

ORDINANCE NO. 106, SECOND SERIES

**AN ORDINANCE OF THE CITY OF TWO HARBORS, MINNESOTA
AMENDING SECTION 8.31 OF THE TWO HARBORS CITY CODE**

THE CITY COUNCIL OF THE CITY OF TWO HARBORS DOES ORDAIN:

Section 1. Amendment of Section 8.31. Section 8.31, All-Terrain Vehicle Traffic Control and Regulations, is hereby amended to read as shown on Exhibit A attached hereto.

Section 2. Added to Code. The terms and provisions of the foregoing Ordinance shall be added in the appropriate place in the Two Harbors City Code after adoption and becoming effective.

Section 3. Effective Date. The foregoing Ordinance shall be effective: (a) thirty (30) days after (1) its passage and (2) approval by the Mayor, and (b) upon a single publication in the legal newspaper for the City of Two Harbors.

ADOPTED, this 26th day of September, A.D., 2016.

Jerry Norberg, President, City Council

ATTEST: _____
Patricia D. Nordean, City Clerk

APPROVED, by the Mayor of the City of Two Harbors this 27th day of September, 2016.

Jerry Norberg, Acting Mayor

Published: February 17, 2017
Effective Date: April 1, 2017

EXHIBIT A

SEC. 8.31 ALL-TERRAIN VEHICLE TRAFFIC CONTROL AND REGULATIONS

Subd. 1. Purpose and Intent. The purpose of this Section is to provide reasonable regulations for the use of all-terrain vehicles on public and private property in the City of Two Harbors. It is the intent of this Section to supplement Minnesota Statutes Chapters 84 and 169, as they may be amended from time to time. This Section is not intended to allow what Minnesota State Statutes prohibit nor to prohibit what Minnesota State Statutes allow.

Subd. 2. Definitions. The following terms, as used in this Section, shall have the following meanings:

1. **“Person”** includes an individual, partnership, corporation, the State of Minnesota and its agencies and subdivisions, and any body of persons, whether incorporated or not.
2. **“All Terrain Vehicle”** or **“ATV”** means a motorized low pressure or non-pneumatic 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 Minnesota Statutes Section 84.92, subd. 8, as it may be amended from time to time.
3. **“Class 1 ATV”** shall have the meaning as defined in Minnesota Statutes Section 84.92, subd. 9, as it may be amended from time to time.
4. **“Class 2 ATV”** shall have the meaning as defined in Minnesota Statutes Section 84.92, subd. 10, as it may be amended from time to time.
5. **“Natural Terrain”** means areas other than roadways or driveways (public and/or private), parking lots and other areas the surface of which has been intentionally modified for motor vehicle operation thereon.
6. **“Ditch”** means the narrow channel dug in the ground typically alongside a road.
7. **“Owner”** means a person, other than a lien holder having the property in or title to any all terrain vehicle, entitled to the use or possession thereof.
8. **“Operate”** means to ride in or on and control the operation of any vehicle.
9. **“Operator”** means every person who operates or is in actual physical control of any vehicle.
10. **“Right of Way”** means the entire right-of-way of a public road, including the traveled portions, banks, ditches, shoulders, and medians of a roadway that is not privately owned.
11. **“Shoulder”** means that part of a highway which is contiguous to the regularly traveled portion of the highway and is on the same level as the highway. The shoulder may be pavement, gravel, or earth.
12. **“Roadway”** means the portion of a street or highway improved, designed, or ordinarily used for vehicular traffic, including the shoulder.
13. **“Street”** or **“Highway”** means the entire width between the boundary lines of any way or place open to the public, as a matter of right, for the purpose of vehicular traffic.

Subd. 3. Ban. It is unlawful for any person to operate an ATV on City streets within the limits of the City except as indicated in this Section.

Subd. 4. City Streets. A person may operate an ATV on City streets to access businesses and residences and to make trail connections provided the ATV displays current state registration numbers and decal. A valid driver's license and insurance is required for operation on city streets.

Subd. 5. Private Property. ATVs shall not be operated on private property lying within the City limits except with specific written permission or consent of the owner or person in control of said property and as indicated in this Section.

Subd. 6. Public Grounds Ban: No ATV shall be allowed or operated on or in any City playground, park, facility, or school ground within the City limits, except as follows: Users of the City campground may operate ATVs from their campsite via the most direct route to the nearest City street. No other ATV use or operation in the City campground is allowed.

Subd. 7. ATV Restrictions. ATV operation allowed within the City limits by this Ordinance is subject to and governed by the following:

A. No ATVs shall be operated in a manner so as to create loud, unnecessary or unusual noise which disturbs, annoys, or interferes with the peace and quiet of other persons.

B. No ATV shall be operated prior to 8 a.m. or after sunset, however, an ATV may be operated until 10:00 pm when it is equipped with original equipment headlights, taillights, and rear-facing brake lights which shall be displayed between sunset and 10:00 p.m.

C. No ATV shall be operated upon a sidewalk or boulevard, except that a direct crossing may be made in the same manner as provided for the direct crossing of a city street.

D. No ATV shall be operated within the City limits of the City of Two Harbors at a speed in excess of twenty (20) miles per hour, and in no event at a rate of speed greater than reasonable and proper under the surrounding circumstances.

E. No ATV shall be operated within the City limits of the City of Two Harbors at 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.

F. No ATV shall be operated within the City limits of the City of Two Harbors to tow any person or thing except as allowed and in the manner provided by state law and state rules.

G. No ATV shall be operated within the City limits of the City of Two Harbors in a manner that simulates a race or temporary race, or creates or causes unnecessary engine noise or tire squealing, or causes tires to spin or slide upon the acceleration or stopping of said ATV, or causes the ATV to unnecessarily turn abruptly or sway from side to side.

H. An ATV operator shall yield to all vehicle traffic and pedestrians when operating the ATV upon the city streets, alleys and public rights of way as allowed under this Ordinance.

I. ATVs shall be operated on any City street to the extreme right hand side of the road and may be operated in the inside bank or slope of the road if safe operation in the ditch or outside slope is impossible.

J. ATVs shall be operated only in single file.

Subd. 8. Street and Alley Crossings. An ATV operator may make a direct crossing of a street or alley or public road in the manner allowed and provided for by Minnesota Statutes Chapter 84.

Subd. 9. Traffic Regulations. All City Traffic Ordinances and State Traffic Regulations shall apply to the operation of ATVs within City limits, except those relating to required equipment, and except those which by their nature have no application.

Subd. 10. Required Equipment. An ATV operated on City streets or alleys when allowed by this Ordinance, shall be equipped according to and as required by Minnesota Statutes Chapter 84.

Subd. 11. Security Requirements. Every person leaving an all-terrain vehicle at a public place shall lock the ignition, remove the key and take same with them.

Subd. 12. Penalty. Every person convicted of a violation of any of the provisions of this Section is guilty of a misdemeanor ordinance violation.

Subd. 13. Severability. That the terms of this Ordinance are severable. If any provision of this Section is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.