

ORDINANCE 2014-05

AN ORDINANCE AMENDING SECTION 6.10, SNOWMOBILES AND ATV'S, SUBDIVISIONS 2 – 11 BY PROVIDING SEPARATE REQUIREMENTS FOR EACH.

NOW THEREFORE, the City Council of the City of Trimont does ordain:

Section 1. Section 6.10, Subd. 2 through Subd. 11 is amended to read as follows:

Section 6.10, Subd. 2. USE OF SNOWMOBILE.

Section 6.10, Snowmobiles and all terrain vehicles is amended by adding Subd. 12 through 22 to read as follows:

Subd. 12. **Driver License and Permit Required:**

No person shall drive or operate an ATV on any street, roadway, or shoulder thereof in the City unless the driver has in possession a valid, current and unrevoked driver license issued by the State of Minnesota or other state, and permit issued by the City for such driving or operating of an ATV. For purposes of this chapter, the term ATV shall include utility task vehicles and mini trucks.

Subd. 13. **Requirements.**

Application for an individual permit shall include the full name and address of the applicant, the applicant's date of birth, the state of issuance of the applicant's current driver license, the number of the driver license, the name and address of the local insurance agent for the insurer, the number of the applicant's insurance policy, the date of expiration of insurance coverage, the date of application, and the applicant's signature.

Subd. 14. **Issuing Officer.**

Upon an applicant's compliance with this chapter, the Police Chief or authorized designee shall issue a permit to drive and operate ATVs in accordance with this chapter. Permits shall be issued for a period of three (3) years.

The Police Chief may revoke an individual permit if there is any material misrepresentation made in the permit application, liability insurance covering the ATV operated by the permit holder is not in effect, there is evidence that the permit holder cannot safely operate the ATV, or the permit holder no longer has a valid driver license. The Police Chief shall issue a written notice of revocation of the permit and shall either hand deliver the notice to the permit holder or send the notice by certified mail to the permit holder at the address on the application.

Subd. 15.

Insurance.

No person shall operate an ATV owned or controlled by him or her to be driven or operated on any street or roadway in the city unless there is in full force and effect an insurance policy insuring against loss resulting from liability for injury and property damage sustained by any person arising out of the ownership, maintenance, operation or use of such vehicle. The limits of liability, exclusive of interest and costs, with respect to the vehicle for which coverage is hereby required, shall be not less than \$30,000 because of bodily injury to one person in any one accident, and subject to said limit for one person, of not less than \$60,000 because of injury to two or more persons in any one accident, and if the accident has resulted in injury to or destruction of property of not less than \$10,000 because of such injury to or destruction of property of others in any one accident. A certificate of insurance shall be filed with the city contemporaneously with the filing of an application.

Subd. 16.

Application Fee:

Each applicant for a permit or license under this chapter shall pay to the City a fee – in an amount set from time to time by resolution of the city Council – to defray costs of issue in and administering the permit or license.

The applicant shall pay such fee to the city at the time of submitting the application to the city.

Subd. 17.

Minimum Equipment Requirements:

Each ATV operated on public streets or roadways within the city shall be equipped as follows:

1. A properly designed and attached muffler in constant operation to reduce the noise of operation of the motor to the minimum necessary for operation; and
 - a. No person shall use a muffler cutout, by-pass, straight pipe or similar device on an ATV; and,
 - b. The ATV's exhaust system shall not emit or produce a sharp popping or crackling sound; and,
2. Brakes adequate to control the movement of an to stop and hold the ATV under any conditions of operation; and,
3. At least one clear head 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, and adjusted so that glaring rays are not projected into the eyes of an oncoming vehicle operator; and,
4. At least one red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during the hours of darkness under

- normal atmospheric conditions; and,
- 5. Any other equipment required by applicable Minnesota Statutes as amended from time to time.

Subd. 18. **Designated Ways:**
Except as otherwise noted in this chapter or by resolution of the City Council from time to time, ATV's may be driven and operated on all streets and roadways in the City.

Subd. 19. **License Not Transferable.**
No permit issued pursuant to this chapter may be transferred.

Subd. 20. **Investigation of Applications:**
The City may conduct investigations to verify information on any application submitted pursuant to this chapter, including criminal history inquiries and driver's license history inquiries on applicants.

Subd. 21. **Unlawful Acts, Generally:**
It is unlawful for any person to drive or operate an ATV on any street or roadway in the City:

- a. Unless the ATV is registered pursuant to Minnesota law.
- b. Unless a permit has been issued to the driver pursuant to this chapter.
- c. On and along Highway 4 except to cross the highway at right angles at a place where no obstruction prevents a quick and safe crossing.
- d. On and along any street or roadway where such operation is prohibited by resolution of the City Council.
- e. At a speed in excess of 20 miles per hour or at such slower speed as is greater than reasonable or proper under all of the surrounding circumstances.
- f. When towing another person or any trailer or other device unless a rigid hitching mechanism connects the towed implement to the ATV.
- g. On any land not owned by the person after being notified – either orally or by written or posted notice- by the owner, occupant, or lessee not to do so.

Subd. 22. **Violations:**

It is a petty misdemeanor for any person to do any act forbidden or fail to Perform any act required by this chapter; except that the following are Misdemeanors:

- a. A violation which is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property; or
- b. A violation of any of the provisions of this chapter when preceded by two or more petty misdemeanor convictions within the immediately preceding 12 month period.

Thomas Eckmann, Mayor

ATTEST:

Melissa Flohrs, City Clerk

Introduced: December 15, 2014

Adopted: January 26, 2015

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