

## CHAPTER 710 – USE OF RECREATIONAL AND SPECIAL VEHICLES

This Chapter shall be known, cited, and referred to as the “City of Spring Grove regulation of Recreational and Special Vehicles Chapter” except as referenced to herein as “this Chapter.”

A. DEFINITIONS AND INTERPRETATIONS. Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The singular shall include the plural and the plural shall include the singular. The masculine shall include the feminine and neuter and vice-versa. The term “shall” mean mandatory, and the term “may” means permissive. The following terms shall have the definitions given to them:

1. “City Street,” means all city streets except those county or state highways not controlled by the city.
2. “Dead man Throttle or Safety Throttle,” means a device which when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving mechanism.
3. “Operate,” means to control the operation of a recreational motorized vehicle.
4. “Operator,” means a person who operates or is in actual control of a recreational motorized vehicle.
5. “Recreational Motor Vehicle” any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes including, but not limited to trail bike, off-highway motorcycle, as defined by Minn. State § 84.787, subd. 7, as it may be amended from time to time, or other all-terrain vehicle as defined by Minn. Stat § 84.90 and Minn. Stat. § 84.92, subd. 8-10 as it may be amended from time to time, or motorized go-carts, or motor vehicle licensed for highway operation, which is being used for off-road recreational purposes,
6. “Special Vehicles” Include motorized golf carts, personal electric mobility devices, motorized foot scooters, neighborhood electric vehicles, medium-speed vehicles, or mini-trucks.
7. “Trail,” means any paved trail used primarily for biking, pedestrian or other recreational use that is not already designated as such.
8. “Public Road right-of-way” means the entire right-of-way of a public road, including the traveled portions, banks, ditches, shoulders, and medians of a roadway, that is not privately owned.

## **OHV DEFINITIONS**

### **Off-highway vehicle (OHV)**

The term off-highway vehicle (OHV) included all terrain vehicles (ATVs), off-highway motorcycles (OHMs), and off-road vehicles (ORVs).

### **All-terrain vehicle (ATV)**

ATVs have at least three, but not more than six, low-pressure or nonpneumatic tires (not filled with or containing air) with a total dry weight less than 2,000 pounds and a total width from the outside of the tire rim to outside the tire rim that is 65 inches or less. ATVs include Class 1 and Class 2. Dry weight is normally the weight of the vehicle without fluids. Vehicles not considered ATVs includes golf carts, mini-trucks, dune buggies, go carts, or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.

## **CLASS I**

ATVs width 50 inches or less.

## **CLASS II**

ATVs width greater than 50 inches but not more than 65 inches.

### **Off-highway motorcycle (OHM)**

“Off highway motorcycle” means a motorized, off-highway vehicle traveling on two wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control including a vehicle that is registered under chapter 168 for highway use if it is also used for off-highway operation on trails or unimproved terrain.

### **Off-road vehicle (ORV)**

“Off-road vehicle” or “vehicle” means a motor-driven recreational vehicle capable of cross-country travel on natural terrain without benefit of a road or trail.

Off Road vehicle does not include a snowmobile; an ATV; a motorcycle; a watercraft/ a farm vehicle being used for farming; a vehicle used for military, fire, emergency, or law enforcement purposes; a construction or logging vehicle used in the performance of its common function; a motor vehicle owned by or operated under contract with a utility; whether publicly or privately owned, when used for work on utilities; a commercial vehicle being used for its intended purpose; snow-grooming equipment when used for its intended purpose; or an aircraft.

Approved helmet

An approved helmet is required to meet DOT specifications. DOT is the manufacturer's certification that the helmet conforms to the applicable federal motor vehicle safety standards. Bicycle and hockey helmets are not legal helmets.

**B. GENERAL PROHIBITIONS.** It is unlawful for any person to operate a **RECREATIONAL MOTORIZED VEHICLE** within the corporate limits of Spring Grove under the following circumstances:

1. On private property of another without the express permission to do so by the owner or occupant of said property.
2. On public property including school grounds, parks, playgrounds, and recreation areas without express permission from the proper public authority.
3. Within the right-of-way of any major street within the City except when making a direct crossing of said major street provided:
  - a. The crossing is made at an angle of approximately ninety (90) degrees to the direction of the street and at a place where no obstruction prevents a quick and safe crossing; and
  - b. The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the street; and
  - c. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.
4. Within the right-of-way of any city street within the City.
5. On public sidewalks, boulevard, shoulder, or berm in the City, except as a direct crossing made subject to the provisions of section B (4) above.
6. In a manner so as to create loud, unnecessary, or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
7. In a careless, reckless, or negligent manner so as to endanger, or be likely to endanger the safety of any person or the property of any other person.
8. Without having such recreational motorized vehicle registered as provided for in Minnesota Statutes, Sections 84.788, 84.798, 84.82 or 84.922 as amended from time to time.
9. While under the influence of intoxicating beverages, narcotics or habit-forming drugs which may include some prescription and "over-the-counter" medications.
10. On any trail not designated for recreational vehicles.

11. At speeds in excess of fifteen (15) miles per hour.
12. A person shall not operate an all-terrain vehicle within the public road right-of-way of a trunk, county state-aid, or county highway except on the right-hand side of the right-of-way and in the same direction as the highway traffic on the nearest lane of the adjacent roadway.
13. A person shall not operate an all-terrain vehicle upon a public street or highway unless the vehicle is equipped with at least one headlight and one taillight, each of minimum candlepower as prescribed by rules of the commissioner, and with brakes conforming to standards prescribed by rule of the commissioner, and all of which are subject to the approval of the commissioner of public safety.

C. EXCEPTIONS. The following exceptions apply to the use of recreational motorized vehicles within the City of Spring Grove:

1. Recreational motorized vehicles can use the public right-of-way, between the trail or home and a service station, for the purpose of obtaining fuel for the vehicle being ridden.
2. Recreational motorized vehicles can use the public right-of-way if a valid permit has been issued by the City for such use.
  - a. Application for permit. An application to obtain a permit to operate a recreational motorized vehicle on local streets shall contain the following information:
    - i. Name;
    - ii. Address;
    - iii. Evidence of insurance, pursuant to Minnesota Statutes 65B.48, and as amended from time to time; and,
    - iv. Year and Model of vehicle.
  - b. Permits. Permits shall be valid for one calendar year (January 1 to December 31). The cost for such a permit shall be as set forth in the fee schedule for the City.
  - c. Insurance. In the event persons operating a motorized golf cart cannot obtain liability insurance in the private market, that person may purchase automobile insurance, including no-fault coverage from the Minnesota Automobile Insurance Plan at a rate to be determined by the Minnesota Commissioner of Commerce.

3. Vehicles designed for operation at a speed of 30 miles per hour or less must display a triangular slow-moving vehicle emblem pursuant to Minnesota Statutes 169.522. The vehicle shall also display the permit from the city on the back of the vehicle and the permit shall be visible and clean. Snowmobiles are exempt from this section.

4. Operation for recreational motorized vehicles for this purpose are between the hours of sunset and sunrise unless equipped with original equipment headlights, taillights, and rear-facing brake lights. Except during emergency conditions, recreational motorized vehicles shall not be operated in inclement weather, when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient visibility to clearly see persons and vehicles on the roadway at a distance of 500 feet. Travel for obtaining fuel and traveling to and from home is permitted under this section.

5. Application of traffic laws. Every person operating a recreational motorized vehicle under this section, on designated streets has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minnesota Statute, Chapter 169 and as amended from time to time, except when those provisions cannot reasonably be applied to recreational motorized vehicles.

6. Helmet and seatbelts required.

a. A person less than 18 years of age shall not ride as a passenger or as an operator of an all-terrain vehicle on public land or on a public right-of-way unless wearing a safety helmet approved by the commissioner of public safety.

b. A person less than 18 years of age shall not ride as a passenger or as an operator of an all-terrain vehicle without wearing a seat belt when provided by the manufacturer.

c. Children shall be required to be buckled in a safety seat or booster seat according to the child's age and size. Children shall wear a helmet approved by the commissioner of public safety.

D. EQUIPMENT. All recreational motor vehicles operated within the City shall have the following equipment:

1. Mufflers, which are properly attached, and which reduce the noise of the operation of the vehicle to the minimum noise necessary for the operation of the vehicle. That no person shall use a muffler cut-out, by-pass, or similar device on said vehicle; and
2. Adequate brakes: so as to control the movement of and to stop and hold the vehicle under any condition or operation and as prescribed by the Minnesota Commissioner of Highways; and

3. A dead man throttle; and
4. When operating at any time of reduced visibility, at least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least five hundred feet (500'). Such headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming recreational vehicle operator or motor vehicle 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') to the rear.
5. Reflective material at least sixteen square inches on each side, forward of the handlebars or steering device of a recreational vehicle and at the highest practical point on any towed object, as to reflect light to a ninety (90) degree angle or as required by Minnesota DNR Rules and Regulations, which ever requires more reflective material.
6. Any other equipment as required by Minnesota DNR Rules and Regulations. Any changes made to Minnesota Statutes concerning this section on equipment shall automatically be incorporated into this subdivision.

E. **IGNITION LOCK.** Every person leaving a recreational vehicle on a public place or way shall lock the ignition, remove the key, and take same.

F. **EMERGENCY OPERATION PERMITTED.** Notwithstanding any prohibitions in this Chapter, a recreational vehicle may be operated on a public thoroughfare in an emergency when such conditions exist that use of permitted vehicles is impractical or dangerous.

G. **PROHIBITIONS ON YOUTHFUL OPERATORS.** The following are conditions for operating recreational vehicles by minors.

## **CLASS 1 ATV OPERATIONS**

### **UNDER AGE 10**

- a. May operate only on private property with permission of the owner.

### **AGES 10 AND UP**

- a. May operate only on private property with permission of the owner, except an ATV with a straddle seat up to 110cc or up to 170cc with side-by-side seating on public lands and frozen waters if accompanied by parent or legal guardian.

b. May not operate an ATV on public lands or water or on state or grant-in-aid trails if the person cannot properly reach and control the handlebars and reach the foot pegs while sitting upright on the seat.

c. May make a direct crossing of a public road right-of-way of a trunk county, state-aid, or county highway or operate on public lands and waters or state or grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner and is accompanied on another ATV by a person 18 years of age or older who holds a valid driver's license.

d. May operate on the bank, slope or ditch of a public road right-of-way or roadway open by local ordinance with a valid ATV Safety Certificate when accompanied by a parent or legal guardian on a separate ATV.

### **AGES 16 AND 17**

a. Must have a valid driver's license and ATV Safety Certificate to make a direct crossing of a roadway or operate on road rights-of-way or roadway open by local ordinance.

### **PASSENGERS on a Class 1 ATV (MN Statute 84.9257 Passengers)**

a. A person 12 to 17 years of age may operate a Class I all-terrain vehicle carrying only one passenger and the passenger must be the person's parent or legal guardian.

b. A person 18 years of age or older may operate a Class 1 all-terrain vehicle carrying only one passenger.

### **A person with a valid driver's license may operate a Class 1 ATV:**

a. In the ditch or the outside bank or slope of a trunk county state-aid, or county highway unless prohibited under local road authority.

b. Registered for private use and being used for agricultural purposes on a public right-of-way of a trunk, county, state aid, or county highway, if the ATV is on the extreme right side of the road. A left turn may be made if it is safe to do so.

c. On the far-right side of a township road, unless prohibited by local regulations.

d. On a bridge, a roadway shoulder, or the inside bank of a public road right-of-way if necessary to avoid obstruction to travel or environmentally sensitive areas. You must remain in the farthest right lane, enter the roadway within 100 feet of the bridge, obstacle, or area, and make the crossing without delay.

### **CLASS 1 ATV with steering wheel**

A person may operate a Class 1 all-terrain vehicle designed by the manufacturer for off-road use to be driven by a steering wheel and equipped with operator and passenger seat belts and a roll-over protective structure within the public road right-of-way of a county, state-aid, or county highway on the right shoulder or extreme right-hand side of the road and left turns may be made from any part of the road if it is safe to do so under the prevailing conditions, unless prohibited by local ordinance.

## **CLASS 2 ATV OPERATIONS**

- a. May be operated within the public road right-of-way of a county state-aid, or county highway on the right shoulder or the extreme right-hand side of the road and left turns may be made from any part of the road if it is safe to do so under the prevailing conditions.
- b. On the bank, slope, or ditch of a public road right-of-way of a trunk, county state-aid, or county highway but only to access businesses or make trail connections, and left turns may be made from any part of the road if its safe to do so under the prevailing conditions.
- c. On the bank or ditch of a public road right-of-way on a designated class 2 all-terrain vehicle trail.

A road authority as defined under Minnesota statute 160.02, subdivision 25, may after a public hearing restrict the use of all-terrain vehicles on the public road right-of-way under its jurisdiction.

## **AGES 16 to 17**

- a. Must have a valid driver's license and an ATV safety certificate to make a direct crossing of a roadway or operate on road rights-of-way.
- b. Must wear a DOT-rated helmet and seat belt (if equipped).

## **YOUTH UNDER THE AGE OF 15 CANNOT OPERATE A CLASS 2**

- a. A person under 15 years of age shall not operate a class 2 all-terrain vehicle. Minnesota Statute 84.9256 sub.1 (g).

## **A PERON WITH A VALID DRIVERS LICENSE MAY OPERATE A CLASS 2 ATV**

- a. Within the public road right-of-way of a county state-aid or county highway on the right shoulder or the extreme right-hand side of the road and left turns may be made from any part of the road if it is safe to do so under the prevailing conditions, unless prohibited by the road authority or other local laws.



## **PASSENGERS ON CLASS 2 ATVS**

A person 18 years of age or older may operate a Class 2 all-terrain vehicle while carrying only 1 passenger, or up to the number of passengers for which the vehicle was designed, whichever is greater. Minnesota Statute 84.9257 Passengers.

1. Helmet and seatbelt required. A person less than eighteen (18) years of age shall not operate a recreational vehicle on public land or on a public road right-of-way unless wearing a safety helmet approved by the State of Minnesota Commissioner of Public Safety. If the vehicle is equipped with a seatbelt, this shall be worn at all times.

2. Occupants. The number of occupants on the recreational vehicle may not exceed the design occupant load.

3. Rear-View Mirror. A recreational vehicle shall be equipped with a rear-view mirror to provide the driver with adequate vision from behind as required by Minn. Stat. § 169.70.

4. Prohibitions on person in lawful control. It is unlawful for any person who is in lawful control of a recreational vehicle to permit it to be operated contrary to this Chapter.

5. Suspension. When a person, less than eighteen (18) years of age has violated this Chapter or Minnesota Statute, sections 84.92 to 84.929 as amended from time to time, it shall be reported to the Commissioner of Public Safety, which may result in suspension of the person's safety certificate or driver's license.

## **H. SPECIAL VEHICLE USE ON ROADWAY.**

1. Golf carts are not allowed to operate on collector or arterial streets as defined in Chapter 1308.33. but may operate on local streets.
2. The vehicle shall have a valid permit issued by the City.
  - i. Application for permit. An application to obtain a permit to operate a motorized golf cart on local streets shall contain the following information:
    1. Name;
    2. Address;

3. Evidence of insurance, pursuant to Minnesota Statutes 65B.48, and as amended from time to time; and,
  4. Year and Model of cart.
- ii. Permits. Permits shall be valid for one calendar year (January 1 to December 31).
  - iii. Insurance. In the event persons operating a motorized golf cart cannot obtain liability insurance in the private market, that person may purchase automobile insurance, including no-fault coverage from the Minnesota Automobile Insurance Plan at a rate to be determined by the Minnesota Commissioner of Commerce.
3. Vehicles shall display a slow-moving vehicle emblem pursuant to Minnesota Statutes 169.522 and as amended from time to time.
4. The number of occupants on the golf cart may not exceed the designed occupant load.
5. Operation for motorized golf carts is between the hours of sunset and sunrise unless equipped with original equipment headlights, taillights, and rear-facing brake lights.
6. Motorized golf carts shall not be operated in inclement weather or when visibility is impaired by weather, smoke, 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.
7. No person under sixteen (16) years of age may operate a “Special Vehicle” in the City. However, a person twelve (12) years of age but less than sixteen (16) years of age may operate a “Special Vehicle” on a city street, only if such person possesses a valid all-terrain vehicle safety certificate issued by the State of Minnesota Commissioner of Public Safety and is accompanied by a person eighteen (18) years of age or older who holds a valid driver’s license.
8. Application of traffic laws. Every person operating a motorized golf cart under this section on designated streets has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minnesota Statute, Chapter 169 and as amended from time to time, except when those provisions cannot reasonably be applied to motorized golf carts except as otherwise specifically provided for in 9 below.
9. Non-application of certain laws. The provisions of the Minnesota Statute, Chapter 171 and as amended from time to time, are not applicable to persons operating motorized golf carts under permit on designated streets.

I. PENALTY. Any person who violates a provision of this Chapter shall be deemed to have committed a misdemeanor and shall be charged pursuant to Title 1900 of the Code of Ordinances.

J. SEVERIBILITY CLAUSE. If any provisions of this Chapter should be nullified by action of a Court of competent jurisdiction, all other provisions shall nevertheless remain in full force and effect.

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