

**ORDINANCE #124-A**  
**AN ORDINANCE REGULATING THE OPERATION AND USE OF RECREATIONAL**  
**VEHICLES WITHIN THE CITY OF STOCKTON, MN AND PROVIDING PENALTIES**  
**FOR THE VIOLATION THEREOF:**

**The City of Stockton, Minnesota, does ordain:**

**SECTION 1. Definitions.**

All definitions as used in Minnesota Statutes, Section 84.81 and 84.92 are adopted and incorporated in this Ordinance if fully set out herein. As used in this Ordinance, the following terms shall mean:

1. Public road right-of-way. "Public road 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. May otherwise be referred to streets, paved paths, etc.
2. All-terrain vehicle. "All-terrain vehicle" or "vehicle" 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 of less than 1000 cubic centimeters and includes a class 1 all-terrain vehicle or a class 2 all-terrain vehicle.
  - A) Class 1 all-terrain vehicle: means an all-terrain vehicle that has a total dry weight of less than 1,000 pounds.
  - B) Class 2 all-terrain vehicle: means an all-terrain vehicle that has a total dry weight of 1,000 to 1,800 pounds.
3. Person. "Person" includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.
4. Snowmobile. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice steered by skis or runners.
5. Owner. "Owner" means a person, other than a lien holder, having the property in or title to a snowmobile or ATV entitled to the use or possession thereof.
6. Operate. "Operate" means to ride in or on and control the operation of a snowmobile or ATV.
7. Operator. "Operator" means every person who operates or is in actual physical control of a snowmobile or ATV.
8. Recreation Motor Vehicle (RMV): means a self-propelled vehicle designed for travel on snow, ice or natural terrain steered by wheels, skis or runners. Snowmobiles, ATV, golf carts, go-carts, mini-bikes, dune buggies and trail bikes are all RMV's.

**SECTION 2. Intent:** It is the intent of this ordinance to limit the use of RMV's within the City of Stockton. Persons riding RMV's may travel only the most direct route of travel to and from recreational trails outside the City but may not use City Streets for excursion driving.

**SECTION 3. Prohibited Operation of Recreational Motor Vehicles.**

**It shall be unlawful for any person to operate RMV under the following circumstances:**

- 1) On City parks, playgrounds, recreational areas, City utility grounds and ball fields without written permission to do so by the City of Stockton.
- 2) On private property of another without written permission to do so by the owner of said property.
- 3) On a public sidewalk provided for pedestrian travel.
- 4) On boulevards within any public right of way.
- 5) No person shall operate a RMV within the City limits of Stockton between the hours of 10:00 PM to 8:00 AM of any day except in following instance when most direct route shall be used:
  - A) Operator may return to residence from outside the City or go to the limits of the City.
  - B) In an emergency during the period of time when, and at locations where, snow upon the roadway renders travel by automobile impractical.
- 6) At a place, while under the influence of alcohol or drugs as defined in M.S. 169.121, which is hereby incorporated herein by reference.
- 7) At a rate of speed greater than reasonable or proper under all surrounding circumstances not to exceed ten (10) miles per hour on any public street or right of way.
- 8) At any place in a careless or negligent manner or heedlessly in disregard of the rights or safety of others, or in a manner so as to endanger or be likely to endanger or cause injury or damage to any person or property.
- 9) So as to tow any person or thing in a public street or highway except through use of a rigid tow bar attached to the rear of the RMV.
- 10) Within one hundred (100) feet of any pedestrian area where the operation would conflict with use or endanger other persons or property.
  - A) Operation of a RMV on public property not under the jurisdiction of the City of Stockton is subject to the regulation of the public entity having jurisdiction upon said property.
    - i) Operation of a RMV upon the Right-of-Way of any State Highway within the City of Stockton is subject to the regulations of the Minnesota Department of Transportation.
    - ii) Operation of RMV upon the Right-of-Way of any County Road within the City of Stockton is subject to the regulations of the Winona County Highway Department.
- 11) In a manner as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons.
- 12) Without fully complying with the provisions of M.S. 84.81 through 84.915, inclusive, and M.S. 84.92 through 84.929, inclusive, and as may be amended from time to time, and all rules and regulations promulgated thereunder, and all other state statutes regulating such activities, which statutes and rules and regulations are hereby adopted and made a part hereof.
- 13) RMV's shall not be operated in inclement weather or when visibility is impaired by weather, smoke, fog or other conditions, or at any time when there is insufficient light to clearly see persons and vehicles on the roadway at a distance of 500 feet.

#### **SECTION 4    Direct Crossings.**

A RMV may make a direct crossing of a street or highway, except an interstate highway or freeway, provided:

- 1) The crossing is made at an angle of approximately 90 degrees to the direction of the street or highway and at a place where no obstruction prevents quick and safe crossing.
- 2) The RMV is brought to a complete stop before crossing the shoulder or main traveled way.

- 3) The driver yields the right of way to all pedestrians and oncoming traffic, which constitutes an immediate hazard.
- 4) In crossing a divided street or highway, the crossing is made only at an intersection of such street or highway with another public street or highway.
- 5) If the crossing is made between the hours of one-half hour after the sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

**SECTION 5.** City traffic ordinances shall apply to the operation of RMV upon streets and highway, except for those relating to required equipment, and except those which by their nature have no application.

**SECTION 6.** No RMVs shall enter any intersection without yielding right of way to any vehicles or pedestrians at the intersection as to constitute an immediate hazard.

**SECTION 7 Persons under Age 18.**

No person under the age of 14 may operate a RMV on public property, including streets, alleys and highways within the City limits. A person 14 years of age and over may operate a snowmobile or ATV only if they are in possession of a valid snowmobile safety certificate issued by the commission, as provided by M.S.A. Section 84.85 and 84.872. No RMV shall be operated with any additional passengers, where vehicle is designed for more than one person, except, as provided by State Statutes, a parent or guardian may operate an ATV carrying one (1) passenger who is under 16 years of age and who wears a safety helmet approved by the Minnesota Commissioner of Public Safety.

**SECTION 8 Equipment.**

It is unlawful for any person to operate a RMVs any place with the limits of the City unless it is equipped with the following:

- 1) Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass, on a snowmobile motor.
- 2) Brakes adequate to control the movement of and to stop and hold the RMV under any condition of operation.
- 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.
- 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 one 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.
- 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.

**SECTION 9.** Every person leaving a RMV on a public place shall lock the ignition and remove the keys and take the same with them.

**SECTION 10.** It is unlawful to intentionally drive, chase, run over or kill any animal with a RMV.

**SECTION 11 Penalties.**

1) Every person convicted of a violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, be as provided in M.S.100.99. Violators will be responsible for all costs of prosecution.

2) Owner's penalty. A person registered as owner of a snowmobile may be fined not to exceed \$300 if a snowmobile bearing the person's registration number is operated contrary to the provisions of sections 84.81 to 84.88 or 97B.091. The registered owner may not be fined if (a) the snowmobile was reported as stolen to the law enforcement agency at the time of the alleged act, or if (b) the registered owner demonstrates that the snowmobile was either stolen or was not in use at the time of the alleged unlawful act, or if (c) he registered owner furnishes to law enforcement officers upon request the identity of the person in actual physical control of the snowmobile at the time of such violations. The provisions of this subdivision do not apply to any person who rents or leases a snowmobile, the registration number thereof, the departure date and time, and expected time of return thereof.

**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. Repealed.** Ordinance repealed. City of Stockton Ordinance #124 is hereby repealed.

**SECTION 14 Effective Date.** This ordinance shall take effect and be in force from and after 14 days after publication.

Passed by the City Council of the City of Stockton this 26<sup>th</sup> day of November, 2013.

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Christopher Parker, Mayor

ATTEST:

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Bethany Winchester, Clerk - Treasurer

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