

## ARTICLE V. ALL-TERRAIN VEHICLES

### Sec. 16-90. Definition.

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:

*All terrain vehicle (ATV)* means a motorized flotation-tired vehicle of not less than three (3) low pressure tires, but not more than six (6) tires, that is limited in engine displacement of less than eight hundred (800) cubic centimeters and total dry weight of less than nine hundred (900) pounds.

(Ord. No. 2005-01, 1-10-05)

### Sec. 16-91. State laws incorporated.

All provisions of M.S. Ch. 169 and M.S. §§ 84.922 through 84.929, and all provisions of the City Code regulating vehicular traffic, shall apply to the operation of all-terrain vehicles, hereinafter referred to as ATV's upon the streets of the City of Fairmont, with the except of those relating to required equipment or those which by their nature have no application.

(Ord. No. 2005-01, 1-10-05)

### Sec. 16-92. General operation.

(a) *[Permit required.]* It shall be unlawful for any person to drive or operate an ATV on any public roadway within the city limits unless he has obtained a permit as required herein. A permit shall be issued to persons sixteen (16) years of age or older, upon filing of the appropriate application with the city clerk, together with evidence of insurance complying with M.S. § 65B.48. A fee as set shall accompany the application for a permit to operate an ATV upon designated public roadways from time to time by the city council.

(b) *[Annual permits.]* Permits may be granted annually and may be renewed annually. A permit may be revoked at any time upon sufficient evidence that the permittee cannot safely operate an ATV upon the designated public roadways.

(c) *[Time of operation.]* ATVs may only be operated on designated roadways from 7:00 a.m. to 10:00 p.m. They shall not be operated when visibility is impaired by weather, smoke or fog or other conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of five hundred (500) feet.

(d) *Operation on roadways and public waterways.* ATVs may be operated on roadways and public waterways only as herein specified. It is unlawful to operate an ATV upon roadways or public waterways as follows:

- (1) At a speed in excess of fifteen (15) miles per hour.
- (2) Other than in single file on a roadway.
- (3) Carelessly or recklessly.
- (4) In a manner that damages public road rights-of-way.
- (5) In a manner that violates either noise control or chapter 17, nuisances.
- (6) The ATV may be on the public roadways only to be driven from the place of storage directly to a public water way or a place where it may be legally operated outside of the city limits.

(e) *Private property.* It is unlawful to operate an ATV on private property without the permission or consent of the owner or occupant.

(f) *Minimum age of operator.* It is unlawful for any person under sixteen (16) years of age to operate an ATV on any public street in the City of Fairmont.

(g) *Sidewalks and boulevards.* It is unlawful to operate an ATV on a sidewalk or boulevard, except that an operator may cross a sidewalk, boulevard or other right-of-way to obtain access to a street or alley if such

crossing is made at an angle of approximately ninety (90) degrees to the direction of the sidewalk, boulevard or right-of-way. The ATV must yield to all pedestrian or vehicular traffic, which constitutes an immediate hazard.

(h) *Dates of operation.* It is unlawful to operate an ATV within the city limits of the City of Fairmont between the dates of March 16th and November 14th.

(i) *Equipment.* It is unlawful to operate an ATV unless it is equipped with the following:

- (1) At least one (1) headlight and one (1) tail light.
- (2) Headlights and taillights lighted at all times.

(j) *Prohibitions on owner.* It is unlawful for the owner of an ATV to permit it to be operated contrary to this article.

(k) *Operation prohibited.* Operation of ATVs is prohibited on certain roads:

- (1) Trunk Highway 15.
- (2) Blue Earth Avenue.
- (3) Downtown business district described as: Park Street between Blue Earth Avenue and Fourth Street.

Downtown Plaza between Webster Avenue and Fourth Street.

First, Second, Third or Fourth Streets between Park Street and Main Street.

(Ord. No. 2005-01, 1-10-05)

### **Sec. 16-93. Penalty.**

The City of Fairmont has the right to revoke riding privileges of any individual on an ATV within the city limits, as needed, by discretion of the chief of police, based on number of complaints received, and statutory or ordinance violations. Any person violating any provision of this article shall be guilty of a misdemeanor and upon conviction shall be punished by a maximum fine of one thousand dollars (\$1,000.00) or imprisonment for ninety (90) days or both.

(Ord. No. 2005-01, 1-10-05)