

**ORDINANCE NO. 316
CITY OF NEW PRAGUE**

**AN ORDINANCE AMENDING TITLE VII OF THE CITY OF NEW PRAGUE
CITY CODE RELATED TO ALL-TERRAIN VEHICLES
AND UTILITY TASK VEHICLES**

The City of New Prague Ordains:

SECTION 1. Title VII of the City of New Prague City Code is hereby amended by adding a new Chapter 76 as follows:

CHAPTER 76: CLASS 2 ALL-TERRAIN VEHICLES AND UTILITY TASK VEHICLES

Sections

- 76.01 Definitions
- 76.02 Permit required
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- 76.04 Occupants
- 76.05 Designated roadways and intersections
- 76.06 Times of operation
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- 76.10 Suspension or revocation of a permit
- 76.11 Penalty
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76.01 DEFINITIONS.

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

ALL-TERRAIN VEHICLE OR VEHICLE. As defined by Minn. Stat. § 84.92, Subd. 8, "all-terrain vehicle" or "vehicle" shall mean a motorized vehicle with: (1) not less than three, but not more than six low pressure or non-pneumatic tires; (2) a total dry weight of 2,000 pounds or less; and (3) a total width from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle shall include Class 2 All-Terrain Vehicles. All-terrain vehicle shall not include a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.

CLASS 2 ALL-TERRAIN VEHICLE. As defined by Minn. Stat. § 84.92, Subd. 10, "Class 2 All-Terrain Vehicle" shall mean an all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is greater than 50 inches but not more than 65 inches.

COMMUNITY EVENT. An event organized by the city or a community-based organization and that is open to the general public.

DRIVER. A person, with a valid driver's license, driving and having physical control over a Class 2 All-Terrain Vehicle or a Utility Task Vehicle.

OPERATE OR OPERATING. To ride in or on and have control of a vehicle.

OPERATOR. The person who operates or is in or on and has control of a vehicle.

OWNER. A person, other than a lien holder, having a property interest in, or title to, a vehicle, who is entitled to the use or possession of such vehicle.

UTILITY TASK VEHICLE. As defined by Minn. Stat. § 169.045, Subd. 1(3), "Utility Task Vehicle" shall mean a side-by-side, four-wheel drive, off-road vehicle that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds.

76.02 PERMIT REQUIRED.

It shall be unlawful for any person to operate a Class 2 All-Terrain Vehicle or a Utility Task Vehicle on any roadways and intersections in the city without having first obtained a permit, as provided in Section 76.03 below. Persons who obtain a permit under Section 76.03 below are authorized to operate a Class 2 All-Terrain Vehicle or a Utility Task Vehicle on designated roadways or portions, as identified in Section 76.05 below. With the exception of Class 2 All-Terrain Vehicles or Utility Task Vehicles that are being operated in connection with a Community Event, every Class 2 All-Terrain Vehicle or Utility Task Vehicle operator must have proof of insurance in possession while operating the Class 2 All-Terrain Vehicle or Utility Task Vehicle on designated streets and shall produce such proof of insurance on demand of a police officer, as specified in Minn. Stat. § 169.791.

76.03 PERMITS.

(A) Operator permits. All persons operating a Class 2 All-Terrain Vehicle or a Utility Task Vehicle that are not being operated in connection with a community event must first obtain an annual operator permit from the city.

(1) Application. The application shall be made on a form supplied by the city and shall contain the following:

- (a) The name and address of the applicant and address of where the vehicle is stored if different than applicant's home address
- (b) The make, model name, year, serial number and DNR registration number of the Class 2 All-Terrain Vehicle or Utility Task Vehicle;
- (c) The applicant's driver's license number;
- (d) Proof of insurance in compliance with Minn. Stat. § 65B.48;

- (e) Payment of an annual permit fee in an amount established from time to time by resolution of the City Council; and
 - (f) Such other information as the city may require.
- (2) Term of permit. Operator permits shall be granted for a period of one year and may be renewed annually. Operator permits shall expire on December 31st of each year.
- (3) Operator permit conditions. No operator permit shall be granted or renewed unless the following conditions are met:
 - (a) The city is in receipt of a complete application and permit fee as provided by this chapter;
 - (b) The applicant is 16 years of age or older and provides a valid driver's license;
 - (c) The applicant provides proof of insurance in compliance with Minn. Stat. § 65B.48;
 - (d) The Class 2 All-Terrain Vehicle or Utility Task Vehicle identified in the application is in good working condition and safe for the transportation of passengers;
 - (e) The vehicle must not be altered with oversized tires or rims or one or more lift devices that alters the vehicle from a stock vehicle; and
 - (f) The vehicle is not in such a state as to create unreasonably loud grating, grinding, rattling, or other noise.
- (4) Operator permit display. All operator permits shall be issued for a specific Class 2 All-Terrain Vehicle or Utility Task Vehicle. A current city-issued operator permit tag shall be plainly visible from the front left side (i.e., the driver's side) of the Class 2 All-Terrain Vehicle or Utility Task Vehicle.
- (B) Community Event permits. Operators of a Class 2 All-Terrain Vehicle or Utility Task Vehicle in connection with a Community Event are not required to obtain individual operator permits so long as a Community Event permit is obtained by the organizer of the Community Event from the city. The Community Event permit must include all Class 2 All-Terrain Vehicles or Utility Task Vehicles being used in connection with the event.
 - (1) Application. Every application for a Community Event permit under this chapter shall be made on a form supplied by the city and shall contain the following:
 - (a) The name and address of the organizer of the Community Event;
 - (b) A description of the Community Event, including how and where any Class 2 All-Terrain Vehicle or Utility Task Vehicle will be utilized;
 - (c) The number of Class 2 All-Terrain Vehicles and/or Utility Task Vehicles to be used in the event;
 - (d) Proof of insurance in a form and amount acceptable to the city;
 - (e) Payment of a Community Event permit fee in an amount established from time to time by resolution of the City Council; and
 - (f) Such other information as the city may require.
 - (2) Term of permit. Community Event permits shall be granted for the length of the event and shall expire upon the conclusion of the event.

- (3) Conditions of permit. No Community Event permit shall be granted unless the following conditions are met:
 - (a) The city is in receipt of a complete application and permit fee as provided by this chapter; and
 - (b) The organizer must provide proof of insurance in a form and amount acceptable to the city.

76.04 OCCUPANTS.

The number of occupants in the Class 2 All-Terrain Vehicle or Utility Task Vehicle shall not exceed the design occupant load. Each occupant must be seated in a seat designed for occupants and seatbelts must always be worn by the driver and all passengers. A driver and all passengers under the age of 18 must wear a helmet (Department of Transportation-approved) while riding on the roadway.

76.05 DESIGNATED ROADWAYS AND INTERSECTIONS.

Class 2 All-Terrain Vehicles or Utility Task Vehicles that are permitted under Section 76.03 above may be operated within the city on public roadways. Class 2 All-Terrain Vehicles or Utility Task Vehicles must not be operated on State Trunk Highways or county roads, unless such highways or roads are under the city's jurisdiction through the issuance of a permit or approval to the city from the county or the Minnesota Department of Transportation and the Class 2 All-Terrain Vehicle or Utility Task Vehicle is listed on the Community Event permit issued by the city. The operator of any Class 2 All-Terrain Vehicle or Utility Task Vehicle permitted under Section 76.03 above may make a direct crossing of any intersecting roadways. Operators must exercise all due care to avoid travel on roadways with a high frequency of automobile usage.

76.06 TIMES OF OPERATION.

Class 2 All-Terrain Vehicles or Utility Task Vehicles permitted under Section 76.03 above may only be operated on designated roadways and intersections from sunrise to sunset, except when such Class 2 All-Terrain Vehicles or Utility Task Vehicles are equipped with original equipment headlights, taillights, and rear-facing brake lights. If equipped with original equipment headlights, taillights, and rear-facing brake lights, such Class 2 All-Terrain Vehicles or Utility Task Vehicles may be operated on designated roadways and intersections from sunrise to 10:00 p.m. No Class 2 All-Terrain Vehicles or Utility Task Vehicles shall 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.

76.07 APPLICATION OF TRAFFIC LAWS.

Persons operating a Class 2 All-Terrain Vehicle or a Utility Task Vehicle on designated roadways and intersections have all the rights and duties applicable to drivers or operators of any other motor vehicle under the provisions of any ordinance of the city and any state laws, except when these provisions cannot reasonably be applied to Class 2 All-Terrain Vehicle or Utility Task Vehicles.

76.08 OPERATION.

- (A) All Class 2 All-Terrain Vehicles or Utility Task Vehicles shall be operated at all times in the proper traffic lane and not exceed the designated speed limit.
- (B) Operators should operate the vehicles at prudent speeds and always exercise due care and control of the vehicle.
- (C) Operators are prohibited from allowing any passengers on an attached trailer to a Class 2 All-Terrain Vehicles or Utility Task Vehicles permitted under section 76.03 above while operating such vehicles on designated roadways and intersections.
- (D) All Class 2 All-Terrain Vehicle or Utility Task Vehicles must be in good working condition and safe for the transportation of passengers.
- (E) All Class 2 All-Terrain Vehicle or Utility Task Vehicles must not be altered with oversized tires or rims or one or more lift devices that alters the vehicle from a stock vehicle.
- (F) All Class 2 All-Terrain Vehicle or Utility Task Vehicles must not be in such a state as to create unreasonably loud grating, grinding, rattling, or other noise.

76.09 OPERATION ON SIDEWALKS AND TRAILS.

No person shall operate a Class 2 All-Terrain Vehicle or a Utility Task Vehicle on a public sidewalk or trail unless otherwise authorized by the city.

76.10 SUSPENSION OR REVOCATION OF A PERMIT.

The Chief of Police may suspend or revoke a permit granted hereunder upon a finding that the permit holder has violated any of the provisions of this chapter or Minn. Stat. Chapter 169, or if there is evidence that the operator cannot safely operate the Class 2 All-Terrain Vehicle or Utility Task Vehicle on designated roadways. A suspension or revocation may be reviewed by appeal to the City Council.

76.11 PENALTY.

In addition to the revocation or suspension of the permit, any person violating any of the provisions of this chapter shall be guilty of a misdemeanor.

76.12 NO ASSUMPTION OF LIABILITY.

Nothing in this chapter shall be construed as an assumption of liability by the city for injuries to persons or property which may result from the operation of any Class 2 All-Terrain Vehicle or Utility Task Vehicle by a permit holder or the failure by the Chief of Police or City Council to suspend or revoke a permit.

SECTION 2. This ordinance shall take effect and be in force after its passage and upon its publication, in accordance with Section 3.13 of the City Charter.

Introduced to the City Council of the City of New Prague, Minnesota, this 6th day of July, 2020.

Passed by the City Council of the City of New Prague, Minnesota, this 20th day of July, 2020.

/s/Charles L. Nickolay
Charles L. Nickolay, Mayor

/s/Michael J. Johnson
Michael J. Johnson, City Administrator

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