

ORDINANCE NO. 179

**AN ORDINANCE REGULATING THE OPERATION OF OFF-HIGHWAY VEHICLES
WITHIN THE CITY OF ARLINGTON**

BE IT ORDAINED by the City Council of the City of Arlington as follows:

Section 1. Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Definitions come directly from the Minnesota Department of Natural Resources 2003-2004 Off-Highway Vehicle Manual (p.6).

The term off-highway vehicle (OHV) is used to describe all-terrain vehicles, off-highway motorcycles and off-road vehicles as defined below:

ALL-TERRAIN VEHICLE. A motorized floatation-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 total dry weight less than 900 pounds.

OFF-HIGHWAY MOTORCYCLES (OHMs) Are motorized, off-highway vehicles traveling on two wheels, OHMs have a seat or saddle designed to be straddled by the operator and have handlebars for steering control. Motorcycles maybe legal for highway use and still considered to be OHMs if used for off-highway operation on trails or natural terrain.

OFF-ROAD VEHICLES (ORVs) Are motorized, recreational vehicles capable of cross-country travel on natural terrain, such as four-wheel-drive trucks and ATVs that have an engine displacement of more than 800 cubic centimeters or total dry weight of more than 900 pounds. Vehicles NOT consider ORVs include snowmobiles, all-terrain vehicles, and motorcycles. Watercraft or aircraft, Farm, logging, military, emergency, law enforcement, utility, trail grooming and construction vehicles are not considered to be ORVs when used for their intended purpose.

OPERATE. To ride in or on and have control of an all-terrain vehicle.

OPERATOR. The person who operates or is in actual physical control of a recreational motor vehicle.

OWNER. A person, other than a lien holder, having a property interest in, or title to, an all-terrain vehicle, who is entitled to the use or possession thereof.

PERSON. Any individual, partnership, corporation or any body of persons, whether incorporated or not.

Section 2. Operating Restrictions.

It is unlawful to operate an off-highway vehicle as follows:

- (A) On a public sidewalk or walkway provided or used for pedestrian travel.
- (B) On private property of another without lawful authority or permission of the owner or occupant.
- (C) On any lands owned or occupied by a public body or on frozen waters, including school grounds, park property, playgrounds, recreational areas, private roads, platted but unimproved roads, utility easements and public trails. The Council may, by resolution, specifically permit use on city property, in which event, the shortest route to and from areas so permitted may be used.
- (D) While the operator is under the influence of liquor or narcotics or habit-forming drugs.
- (E) At a rate of speed greater than 15 miles per hour or faster than is reasonable or proper under all of the surrounding circumstances.
- (F) In a careless, reckless or negligent manner so as to endanger the person or property of another or cause injury or damage thereto.
- (G) While towing a person or thing on a public street or highway except through the use of a rigid tow bar attached to the rear of an automobile.
- (H) In a manner so as to create a loud, unnecessary or unusual noise, which disturbs, annoys, or interferes with the peace and quiet of other persons.
- (I) While chasing, running over, or killing any animal, wild or domestic.
- (J) Without a headlight and taillight when required for safety.
- (K) Between the hours of 12:00 a.m. (Midnight) and 6:00 a.m.

Section 3. Age Requirements for Operators.

It is unlawful for any person under the age of fourteen (14) years to operate an off-highway vehicle on any street or alley in the city. A person fourteen (14) years of age or older, but less than eighteen (18) years of age, may operate an off-highway vehicle as permitted under this Ordinance only if he/she has, in his/her possession, a valid off-highway vehicle safety certificate duly executed.

Section 4. Operators to Obey Traffic Regulations.

A person operating an off-highway vehicle within the corporate limits of Arlington shall observe all traffic signs, laws, and ordinances applicable to motor vehicles, except that the operator of any off-highway vehicle shall yield the right-of-way to all motor vehicles and pedestrians.

Section 5. Owner Responsibility.

It is unlawful for the owner of an off-highway vehicle to permit its operation on private property without permission of the owner or occupant, on city property without permission of the City Council, or on other public property without permission of the authority in charge thereof. The owner is conclusively presumed to have given such permission unless the all-terrain vehicle so operated has been reported stolen to a law enforcement agency. A person leaving an all-terrain vehicle in a public place must lock the ignition and remove the key.

Section 6. Provisions of Severability.

The provisions, sections, and subdivisions of this ordinance are severable; and, in the event that any Court shall find any section or any part thereof to be invalid for any reason, such finding shall not affect any other section or part thereof.

Section 7. Penalty.

Any violation of any part of this Ordinance shall be deemed a misdemeanor and subject to the penalties as set out in State Law for general misdemeanor offenses.

Section 8. Availability of Ordinance:

A complete, printed copy of this Ordinance is available for inspection by any person during the regular business hours of the City Office.

All ordinances or parts of ordinances inconsistent herewith are hereby amended.

This ordinance shall become effective immediately upon publication

For the City of Arlington:

/s/ David Czech

By David Czech
It's Mayor

/s/ David L. Krueger

By David L. Krueger
It's City Administrator

First Reading: March 15, 2004

Second Reading: April 5, 2004

Adopted: April 5, 2004

Published: April 8, 2004