

CHAPTER 73: RECREATIONAL VEHICLES

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SNOWMOBILES AND ATVS**§ 73.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

OPERATE. To ride in or on and control the operation of an RMV.

OPERATOR. Every person who operates or is in actual physical control of an RMV.

OWNER. A person, other than a person with a security interest, having a property interest in or title to an RMV and entitled to the use and possession of the vehicle.

PERSON. Includes an individual, partnership, corporation, the state and its agencies and subdivisions and anybody of persons, whether incorporated or not.

PUBLIC ROAD RIGHT-OF-WAY. 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.

RECREATIONAL MOTOR VEHICLE (RMV). A self-propelled vehicle designed for travel on snow, ice or natural terrain steered by wheels, skis or runners. Snowmobiles and all-terrain vehicles (ATV) are RMVs.

REGISTER. The act of assigning a registration number to an RMV.

SNOWMOBILE TRAILS. The property designated and posted for use by RMVs.

STREET. Any public roadway, including streets, highways and alleys.
(Ord. 371, passed 11-15-07; Am. Ord. 452, passed 7-18-19)

§ 73.02 INTENT.

It is the intent of this subchapter to limit the use of snowmobiles and ATVs within the city. Persons riding snowmobiles and ATVs may travel only the most direct route to travel to and from recreational trails outside the city but may not use city streets for excursion driving.
(Ord. 371, passed 11-15-07; Am. Ord. 452, passed 7-18-19)

§ 73.03 OPERATION ON STREET.

(A) (1) All provisions of this title as to traffic regulation and parking shall apply to the operation of RMVs upon the streets and other public property of this municipality, except for those relating to required equipment and except those which by their nature have no application.

(2) All provisions of the Highway Traffic Regulations Act, M.S. Ch. 169, as it may be amended from time to time, and all ordinances of the city regulating traffic shall apply to the operation of RMVs upon streets and highways, except those which by their nature have no application.

(B) When operating an RMV upon a street, all such operation shall be at the extreme right of the street as near to the curb or shoulder thereof as practical under the circumstances.

(C) No person shall operate an RMV upon the roadway, shoulder or inside bank or slope of any trunk, county state aid or county highway in the city.

(D) An RMV may make a direct crossing of a street or highway, provided:

(1) The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;

(2) The RMV is brought to a complete stop before crossing the shoulder or main traveled way of the highway;

(3) The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard; and/or

(4) If the crossing is made between the hours of one-half hour before sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

(E) No person shall operate an RMV within the corporate limits of this municipality between the hours of 10:00 p.m. and sunrise, except that occasional operation upon a public street or a city approved trail or path after said hour shall be permitted when the operator is proceeding directly to his or her home from outside the municipality.

(F) When two or more RMVs shall be operated together or as a group, they shall stay in single file while operating upon any street and not more than three RMVs shall proceed in any single group. (Ord. 371, passed 11-15-07; Am. Ord. 452, passed 7-18-19) Penalty, see § 73.99

§ 73.04 UNLAWFUL OPERATION.

Unless otherwise noted, it is unlawful for any person to operate an RMV:

(A) Under any circumstances that operation of a motor vehicle in a like manner would give rise to a violation of M.S. §§ 169A.20 et seq. (Driving While Impaired); 169A.33 et seq. (Underage Drink and Drive); 169A.35 et seq. (Open Bottle); 609.21 et seq. (Criminal Vehicular Homicide and Injury); as amended from time to time, which statutes are hereby incorporated herein by reference;

(B) At any rate of speed greater than 20 miles per hour on city streets;

(C) In a careless, reckless 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;

(D) So as to tow any person or thing on a public street or highway;

(E) In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons;

(F) Unless the RMV has been registered or licensed as required by state statutes;

(G) Unless the driver is in possession of a valid driver's license (not required for snowmobile use);

(H) On airport property; and/or

(I) 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.

(Ord. 371, passed 11-15-07; Am. Ord. 407, passed 2-20-14; Am. Ord. 452, passed 7-18-19) Penalty, see § 73.99

§ 73.05 UNLAWFUL OPERATION ON STREETS AND THE LIKE.

Except as herein permitted, it shall be unlawful for any person to operate an RMV in the city under the following circumstances:

(A) On private property without the express permission to do so by the owner and occupant of the property;

(B) On public school grounds, park property, playgrounds, winter recreational areas, golf courses, cemeteries or any other public places, except on posted "Snowmobile Trail" locations, unless the operator has the express permission by the proper public authority. The only exception to the prohibition is student enrolled and attending Milaca School District Schools may drive snowmobiles across Rec Park (directly from the Snowmobile Trail to their school) when arriving to school at the beginning of the school day and leaving school at the end of the school day;

(C) No RMV shall be operated on public sidewalks or boulevards;

(D) On the portion of any public road right-of-way used for motor vehicle travel or the roadway of a state, trunk, county state aid or county highway, except that a city street may be used only to gain access to and from those areas not restricted by this subchapter. Except where prohibited by state statutes or other provisions of this subchapter, RMVs may also be operated upon the ditch bottom or outside of trunk, county state aid and county highways where such highways lie within the corporate limits of the city;

(E) No RMV shall enter any intersection without yielding the right-of-way to any vehicles or pedestrians at the intersection or so close to the intersection as to constitute an immediate hazard;

(F) The operator of an RMV shall make every effort to be visible to oncoming traffic from any direction;

(G) Only the operator of the RMV shall be on the vehicle. No RMV shall be operated with any additional passengers except, as provided by state statutes, a parent or guardian may operate an ATV carrying one passenger who is under 16 years of age and who wears a safety helmet approved by the Minnesota Commissioner of Public Safety.

(Ord. 371, passed 11-15-07; Am. Ord. 452, passed 7-18-19) Penalty, see § 73.99

§ 73.06 EQUIPMENT.

No RMV shall be operated within the city unless it shall have the following equipment:

(A) Mufflers which are properly attached, which are in good working order and which blends the exhaust noise into the overall RMV noise, is in constant operation to prevent excessive or unusual noise as is required by law and the rules and regulations of the state pertaining thereto, and no person shall use a muffler cut-out, by-pass, straight pipe or any similar device on a snowmobile;

(B) At least one headlamp, one tail lamp, each a minimum candle power as prescribed by regulations of the state, reflector material of a minimum area of 16 square inches mounted on each side forward of the handlebars;

(C) Brakes adequate to control the movement of and to stop and hold the RMV under any condition of operation; and

(D) A safety or so-called "dead-man" throttle in operating condition; a ***SAFETY*** or ***DEAD-MAN THROTTLE*** is defined as a device which, when pressure is removed from the accelerator or throttle, causes the RMV to come to a stop.

(Ord. 371, passed 11-15-07; Am. Ord. 452, passed 7-18-19) Penalty, see § 73.99

§ 73.07 AGE RESTRICTIONS.

No person shall operate an RMV in violation of the age requirements established by state statutes. (Ord. 371, passed 11-15-07; Am. Ord. 452, passed 7-18-19) Penalty, see § 73.99

§ 73.08 EMERGENCY OPERATION.

Notwithstanding any prohibitions in this subchapter, an RMV may be operated on a public thoroughfare in an emergency during the periods of time when, and at all locations where, snow upon the roadway renders travel by automobile impractical.

(Ord. 371, passed 11-15-07; Am. Ord. 452, passed 7-18-19)

§ 73.09 ORGANIZED RMV EVENTS.

In accordance with M.S. § 84.87, subd. 1a., as it may be amended from time to time, and M.S. § 84.87, subd. 3, nothing in this subchapter shall prohibit the use of RMVs within the city in organized events or contests, provided the organized events or contests are conducted as hereinafter set forth.

(A) *Authorization.* Any incorporated veterans organization and/or club, incorporated religious corporation or non-profit corporations may organize and conduct within the incorporated limits of the city an organized RMV event or RMV contest, provided the organization shall first apply to the city for and obtain a permit authorizing such organized RMV event or RMV contest.

(B) *Term.* The permits issued for said organized RMV event or contest may be for one, two, but not more than three consecutive days.

(C) *Permit required.* No organized RMV event or RMV contest shall be conducted within the city unless the sponsoring organization shall have first obtained from the city a permit therefore as provided herein, which the organizing corporation shall comply with all terms and conditions of this subchapter and of the permit issued pursuant hereto.

(D) *Application.* Any corporation as herein defined desiring to obtain a permit to give or hold or conduct an organized RMV event or RMV contest shall make verified application to City Hall upon blanks to be furnished by the City Manager. The application shall set forth in reasonable detail the dates, hours, place or places, description of event or contest to be conducted, description of security facilities and personnel, if any, and information as the Chief of Police of the city may thereafter demand. The application shall also be accompanied by acceptable documentary evidence that the applicant has or will have in force public liability insurance which will protect both the city and all members of the public who might attend the organized event and which insurance shall be in a minimum of \$600,000. The applicant shall pay to the city at the time of application a fee in an amount as the Council of this city shall set from time to time hereafter. The Chief of Police shall thereupon investigate the applying organization, the application for permit and all related fact-statements made therein and make a report to the City Council recommending either issuance or rejection of the application for permit.

(E) *Issuance of permit.* The Manager of this city, upon approval by the City Council, may issue a permit authorizing the applicant to organize and conduct such RMV organized event or RMV contest within the city for a period not to exceed three consecutive days.

(1) The Manager is hereby authorized, upon recommendation of the Chief of Police, to suspend and/or alter and change existing city ordinance and regulations regulating the operation of snowmobiles within the city so as to permit the operation thereof, under different terms and conditions, in said RMV organized events.

(2) The Manager may authorize operating a RMV during said organized RMV event on any public property and/or city-owned property, and further, may establish minimum required safety regulations and provisions to govern the operation of RMV during such RMV organized events.

(a) These regulations and provisions may include authorizing persons 12 years of age or older to so operate, providing that each such snowmobile operator shall have in his or her immediate possession a valid state snowmobile safety certificate.

(b) The said terms, regulations and provisions may also require the wearing by all RMV operators at all times of state-approved safety helmets.
(Ord. 371, passed 11-15-07; Am. Ord. 452, passed 7-18-19)

MOTORIZED GOLF CARTS

§ 73.20 USE ON CITY STREETS AUTHORIZED.

(A) The state legislature has authorized the use of motorized golf carts on city streets, and the City Council finds there are persons within the city who would benefit from this use.

(B) The use of these motorized carts is hereby authorized subject to the conditions set forth in the Code of Ordinances and state law.
(Ord. 98-4, passed 7-16-98; Am. Ord. 451, passed 7-18-19)

§ 73.21 STATE STATUTE ADOPTED BY REFERENCE.

The provisions of M.S. §§ 169.045 and 169.522, as amended, are hereby incorporated into this code by reference as if set out in full herein.
(Ord. 98-4, passed 7-16-98; Am. Ord. 451, passed 7-18-19) Penalty, see § 73.99

§ 73.22 PERMIT REQUIRED.

Only persons who have a valid permit issued by the city under the conditions in § 73.27 may operate a cart on any city street. Any person operating a golf cart shall have a valid Minnesota driver's license in their possession, at all times of operation. Permit must be displayed in an area that is highly visible. Permits are issued to the vehicle not the operator; those with multiple vehicles must purchase a permit for each vehicle.

(Ord. 98-4, passed 7-16-98; Am. Ord. 451, passed 7-18-19; Am. Ord. 523, passed 7-18-24) Penalty, see § 73.99

§ 73.23 RESTRICTED STREETS; EXCEPTIONS.

(A) (1) Motorized golf carts may be operated on city streets except those listed in Chapter 74, Schedule V.

(2) Restricted streets may be crossed only as provided in Chapter 74, Schedule V, or if crossings are not listed therein, may be crossed only at intersections in the most direct available route.

(3) Motorized golf carts shall not be operated in any public park except on driving surfaces.

(4) Motorized golf carts utilized during the City of Milaca annual parade and community events are not required to have a permit and are not subject to the above restrictions. However, such motorized golf carts may be utilized only by event organizers and volunteers and may only be used during such events in locations of such events.

(5) Individuals who are camping in the City of Milaca, pursuant to a three-day camping permit, may utilize golf carts without obtaining a golf cart permit. The operation of the golf cart must otherwise comply with all other terms of this or subchapter.

(B) (1) When a person holding a valid permit resides on a restricted street or highway, the permit holder may use the most direct route available to reach an authorized route from that residence, but shall not operate the cart on any other street restricted as a cart route.

(2) If a person's destination is located on a restricted street or highway, the permit holder must park his or her cart on a permitted route and then walk or provide other legally permitted transportation to the destination.

(Ord. 98-4, passed 7-16-98; Am. Ord. 451, passed 7-18-19) Penalty, see § 73.99

§ 73.24 OPERATION; VISIBILITY REQUIREMENT.

Motorized golf carts may only be operated on permitted routes from sunrise to sunset unless the golf cart is equipped with original equipment headlights, taillights, and rear-facing brake lights. A golf cart may be operated after sunset if the golf cart is equipped with fully functioning original equipment headlights, taillights, and rear-facing brake lights. They shall be operated as reasonably close to the right side of the road as safety will permit. They 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 in vehicles on the roadway at a distance of 500 feet.

(Ord. 98-4, passed 7-16-98; Am. Ord. 451, passed 7-18-19) Penalty, see § 73.99

§ 73.25 SLOW MOVING VEHICLE EMBLEM.

Motorized golf carts shall display the slow moving vehicle emblem provided for in M.S. § 169.522, as amended from time to time, when operated on any city street.

(Ord. 98-4, passed 7-16-98; Am. Ord. 451, passed 7-18-19) Penalty, see § 73.99

§ 73.26 OPERATOR RIGHTS AND DUTIES; TRAFFIC REGULATIONS APPLY.

Every person operating a motorized golf cart under permit on permitted routes has all of the rights and duties applicable to the driver of any other motor vehicle under the provisions of M.S. Chapter 169, as amended from time to time, except when those provisions cannot be reasonably applied to motorized golf carts and except as otherwise specifically provided in M.S. § 169.045(7), as amended from time to time.

(Ord. 98-4, passed 7-16-98; Am. Ord. 451, passed 7-18-19)

§ 73.27 PERMIT REQUIREMENTS.

(A) Each person desiring a permit for the operation of a motorized golf cart must be 18 years of age and submit an application provided by the city at a fee established by the City Council by resolution.

(B) Each application shall show evidence of the name and address of the applicant, evidence of insurance which meets the requirements of M.S. § 65B.48(5), as amended from time to time, and other information as the city may require.

(C) Each permit must be renewed after a three-year term and each renewal must meet the requirements set forth in this section.

(D) A permit may be revoked at any time if it is shown the permittee cannot safely operate the motorized golf cart on the designated routes or if the person has had a valid driver's license suspended, revoked or cancelled.

(E) Each person desiring a permit for the operation of a motorized golf cart shall show proof of a valid driver's license, or the permit shall be denied.

(Ord. 98-4, passed 7-16-98; Am. Ord. 451, passed 7-18-19; Am. Ord. 523, passed 7-18-24)

§ 73.28 DISCLAIMER.

Nothing in this subchapter shall be construed as an assumption of liability by the city for any injuries to persons or property which may result from the operation of a motorized golf cart by a permit holder or the failure by the city to revoke a permit.

(Ord. 98-4, passed 7-16-98; Am. Ord. 451, passed 7-18-19)

§ 73.29 VIOLATION.

Any person violating any of the provisions of this subchapter shall be guilty of a misdemeanor.

(Ord. 98-4, passed 7-16-98; Am. Ord. 451, passed 7-18-19) Penalty, see § 73.99

§ 73.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person violating the terms of §§ 73.01 - 73.09 shall be guilty of a misdemeanor and, upon conviction thereof, be penalized by up to 90 days in jail and/or a fine in the amount of \$1,000.

(Ord. 371, passed 11-15-07; Am. Ord. 451, passed 7-18-19)