permit from the City of Olivia.

(D) Upon approval of an application, the City shall issue a sticker or plate, which shall be displayed upon the designated location of the ATV.

(E) Operators' permits shall be issued for a period of one year, and may be renewed annually by complying with the requirements of this section. Permits may be denied or revoked by the Chief of Police, in his or her discretion, upon proof of a conviction of any of Sections 70.010 through 70.018, by other evidence of abuse of the privileges of this section, or when an operator no longer has a valid driver's license. A permittee may appeal such revocation or denial to the City Council by filing a notice of appeal at the City Office no later than 14 days after receiving notice of the denial or revocation.

**' 70.013 PERMISSIBLE PURPOSES OF ATV OPERATION.**

When the operation is in compliance with all other provisions of this Code, and the operator uses all proper safety equipment as required by State law, ATVs may be operated:

(A) For traveling from the operator's place of employment, or the operator's residence, and proceeding directly to the operator's residence or place of employment by the most direct street route, or for traveling to or from the operator's place of employment, or the operator's residence and proceeding directly out of town; or

(B) For utility purposes when the operator is traveling to work locations utilizing the most direct route on City streets during daylight hours for purposes of:

- (1) mowing and fertilizing lawns;
- (2) spraying weeds;
- (3) other uses, when used as the power unit.

(C) For the purposes of plowing or blowing snow only, ATVs may be used on streets, alleys, and sidewalks within 24 hours of the snowfall.

(D) Paragraphs (B) and (C) of this section shall apply only when specially designed equipment is mounted on, or towed by, the ATV utilizing a rigid hitch system, or the ATV is used as the power unit on the job site. An ATV may be driven to a refueling station for purposes of refueling when the ATV is otherwise being operated for purposes permissible in paragraphs (A), (B), and (C) of this section. The ATV must be registered and equipped according to State law and this Code.

(Ord. 294, passed 11-15-10)

**' 70.014 SPEED; PROHIBITED LOCATIONS OF OPERATION OF ATVS.**

The following regulations shall apply to the operation of all ATVs operated within the City of Olivia:

(A) Speed. Unless posted otherwise, no ATV shall be operated at a speed in excess of 20 miles per hour on the streets. Speed in alleys shall not exceed 10 miles per hour.

(B) Prohibited locations of operation of ATVs. It shall be unlawful to operate an ATV in the City of Olivia upon any sidewalks, boulevards, parks, golf course, grounds, airport property, the Central Business District, or any other public or private property except as provided in Sections 70.010 through 70.018.

(1) Central Business District. For purposes of this section, the Central Business District is defined as the area identified as the Central Business District in Chapter 152 of this Code, and so identified on the official zoning map of the City of Olivia.

† **70.015 SINGLE FILE TRAFFIC ONLY.**

ATVs traveling in the same direction must travel single-file. It shall be unlawful for two or more ATVs to travel abreast on any City street.

† **70.016 UNLAWFUL OPERATION; DEFENSES.**

(A) (1) It shall be unlawful for the registered owner of an ATV to operate or allow to be operated, an ATV contrary to this Code or governing State law.

(2) It shall be unlawful for any person to operate an ATV contrary to this Code or State law.

(3) It shall be unlawful for any person to operate an ATV without the following equipment:

(a) A standard muffler, which is properly attached and functioning to reduce engine noise to the minimum necessary for operation. Muffler “cut-outs”, by-passes, straight pipes, and the like are prohibited.

(b) Properly operating braking systems and lighting systems including brake lights, headlights and tail lights, if originally equipped.

(c) A safety mechanism or “dead man” throttle in operating condition, if originally equipped.

(B) The registered owner of the ATV may not be prosecuted and punished if:

(1) The ATV 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 ATV either was stolen or was 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 ATV at the time of such unlawful conduct.

(C) The prosecution of the owner of an ATV under this section shall not operate to limit or bar the prosecution of the ATV operator for violations of this ordinance or applicable Minnesota statutes.

**70.017 PENALTIES.**

Unless otherwise provided, a violation of this ordinance shall be a misdemeanor, subject to the maximum penalties provided by law for misdemeanors.

(A) A violation of Section 70.014 (Speed), shall be a petty misdemeanor, subject to the penalties provided by law for petty misdemeanors.

(B) A violation of any other section of this ordinance shall be a misdemeanor, subject to the penalties provided for misdemeanors.

(C) Sections 70.010 through 70.017 shall not apply to, law enforcement agencies, and fire and rescue personnel while in the performance of their official duties.