

ORDINANCE #124-B
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" has the meaning given in Minnesota Statutes 84.92, sub. 8.
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, UTV, golf carts, go-carts, mini-bikes, dune buggies and trail bikes are all RMV's.
9. Utility Task Vehicle (UTV): has the meaning given in Minnesota Statutes 169.045, Subd. 1 (3).

SECTION 2. Requirements: This ordinance applies to the use of RMV's within the City of Stockton. Permits shall be required to operate on City roads by applying to Winona County. The permit shall be requiring evidence of insurance and be valid for three calendar years. The County shall be responsible for reviewing applications and issuing permits. Permits from other jurisdictions shall be recognized in the City, but they must be filed with the County.

SECTION 3. Permitted Operation of RMV's: In accordance with this ordinance, Winona County Ordinance 2016-20 and Minnesota Statutes 169.045:

Subdivision 1. RMV's may, by permit, be operated on right-hand shoulder, where available, or on the extreme right-hand side of the traveled portion, where no shoulder exists, on City roads. The maximum speed limit of RMS's as defined by this ordinance is what is posted for City roads.

Subdivision 2. Golf carts operated under this ordinance must properly display the slow-moving emblem described in Minnesota Statutes 169.522.

Every RMV operator has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minnesota Statutes chapter 169, unless those provisions cannot reasonably be applied to RMS's. The operation of RMV's shall comply with Minnesota Statutes 84.92 through 84.928, and 169.045, as well as any other Federal, State or County law, rule or regulation.

SECTION 3. Restrictions. No person shall operate a RMV under this ordinance:

Subdivision 1. Without a valid driver's license;

Subdivision 2. Without valid insurance complying with Minnesota Statutes 65B.48, subdivision 5;

Subdivision 3. Except between sunrise and sunset, unless the RMV is equipped with original headlight, taillight, and rear-facing brake light equipment;

Subdivision 4. In inclement weather, when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient visibility to clearly see persons and vehicles on the roadway at a distance of 500 feet;

Subdivision 5. Without a rear-view mirror as described in Minnesota Statutes 169.70.

Subdivision 6. May not operate on any City parks, playgrounds, recreational areas, City utility grounds and ball fields without written approval by the City of Stockton. Nor on any private property of another without written permission to do so by the owner of said property. It is prohibited to operate on any public sidewalk provided for pedestrian travel, or where posted.

SECTION 4. Minors. Please reference Minnesota Department of Natural Resource's website for safety training rules and regulations for minors under 18 years old.

SECTION 5. Revocation or Denial. A permit or application under this Ordinance may be revoked or denied by the County if the RMV's are not safe to legally operate, or has not been safely or legally operated with the City limits. A permit or application may also be revoked or denied if the operator cannot safely operate the RMV.

SECTION 6. 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 RMV may be fined not to exceed \$300 if a RMV 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 RMV 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 RMV 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 RMV at the time of such violations. The provisions of this subdivision do not apply to any person who rents or leases a RMV, the registration number thereof, the departure date and time, and expected time of return thereof.

SECTION 7. 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 8. Repealed. Ordinance repealed. City of Stockton Ordinance #124-A is hereby repealed.

SECTION 9. 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 14th day of June, 2016.

David Johannes, Mayor

ATTEST:

Bethany Winchester, Clerk – Treasurer

(seal)