

# OTHER MOTORIZED RECREATIONAL VEHICLES

## § 73.15 ALL-TERRAIN VEHICLE TRAFFIC CONTROL AND REGULATIONS.

(A) *Definitions.* For purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ALL-TERRAIN VEHICLE or VEHICLE.*** 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 of less than 800 cubic centimeters and includes a Class 1 all-terrain vehicle and a Class 2 all-terrain vehicle.

(a) ***CLASS 1 ALL-TERRAIN VEHICLE.*** An all-terrain vehicle that has a total dry weight of less than 900 pounds.

(b) ***CLASS 2 ALL-TERRAIN VEHICLE.*** An all-terrain vehicle that has a total dry weight of 900 to 1,500 pounds.

(B) *Operating restrictions.* It is unlawful to operate a Class 1 ATV as follows:

- (1) On a public sidewalk or walkway used for pedestrian travel, or upon any boulevard;
- (2) On private property of another without lawful authority or permission of the occupant or owner;
- (3) On school grounds, park property, playgrounds, recreational areas and golf courses, without express permission to do so by the property authority;
- (4) Upon any county road or state highway within the city, or within the designated downtown area as set forth in [Chapter 74, Schedule I](#);
- (5) Upon any street, other than the most direct route from the owner's or operator's residence to the nearest departure point from the city or appropriate trail. When no such route exists without using a county road or state highway, then, in that event, the owner or operator may operate an ATV on the county road or state highway only to the intersection with a street, taking thereafter the most direct route to the nearest departure point from the city or appropriate trail;
- (6) During the hours between 10:00 p.m. and 7:00 a.m. of the day next following Sunday through Thursday, and the hours between 12:00 midnight and 7:00 a.m. of the day next following, Friday and Saturday;
- (7) At a rate of speed greater than reasonable or proper under all of the surrounding circumstances or in any instance in excess of 20 mph upon a public street;

(8) At a speed greater than 10 mph when within 100 feet of any lake shore except in channels or when within 100 feet of a fisherman, ice house, skating rink or sliding area, or where the operation would conflict with the lawful use of property or would endanger other persons or property;

(9) In a careless, reckless or negligent manner, so as to endanger the person or property of another or cause injury or damage thereto;

(10) To tow any person or thing other than a disabled ATV upon a public street except through the use of a rigid towbar; or

(11) To chase or run over any animal, wild or domestic.

(C) *Special use.* An ATV of any classification may be used for the purpose of moving or removing snow from the residence of the owner or operator of the all-terrain vehicle.

(D) *Equipment requirements.* A person shall not operate an all-terrain vehicle unless the vehicle is equipped at least one headlight and one taillight, each of minimum candlepower as prescribed by rules of the Commissioner of Public Safety, 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.

(E) *Emergency operation.* Notwithstanding any prohibition in this section, an ATV may be operated upon a public street in an emergency during the period of time when, and at locations where, snow upon the roadway renders travel by automobile impossible.

(F) *Owner responsibility.* It is unlawful for the owner of any ATV to permit its operation in violation of this section. The party holding title to the ATV shall be conclusively presumed to be the owner unless the ATV shall have been stolen and so reported to a law enforcement agency.

( 89 Code, § 8.10) (Am. Ord. 07-0471, passed 9-25-07)