

## ORDINANCE NO. 94

### AN ORDINANCE REGULATING THE OPERATION AND USE OF RECREATIONAL VEHICLES WITHIN THE CITY OF BROWNTON, MINNESOTA

#### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BROWNTON:

**Section 1: Purpose and Intent.** The purpose of this Ordinance is to provide reasonable regulations for the use of recreational motor vehicles on public and private property in the City of Brownton. This ordinance is not intended to allow what the Minnesota Statutes prohibit or to prohibit what the Minnesota Statutes expressly allow. This ordinance is intended to ensure the public safety and to prevent a public nuisance.

**Section 2: Definitions.** For the purposes of this Ordinance, the terms defined herein shall have the following meanings ascribed to them:

Recreational Motor Vehicle. "RMV" means a self-propelled vehicle designed for travel on snow, ice or natural terrain steered by wheels, skis or runner. Snowmobiles, ATV, UTV, golf carts, go-carts, mini-bikes, dune buggies and trail bikes are all RMV's.

All-Terrain Vehicle. "ATV" means a motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement and total dry weight as is set forth in Minn. Stat. Chapter 84.

Owner. "Owner" means a person, other than a lien holder having the property in or title to, any MRV entitled to the use or possession thereof.

Operator. "Operator" means to ride in or on and control the operation of any MRV.

Natural Terrain. "Natural Terrain" means areas other than roadways, boulevards or driveways (public and/or private), parking lots and other areas the surface of which has been intentionally modified for motor vehicle operation thereon.

**Section 3. Operation Generally When Allowed.** All provisions of the Highway Traffic Regulations Act, M.S.A. Ch. 169, as it may be amended from time to time, and all ordinances of the city regulating traffic shall apply to the operation of RMVs upon streets and highways.

Recreational Motor Vehicle operation allowed within the City limits by this ordinance are subject to and governed by the following:

**Subdivision 1.** MRVs shall be operated in a manner so as not to create a loud, unnecessary or unusual noise which disturbs, annoys or interferes with the peace and quiet of other persons.

**Subdivision 2.** No MRV shall be operated upon a sidewalk or boulevard, except

where a direct crossing may be made in the same manner as provided for the direct crossing of a city street.

**Subdivision 3.** No MRV shall be operated within the City limits at a speed in excess of twenty (20) miles per hour, or in excess of the posted MRV speed, whichever applies.

**Subdivision 4.** No MRV shall be operated within the City limits in any place and at any time, in a careless, reckless or negligent manner so as to endanger or be likely to endanger any person or property, or to cause injury or damage thereto.

**Subdivision 5.** No MRV shall be operated within the City limits to tow any person or thing except as allowed and in the manner provided by state law and state rules.

**Subdivision 6.** It is unlawful to intentionally drive, chase, run over or kill any animal with an MRV.

**Subdivision 7.** The RMV operator shall yield to all vehicle traffic and pedestrians when operating the RMV upon the city streets, alleys and public rights of way as allowed under this Ordinance.

**Subdivision 8.** RMVs may be operated between sunrise and sunset.

**Subdivision 9.** RMVs may be operated by persons who are over the age of sixteen (16) who currently possess a valid driver's license or who have possessed a valid driver's license in the past.

**Subdivision 10.** Every person operating an MRV on the roadway has the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stats. Chapters 169 and 84, except those provisions that cannot be reasonably applied.

**Section 4. Street and Alley Crossings.** When MRV operations are allowed under this ordinance, an RMV operator may make a direct crossing of a street or alley or public road in the manner allowed and provided for by Minn. Stat. Chapter 84.

**Section 5. Required Equipment.** MRVs operated on city streets or alleys when allowed by this ordinance shall be equipped according to:

**Subsection 1.** Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation.

**Subsection 2.** Brakes adequate to control the movement of and to stop and hold the RMV under any condition of operation.

**Subsection 3.** A safety or so-called "dead man" throttle is defined as a device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving track.

**Subsection 4.** When operated between the hours of one-half hour after sunset to one-half hour before sunrise or at times 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 one hundred (100) feet ahead,

during the hours of darkness under normal atmospheric conditions. Such headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming RMV operator. It shall also be equipped with at least on red tail lamp having a minimum candlepower of sufficient intensity to exhibit a red light plainly visible from a distance of five hundred (500) feet to the rear during hours of darkness under normal atmospheric conditions.

**Subsection 5.** Reflective materials at least sixteen (16) square inches on each side, forward of the handle bars, so as to reflect light at a ninety-degree angle. Golf carts shall display a slow moving vehicle emblem on them.

**Subsection 6.** RMV's must have a rearview mirror that provides a view to the rear for at least 200 feet.

**Section 6. Security Requirements.** Every person leaving an MRV at a public place shall lock the ignition, remove the key and take same with them.

**Section 8. Penalty.** Any person who shall fail to comply with any order made under the provisions of this Ordinance, upon conviction thereof shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the County Jail for a period of not more than ninety (90) days, or both, but in either case the costs of prosecution will be added.

**Section 10. Effective Date.** This ordinance shall take effect immediately from and after its passage and publication according to law.

**Section 11: Public Grounds Ban.** No RMV shall be allowed or operated on or in any city playground, park, airport, city facility or school ground within the City limits.

**Section 12: Severability.** If any provision of this ordinance is declared by any court of competent jurisdiction to be illegal and in conflict with any law, the validity of the remaining provisions and their application to other persons or circumstances shall not be affected.

**Section 13: Assumption of Liability.** Nothing in this ordinance shall be construed as an assumption of liability by the City for any injuries to persons or property which may result from the operation of a RMV.

Passed by the City Council of the City of Brownton, Minnesota, on this 3rd day of September, 2019.

---

Mayor

---

City Clerk/Treasurer

Published in the *The Chronicle*, the official newspaper of the City of Brownton, Minnesota, on September 11<sup>th</sup>, 2019.