

**ORDINANCE NO. 2021-429**

**Motion By: Nichols**

**Seconded By: Schultz**

**AN ORDINANCE REGULATING RECREATIONAL VEHICLES**

The Corcoran City Council ordains as follows:

**72.10: PURPOSE AND AUTHORITY.**

- 1) The purpose of this article is to provide reasonable regulations for the use of recreational vehicles on public and private property in the city. This article is not intended to allow what the Minnesota state statutes expressly prohibit. It is intended to prevent public nuisance.
- 2) Section 84.87, Subdivision 3 of the Minnesota State Statutes states that a city, acting through its City Council, may regulate the operation of snowmobiles on public lands, waters, and property under the city's jurisdiction and on streets and highways within its boundaries by resolution or ordinance of the governing body and by giving appropriate notice, provided such regulations are not inconsistent with the provisions of sections 84.81 to 84.88 of the Minnesota State Statutes.
- 3) Section 84.928, Subdivision 6 of the Minnesota State Statutes states that a city, acting through its City Council, may regulate the operation of all-terrain vehicles on public lands, waters, and property under the city's jurisdiction and on streets and highways within its boundaries by resolution or ordinance of the governing body and by giving appropriate notice, provided such regulations are not inconsistent with the provisions of sections 84.92 to 84.928 and the rules adopted under section 84.924 of the Minnesota State Statutes.

**72.11: DEFINITIONS.**

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 but not more than six low-pressure tires with a total dry weight of less than 2,000 pounds and a total width from outside of tire rim to outside of tire rim that is 65 inches or less. It includes Class 1 (width 50 inches or less) and Class 2 (width greater than 50 inches but not more than 65 inches) ATVs as per Minnesota State Statute.

**BOULEVARD** means that portion of the street or highway between the roadway and private property.

**DESIGNATED TRAIL** means a clearly marked route for recreational vehicles to follow.

**ESTABLISHED RIDING AREA** shall mean a trail, course, track, or area on a lot the surface of which has been altered due to or in contemplation of repetitive operation of recreational vehicles over the same.

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**GO-CART** means a low, four-wheeled motorized device with an open or closed frame designed and used for off-street operation only.

**GOLF-CART** means a passenger conveyance, electric or gasoline motor powered vehicle, with four low pressure tires and an engine displacement not exceeding 800 cubic centimeters and a total dry weight not exceeding 800 pounds.

**MINI-BIKE** means a small, two-wheeled motorized device designed for off-street operation. Mini-bikes may include miniature motorcycles and do not qualify as a moped, motorcycle or an ATV.

**OFF-HIGHWAY MOTORCYCLE (OHM)** means vehicles traveling on two wheels with a seat to be straddled by the operator with handlebars for steering control. OHMs may include some mini-bikes.

**OPERATE** means to ride in or on and control the operation of a recreational vehicle.

**OPERATOR** means every person who operates or is in actual physical control of a recreational vehicle.

**PUBLIC PROPERTY** means property that may be used by the public, subject to reasonable regulation by a governmental body. Such property includes city parks, city parking lots and public school parking lots and grounds.

**PUBLIC ROAD RIGHT-OF-WAY** means the entire right of way of a roadway that is controlled by a public entity, including the traveled portions, banks, ditches, shoulders, medians, and other adjacent areas dedicated for public use.

**RECREATIONAL VEHICLE** means all-terrain vehicles, utility task vehicles, golf carts, snowmobiles, off-highway motorcycles, mini-bikes, go-carts, and other motorized vehicles, that by their use fit this definition.

**ROADWAY** means that portion of a street or highway improved, designed or ordinarily used for vehicular travel but not including the boulevard. For the purposes of this article, roadways not dedicated for public use and not maintained by the city are not included within this definition.

**SEMI-PUBLIC PROPERTY** means private property generally open for use by the public but not owned or maintained by a governmental body. Such property includes without limitation: church property, shopping center property and other property generally used by patrons of a commercial or private business establishment.

**SNOWMOBILE** means a self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

**STREET OR HIGHWAY** means the entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic (includes the right-of-way or boulevard). For the purposes of this article, streets or highways not dedicated for public use and not maintained by the city are not included within this definition.

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**UTILITY TASK VEHICLE** means a side-by-side, four wheeled vehicle propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less and has a total dry weight of 1,800 but less than 2,600 pounds.

**72.12: RECREATIONAL VEHICLES GENERAL OPERATION REGULATIONS.**

RECREATIONAL VEHICLES MAY NOT BE OPERATED IN THE FOLLOWING AREAS OF THE CITY:

- 1) On or adjacent to sidewalks, bike trails, or pedestrian trails.
- 2) On private property by persons other than the owner, or by anyone on semi-public or public property, unless permission is clearly visible and posted by the owner or person(s) in lawful control of the property, indicating the types of recreational vehicles allowed, subject to the provisions of this ordinance.
- 3) Within a city parking ramp.
- 4) Within the boulevard of a city roadway.
- 5) On county or state highways.
- 6) Within a county or state highway right-of-way except as allowed in the specific limitations listed in this ordinance.
- 7) Within a county or state highway right-of-way from April 1 to August 1 as part of Minnesota's Agricultural Zone.
- 8) On any area posted that recreation vehicles are not allowed. These may be general or specific to the type of recreational vehicle regulated. It is unlawful to remove signs or fences installed by the property owner or person in lawful control of the property.

**72.13: RECREATIONAL VEHICLES SPECIFIC LIMITATIONS.**

- 1) Recreational vehicles may not operate with a greater number of passengers than the vehicle is designed to carry.
- 2) No person shall operate a recreational vehicle in any place in a careless, reckless, or negligent manner so as to endanger the person or property of another or cause injury or damage thereto.
- 3) No person shall operate a recreational vehicle so as to create a loud, unnecessary or unusual noise that would disturb, annoy or interfere with the peace, safety and general welfare of others.

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- 4) All recreational vehicles must have a factory approved exhaust. Mufflers may not be altered to increase motor noise, or have a cut-out bypass, or similar device. No exhaust system shall emit a loud, sharp popping or crackling sound.
- 5) Use of recreational vehicles on any single property shall not exceed four hours in any 24-hour period. ATVs and Utility Task Vehicles engaged in property maintenance or agricultural purposes are exempt from this restriction.
- 6) The operation of recreational vehicles on an Established Riding Area on a lot or parcel of land of less than two (2) acres in size requires written consent from the property owners and all occupied residences within a 250' radius of all property lines.
- 7) Off-road hours of operation of ATVs, Utility Task Vehicles, off-highway motorcycles, go-carts, and mini-bikes shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on Monday through Friday, and 10:00 p.m. and 9:00 a.m. on weekends and federal holidays. ATVs and Utility Task Vehicles engaged in property maintenance or agricultural purposes are exempt from this restriction.
- 8) Snowmobiles may not be operated off the operator's property or the property of another on which the operator has been given specific, written permission to operate a snowmobile from April 2 to November 30. Hours of operation of snowmobiles throughout the year shall be prohibited between the hours of 1:00 a.m. and 7:00 a.m., except on a recognized trail or county road right-of-way. Snowmobile operation within the Metropolitan Urban Service Area (MUSA), as defined by the most recently adopted City of Corcoran Comprehensive plan, or amended plan, is prohibited from 10:00 p.m. to 7:00 a.m. on Monday through Friday, and 10:00 p.m. and 9:00 a.m. on weekends and federal holidays. Snowmobiles traveling to or from home using the most direct route to or from a recognized trail or county road right-of-way are exempt from these time restrictions.
- 9) It is unlawful to intentionally chase, run over, or to kill any animal, wild or domestic, with a recreation vehicle.
- 10) It is unlawful to intentionally operate a recreational vehicle on either primary or secondary septic sites.
- 11) A direct crossing of a street, roadway, county or state highway is prohibited when operating a recreational vehicle unless the operator complies with all of the following:
  - a) The driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard.
  - b) In the case of a divided highway, the crossing shall be made only at an intersection of the highway with another street or road.
  - c) 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.

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- d) The vehicle is brought to a complete stop before crossing the shoulder or entering upon the traveled portion of the street, road or highway.
  - 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 are operational and illuminated.
- 12) Operation of off-highway motorcycles, mini-bikes, and go-carts on public property or in the public right of way is prohibited.
- 13) Recreational vehicles may be operated in the following areas of the City under these conditions, and subject to the limitations of section 72.16 of this ordinance:
- a) On the owner's property or the property of another with written permission, subject to the provisions of this ordinance.
  - b) On privately owned property if the property owner has posted a clearly visible notice indicating "ATVs allowed," "utility task vehicles allowed," "snowmobiles allowed," "golf carts allowed," or words substantially similar. Only those types of recreational vehicles which are specifically authorized by such notice shall be permitted on the applicable privately owned property. Such postings shall only permit use on the property on which the notice is posted.
  - c) On public or semi-public property only where there is clearly visible notice indicating "ATVs allowed," "utility task vehicles allowed," "snowmobiles allowed," "golf carts allowed," or words substantially similar. Only those types of recreational vehicles which are specifically authorized by such notice shall be permitted on the applicable public or semi-public property. Such postings shall only permit use on the property on which the notice is posted.
  - d) Golf Carts, ATVs, and utility task vehicles which have been issued and maintain a valid on-road permit may be operated on all city roadways pursuant to state law, this ordinance, and the terms of the valid permit.
- 14) Golf Cart, ATV, or utility task vehicle on-road permits.
- a) A permit application containing the following information must be submitted to the city's police department, prior to receiving an on-road permit.
    - 1. Applicant name, address, and telephone number.
    - 2. Registered owner name, address, and telephone number.
    - 3. Make, model, vehicle identification number of the golf cart, ATV, or utility task vehicle.
    - 4. Proof of ownership of the vehicle to be registered or written consent from the registered owner to register the vehicle.

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5. Proof of liability insurance for the vehicle.
  6. DNR registration number and class description (ATV and utility task vehicles only).
  7. Payment in accordance with the city fee schedule. Payments shall be non-refundable.
- b) On-road permit applicants must be residents of Corcoran and applicants may only register vehicles owned by the applicant or by a member of the applicant's household.
  - c) An on-road permit application may be denied for failure to completely and accurately provide the permitting requirements set forth within this ordinance, prior violations of this ordinance, or other substantial traffic violations by the applicant or registered owner. Any denial may be appealed to the city council by providing a request for appeal in writing to the Corcoran City Administrator within 14 days of the final decision on the permit. Failure to provide timely notice of a request for appeal shall be deemed a waiver of an appeal of the permitting decision. Any applicant who is denied an on-road permit pursuant to this paragraph shall be ineligible for an on-road permit from the City for a period of six (6) months from the date of a final decision on the permit.
  - d) A granted on-road permit will be valid for the term set forth in the permit, subject to any revocation thereof, and shall not exceed a maximum term of three years.
  - e) On-road permits must be affixed to the front center handlebar, lower center windshield area, or other location visible from the front center of the recreational vehicle.
  - f) Scooters, mopeds, off-highway motorcycles, go-carts, and mini-bikes are not eligible for on-road permits.
  - g) An on-road permit may be revoked for a violation of any provision of this ordinance after due investigation by the city's police department and final determination by the police chief or the chief's designee. Any revocation may be appealed to the city council by providing a request for appeal in writing to the Corcoran City Administrator within 14 days of the final decision to revoke the permit. Failure to provide timely notice of a request for appeal shall be deemed a waiver of an appeal of the decision to revoke. The revocation will remain in force until the appeal process has been completed. No permit fees will be refunded in the event of a permit revocation. A permit holder who has an on-road permit revoked shall be ineligible to apply for a new on-road permit for a period of six (6) months from the date of the revocation.
- 15) Golf carts, ATVs, and utility task vehicles may be operated on all city roadways with a valid city on-road permit as allowed by Minnesota State Statute, this ordinance, and the terms of the permit, however, such permit does not validate use on county or state highways. Permitted golf cart, ATV, and utility task vehicle operation shall be subject to the terms of the permit and the following:
- a) Every person operating a golf cart, ATV, or utility task vehicle on a roadway must be 18 years of age or older.

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- b) Every person operating a golf cart, ATV, or utility task vehicle on a roadway must have a valid Minnesota driver's license or a driver's license with appropriate reciprocity to operate a motor vehicle on Minnesota roadways.
- c) Every person operating a golf cart, ATV, or utility task vehicle on a roadway must abide by all speed limits and follow all applicable posted traffic signs.
- d) Every person operating a golf cart, ATV, or utility task vehicle on a roadway has the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Stats. Chapters 169 and 84, as they may be amended from time to time, except those provisions that cannot be reasonably applied.
- e) Every operator/owner of a golf cart, ATV, or utility task vehicle must possess and provide, upon lawful demand, proof of insurance complying with Minn. Stats. § 65B.48, subd 5.
- f) All golf cart, ATV, or utility task vehicles operated on a roadway after sunset, before sunrise, or in inclement weather, must display an illuminated headlight, an illuminated taillight, and a working brake light.
- g) Golf carts operated on the roadway shall be required to have an operable horn and a prominently displayed slow moving vehicle emblem.

**72.14: SNOWMOBILE SPECIFIC LIMITATIONS.**

**1) General Limitations.**

- a) As regulated by and subject to state law, snowmobiles may operate in a city, county, or state roadway right-of-way.
- b) No person shall operate a snowmobile on any public or semi-public land including, but not limited to, the school grounds, park property, playgrounds, recreational areas, golf courses, church properties, and cemeteries.
- c) Snowmobiles may not be operated in the designated non-use areas except as follows:
  - 1. Loading and unloading of snowmobiles in parking lots.
  - 2. On any clearly marked and designated trail.
- d) No person shall operate a snowmobile on any public trail system unless said trail system is clearly identified by proper signage and maintained by a recognized snowmobile club or other organization registered with the City.
- e) From April 2 to November 30, snowmobiles may not be operated off the operator's property or the property of another on which the operator has been given specific, written permission to operate a snowmobile. From December 1 to April 1, snowmobiles

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may not be operated off the operator's property or the property of another on which the operator has been given specific, written permission to operate a snowmobile, unless there is a minimum of six inches of snow cover on the ground. In the event an operator is operating a snowmobile on private property pursuant to written authorization, the operator shall keep such authorization in the operator's immediate possession at all times during operation and provide it to City representatives upon lawful demand.

- f) No person shall operate a snowmobile at a rate of speed greater than is reasonable or proper under all of the surrounding circumstances, not to exceed 30 miles per hour in any road right-of way or greater than 50 miles per hour on any designated trail system. No person shall operate a snowmobile so as to tow any person or thing in an unsafe manner or at a speed greater than 10 mph.
- g) A snowmobile may operate on the inside slope of the ditch or the shoulder of a city road only to circumvent an obstruction in the road ditch. The snowmobile must return to the outside slope of the ditch immediately after passing the obstruction.
- h) A snowmobile may be operated upon a public street or highway only in an emergency during the period of time when and at locations where snow upon the roadway renders travel by automobile impossible.
- i) No person shall operate a snowmobile within 100 feet of any designated sliding area, or where the operation would conflict with the lawful use of the property or would endanger other persons or property.

### 2) Equipment.

- a) It is unlawful for any person to operate a snowmobile within the City of Corcoran unless it is equipped with the following:
  - 1. Brakes adequate to control the movement of and to stop and hold the snowmobile under any condition of operation.
  - 2. A safety, or so-called "dead man" throttle in operating condition, so that when pressure is removed from the accelerator or throttle, the motor is disengaged from the drive track.
  - 3. Headlights, taillights, and brake lights consistent with the regulations used by the Minnesota Department of Natural Resources.
  - 4. Reflective material of at least 16 square inches on each side forward of the handlebar, so as to reflect a beam of light at a ninety-degree angle.
  - 5. Any sled, trailer, or other device being towed by a snowmobile must be equipped with reflective materials as required by the commissioner.

### 72.15: SNOWMOBILE CLUBS AND ORGANIZATIONS.



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Any club or organization wishing to construct or develop a trail system within the City of Corcoran for snowmobile use, must register the name of the club or organization with the City Administrative Services Director, and list the names, addresses and phone numbers of the club's contact persons, along with a map of the trail system.

### 72.16: ESTABLISHED RIDING AREA SPECIFIC LIMITATIONS.

#### 1) General Limitations.

- a) An Established Riding Area for recreational vehicles shall not be located within a two hundred fifty feet (250') radius of any building occupied by humans or livestock, unless written permission is granted by all landowners within the 250' radius.
- b) Any unvegetated Established Riding Area the dust from which adversely affects any neighboring property must be watered down, before, during, and after usage as needed to limit dust.
- c) Dust and noise control measures are to be maintained by the property owner or occupant. These dust and noise control measures may be enforced by the City if other properties are adversely affected by dust and noise due to recreational vehicle use. The adversely affected property owners must file a written complaint with the City with enough information to permit a meaningful investigation by the City.
  1. After its investigation, the City may require mitigation measures be taken by a property owner prior to permitting further recreational vehicle operation on Established Riding Areas on the property. These mitigation measures may include, but are not limited to, the planting of twelve foot (12') high coniferous trees planted ten feet (10') on center, or the construction of a six foot (6) minimum board on board style fence, as approved by the City. A mandate of mitigation measures does not eliminate a property owner's permitting obligations pursuant to City Code.
- d) At any one time, no more than four (4) recreational vehicle operators who are not the owner or a household member of the owner, may operate a recreational vehicle on the property. All operators who are not the owner or a member of the owner's household must possess, and immediately produce upon lawful demand, written permission to use the established riding area.
- e) Operation of a recreational vehicle on an Established Riding Area must cease for a minimum of one (1) hour after every two hours of operation.

### 72.17: OPERATOR QUALIFICATIONS.

#### 1) Snowmobile operator qualifications.

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- a) No person under 14 years of age shall operate a snowmobile alone within the City of Corcoran except on property owned or occupied by a relative or legal guardian.
- b) A person 14 years of age or older but less than 18 years of age may operate a snowmobile within the City of Corcoran only if they have in their immediate possession proof of a valid snowmobile safety certificate issued by the Commissioner of Conservation as provided by Minnesota Statute 1969, Section 84.96.
- c) It is unlawful for the owner of a snowmobile to permit the snowmobile to be operated contrary to the provisions of this section.

**2) ATV and utility task vehicle operator qualifications.**

- a) No person under the age of sixteen (16) years of age shall operate on streets or the roadway surface of highways or make a direct crossing of a trunk, county state-aid, county highway, or city street as the operator of an ATV or utility task vehicle. A person sixteen (16) years of age or older, but less than eighteen (18) years of age, may operate an ATV or utility task vehicle as permitted under this section, only if he/she has in possession proof of a safety certificate issued by the commissioner as provided by Minn. Stat. 84.872 and is obeying all applicable ordinances and state laws.
- b) A person born after July 1, 1987 operating an ATV or utility task vehicle must possess a MN DNR ATV safety certificate.
- c) It is unlawful for the owner of an ATV or utility task vehicle to permit the vehicle to be operated contrary to the provisions of this section.

**72.18: EXEMPTIONS.**

The following uses are exempt from this Ordinance:

- 1) Any agent or employee of any governmental body, public safety agency, or road authority in conducting official business.
- 2) Any organized track-racing event that is required to be registered with the DNR, and which receives the applicable DNR approval.

**72.19: PERMIT FEE.**

The permit fee for a Recreational Vehicle required by this section shall be set by council in the city fee schedule, as may be amended from time to time.

**72.20: PENALTY.**

Any operator of a recreational vehicle, and/or any owner or person in lawful control of a recreational vehicle or real property within the City of Corcoran who violates or allows any violation of this ordinance shall be subject the penalties below.

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- 1) The first violation of this chapter shall constitute a petty misdemeanor. Every person convicted of a petty misdemeanor violation of the provisions of this Ordinance shall be punished by a fine of not more than \$300 plus any applicable surcharges.
- 2) Any 2<sup>nd</sup> violation within 2 years of a violation of this ordinance, and each subsequent violation within a 2-year period, shall constitute a misdemeanor. Every person convicted of a misdemeanor violation of the provisions of this Ordinance shall be punished by a fine of not more than \$1000 plus any applicable surcharges or by imprisonment of not more than 90 days or both, but in either case the cost of prosecution may be added.

**72.21: SEVERABILITY.**

Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part held to be invalid.

**Section 3. Effective Date**

This Ordinance shall be in full force and effect upon its publication and passage.

**ADOPTED** by the City Council on the 26<sup>th</sup> day of August, 2021.

**VOTING AYE**

- McKee, Tom
- Bottema, Jon
- Nichols, Jeremy
- Schultz, Alan

**VOTING NAY**

- McKee, Tom
- Bottema, Jon
- Nichols, Jeremy
- Schultz, Alan

  
\_\_\_\_\_  
Tom McKee - Mayor

**ATTEST:**

  
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Jessica Beise – Administrative Services Director

*City Seal*