

**CHAPTER 75: OPERATION OF ALL-TERRAIN VEHICLES, OFF ROAD MOTORCYCLES AND OFF-ROAD VEHICLES**

## Section

75.01 Purpose and Intent

75.02 Incorporation

75.03 Definitions

75.04 Operation on Private Property

75.05 Limitations to Operating on City Rights-of-Way and Waters

75.06 Permitted Exceptions to Operation on City Rights-Of-Way and Waters

75.07 Operation on Public Property Not Under the Jurisdiction of the City

75.08 Use of All-Terrain Vehicles, Off- Road Motorcycles, and Off-Road Vehicles

75.09 Exemptions

75.99 Penalty

**§75.01- PURPOSE AND INTENT.**

The purpose and intent of this chapter is to provide reasonable regulations for the use of all-terrain vehicles, off-road motorcycles, and off road vehicles and to limit nuisances caused by concentrated and/or intensive use of the same. The intent is not to prevent riding of all-terrain vehicles, off road motorcycles, or off-road vehicles in a non repetitive and non-nuisance manner.

**§75.02. - INCORPORATION.**

Any person operating an all-terrain vehicle, off-road motorcycle or off-road vehicle upon the public rights-of-way and waters within the city, or as otherwise provided in this chapter, shall be subject to the provisions of the rules of the commissioner of natural resources and the commissioner of public safety, which are incorporated herein and made part of this chapter as if set out in full herein, as well as these regulations.

**§75.03. - DEFINITIONS.**

The following words, terms and phrases, when used in this chapter, shall have the following meanings, except where the context clearly indicates a different meaning:

*All-terrain vehicle.* A motorized flotation tired vehicle of not less than 3 low pressure tires or other similar sized motorized vehicles designed or used for off-road recreational purposes with a total dry weight of 2000 pounds or less and a total width from outside of tire rim to outside of tire rim that is 65 inches or less. For the purposes of this ordinance, and unless otherwise specified within, the term “all-terrain vehicle” shall refer to both Class 1 and Class 2 all-terrain vehicles.

*All-terrain vehicle (Class 1)* A motorized floatation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 1,000 cubic centimeters and total dry weight of less than 1,000 pounds.

*All-terrain vehicle (Class 2)* A motorized floatation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 1,000 cubic centimeters and total dry weight of 1,000 to 1,800 pounds.

*City right-of-way* For the purposes of this ordinance, shall mean the shoulder or ditch abutting the traveled portion of a city street or road.

Off-road motorcycle 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 Minnesota Rules ch. 168 for highway use if it is also used for off-highway operation on trails, unimproved terrain, or established riding areas.

Off-road vehicle. A motor-driven recreational vehicle capable of cross-country travel on natural terrain without benefit of a paved road or trail. The term "off-road vehicle" does not include a snowmobile as defined by Chapter 73 of the Greenfield City Code; an all-terrain vehicle; a off-road 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.

Off-Highway Vehicle. Includes all-terrain vehicles, off-road motorcycles, and off-road vehicles as defined in this section.

Legally Designated Tenant. A person of at least 18 years of age who, via a formal written agreement with the owner of a property, maintains a legal interest in occupation of that property at the time he or she occupies it.

Established Riding Area. The area, location, and/or trails that are used by any off-highway vehicle in a continuous or repetitive manner.

Repetitive or Continuous Riding. For the purposes of this ordinance, shall mean the operation of any off-highway vehicle in a manner which meets either or both of the following criteria:

- 1) operation at a speed in excess of 10 miles per hour; or
- 2) operation in excess of a cumulative 5 minute term inside of any 1 hour period.

#### **§75.04. – OPERATION ON PRIVATE PROPERTY.**

(1) No person shall operate an off-highway vehicle upon private property or upon lands not belonging to the operator of the vehicle without the expressed permission of the landowner or legally designated tenant entitled to the use and possession of the property at all times during the operation of the vehicle. For the purposes of this section, "presence" shall include a party's physical presence on the property on which riding is taking place or a party's presence on other homestead property within the City, which is owned by that party or occupied by that party as a legally designated tenant, even if that homestead property is not contiguous to the property on which riding is taking place, provided the party is physically able to monitor riding activities and ensure compliance with this chapter on the property in which riding is taking place.

(2) No person shall operate an off-highway vehicle upon private property in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

(3) No person shall operate an off-highway vehicle upon private property in a manner which creates a nuisance as defined in Chapter 93 of the City Code.

#### **§75. 05. - LIMITATIONS TO OPERATION ON CITY STREETS, RIGHTS-OF-WAY AND WATERS.**

No person shall operate or knowingly permit the operation of an off-highway vehicle upon the streets, roads, highways or waters under the jurisdiction of the city of Greenfield, upon the following described areas, or in the following described manners:

- (1) On public sidewalks, walkways or surfaced trails provided or used for pedestrian travel;

- (2) On public lands including public parks, playgrounds, historic sites, school grounds, golf courses, and other public buildings and structures, unless otherwise designated by the City of Greenfield;
- (3) Upon any street or highway within the city, including any portion of the right-of-way within the city, unless fully licensed and approved for public road use, or unless excepted pursuant to §75.06 or §75.09;
- (4) At a speed exceeding ten miles per hour within 100 feet of a person fishing, fish house, shelter, park, pedestrian, occupied livestock building or in any other area when the operation would conflict with the use or endanger other persons or property;
- (5) On primary or secondary septic sites;
- (6) At any place in a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto; or
- (7) At any place in a manner in which violates any state statute or Department of Natural Resources (DNR) rule.
- (8) At any place in a manner which creates a nuisance as defined in Chapter 93 of the City Code or in a manner which violates this Chapter.
- (9) By any person who is not a resident of the City of Greenfield or accompanied by a resident of the City of Greenfield, unless he or she meets an exception listed in §75.06 or §75.09. To be "accompanied by a resident of the City of Greenfield", the vehicle operator must establish the identity, residency, present whereabouts, and verbal acknowledgement of the accompanying resident within one hour of being requested to do so by a law enforcement officer.

**§75.06. – PERMITTED EXCEPTIONS TO OPERATING ON CITY STREETS, RIGHTS-OF-WAY AND WATERS.**

Operation of an off-highway vehicle upon the streets, roads, highways or waters within city limits shall be permitted as provided in the following subsections:

- (1) A direct crossing of a street, road or state highway is permitted if:
  - a. The crossing is made at an angle of approximately 90 degrees to the roadway at a place where no obstruction prevents a quick and safe crossing or blocks the view of oncoming traffic for 300 feet;
  - b. The vehicle is brought to a complete stop before crossing the shoulder or entering upon the traveled portion of the street, road or highway;
  - c. The driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard;
  - d. In the case of a divided highway, the crossing shall be made only at an intersection of the highway with another street or road; and
  - e. If the crossing is made during the period of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, the front and rear lights of the vehicle must be on.
- (2) An off-highway vehicle may be operated upon city roads and bridges, when required for the purpose of avoiding obstructions to safe travel in the city right-of-way and when no other route of avoidance is available within that right-of-way; provided that the off-highway vehicle is operated in the extreme right-hand lane of the roadway,

the entrance upon the roadway is made within 100 feet of the obstruction, the travel within the roadway is made without undue delay and it does not impede the normal flow of traffic.

(3) An off-highway vehicle may not be operated upon a city street, road or highway other than as provided by this section:

- a. in an emergency when the roadways are impassable by passenger vehicles.
- b. Where the public right-of-way is non-existent, flooded, beneath a snowdrift or at dangerously steep angle to the street, road or highway.
- c. When fully licensed and approved for public road use.

(4) Registration card. No person shall operate an all-terrain vehicle, off-road motorcycle or off-road vehicle in the City of Greenfield without having on their person the registration card provided by the Commissioner of Natural Resources of the State of Minnesota which shall include the registration number, the date of registration, the make and serial number of the vehicle, the owner(s) name and address, and such other information as is required by the commissioner.

#### **§75.07. – OPERATION ON PUBLIC PROPERTY NOT UNDER JURISDICTION OF THE CITY**

Operation of an off-highway vehicle on public property not under the jurisdiction of the city is subject to the regulation of the public entity having jurisdiction upon said property.

(1) Operation of an off-highway vehicle upon the right-of-way of any state highway within the city is subject to the regulations of the Minnesota Department of Transportation (MnDOT).

(2) Operation of an off-highway vehicle upon the right-of-way of any county road within the city is subject to the regulations of the county highway department.

#### **§75.08. – USE OF ALL-TERRAIN VEHICLES, OFF ROAD MOTORCYCLES, AND OFF-ROAD VEHICLES**

An off-highway vehicle may be used on private property within the city, but only on the condition that the operator and property owner or legally designated tenant adheres to the following:

(1) An off-highway vehicle may be used on an established riding area only if it is no closer than 50 feet from any lot boundary line and no closer than 300 feet from any dwelling unit.

(2) Chapter 93 of the Greenfield City Code, which establishes the noise standards that apply to the operation of off-highway vehicles in the city.

(3) No more than four persons may simultaneously use off-highway vehicles on the private property. It is the responsibility of the owner or legally designated tenant of that property or established riding area to be present at the time of riding and to enforce this restriction. An owner or legally designated tenant is “present” for the purposes of this section if he or she meets the standard for “presence” articulated in section 75.04.

(4) Repetitive or continuous riding of off-highway vehicles in compliance with this Chapter is allowed on private property only during the following days and hours: Monday through Saturday, 12:00 p.m. through 5:00 p.m. (No repetitive or continuous riding or use of established riding areas is allowed on Sundays.)

(5) Operation of off-highway vehicles is not allowed on either a primary or secondary individual sewage treatment system site.

**§75.09. - EXEMPTIONS.**

The following activities shall not be considered off-highway vehicle use for the purposes of this chapter:

- (1) Official city and public use in conjunction with public conservation, maintenance, enforcement or other similar public purpose.
- (2) Legal on road use. Off-highway vehicles with proper license, equipment and permits for legal on road use.
- (3) Agricultural use of an off-road vehicle as defined in M.S. §84.92, subdivision 1(d), as it may be amended from time to time.
- (4) Crossing of City or County right-of-way, which is otherwise allowed by M.S §84.928, as it may be amended from time to time.

**§75.99. - PENALTY.**

Any person who violates any provision of this division shall be guilty of a misdemeanor, and upon conviction thereof, may be sentenced to pay a fine of not more than \$1,000 or to imprisonment for a term of not more than 90 days, or both. Violators will be responsible for all costs of prosecution. (*Prior Code Ord. O-2A-04, 05/18/2004; Ord. 2018-01, 06-05-2018*)