

ORDINANCE NO. 232

AN ORDINANCE REGULATING THE USE OF ALL-TERRAIN VEHICLES  
IN THE CITY OF BRAHAM

**Section 1. Definitions.**

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*All-terrain vehicle or ATV* means trail bikes, minibikes, amphibious vehicles and similar devices other than snowmobiles used at least partially for travel on natural terrain but not special mobile equipment defined in Minnesota Statutes 168.011, Subd. 22, and as amended.

*Deadman throttle or safety throttle* means a device which when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving mechanism.

*Natural terrain* means areas other than roadways, driveways (private or public), parking lots and other areas the surface of which has been intentionally modified for motor vehicle operation thereon.

*Operate* means to ride or have control of the operations of an ATV.

*Operator* means every person who operates or is in actual physical control of an ATV entitled to the use or possession of the ATV.

*Owner* means a person other than a lien holder having the property in or title to an ATV entitled to the use or possession of the ATV.

**Section 2. Permitted uses of ATVs.**

Except as specifically permitted and authorized in this ordinance, it is unlawful for any person to operate an ATV not licensed as a motor vehicle under the following conditions within the city:

- (1) On the portion of any right-of-way of any public highway, street, road, trail or alley used for motor vehicle travel; except that an ATV may operate upon the right-hand lane of a municipal street or alley and may in passing or making a left turn operate on other lanes which are used for vehicle traffic in the same direction, for purposes of going to or returning from a nonhighway area of permissible operation, by the most direct route.

- (2) On a public sidewalk provided for pedestrian travel.
- (3) On boulevards within any public right-of-way.
- (4) On private property of another without specific permission of the owner or person in control of the property.
- (5) On any other public place except as may be specifically permitted by other provisions of the city.
- (6) At a speed in excess of ten miles per hour.
- (7) On any County Roads and State Highways within the city limits of Braham.
- (8) Without a helmet, if under the age of 18.

### **Section 3. Crossing of streets or highways by ATVs.**

An ATV may make a direct crossing of a street or highway within the City of Braham, 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 a quick and safe crossing.
- (2) The ATV first comes to a complete stop at the edge of the shoulder of the main-traveled way.
- (3) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.
- (4) In crossing a divided street or highway, the crossing is made only at the 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 sunset to one-half hour before sunrise or, in conditions of reduced visibility, only if both front and rear lights are on.

### **Section 4. Traffic ordinances applicable.**

City and state traffic regulations shall apply to the operation of ATVs upon streets and highways, except for those relating to required equipment, those which by their nature have no application and those inconsistent with the provisions in this article.

### **Section 5. Yielding right-of-way.**

No ATV shall enter any intersection without yielding the right-of-way to any vehicle or pedestrians at the intersection, or so cross the intersection as to constitute an immediate hazard.

**Section 6. Operations; persons under 12, or 16.**

No persons under 12 years of age shall operate an ATV on streets or the roadway surface of highways or make a direct crossing of a trunk, county state-aid, county highway, or city streets. A person 12 years of age or older, but less than 16 years of age, may not operate an ATV on streets and highways as permitted under this section, but may make a direct crossing of the streets and highways only if he has in his immediate possession a valid ATV safety certificate issued by the state commissioner, as provided by Minnesota Statutes, and is accompanied by a person 18 years of age or older who holds a valid drivers license.

**Section 7. Uses specifically prohibited.**

It is unlawful for any person to operate an ATV under the following conditions:

- (1) At any place while under the influence of alcohol or drugs as defined in Minnesota Statutes 169.211, and as amended, which is incorporated in the section for reference.
- (2) At a rate of speed greater than is reasonable or proper under all surrounding circumstances.
- (3) At any place 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.
- (4) No person shall operate an ATV on any street in the city between the hours of 10:00 p.m. and 7:00 a.m. of any day, except going to or from their usual place of abode at a reduced speed and using the most direct route.
- (5) So as to tow any person or thing except through use of a rigid tow bar attached to the rear of the ATV.
- (6) Within 100 feet of any fisherman, pedestrian, skating rink or sliding area where the operation would conflict with use or endanger other persons or property.

**Section 8. Equipment required.**

It is unlawful for any person to operate an ATV any place within the limits of the city unless it is equipped with the following:

- (1) a. Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation.  
  
b. No person shall use a muffler cutout, bypass straight pipe or similar device on an ATV motor.
- (2) Brakes adequate to control the movement of and to stop and hold the ATV under any condition of operation.
- (3) A safety or so-called deadman throttle in operating condition.
- (4) When operated between the hours of one-half hour after sunset and one-half hour before sunrise or at a time 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 100 feet ahead during the hours of darkness and under normal atmospheric conditions. The headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming ATV 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 500 feet to the rear during hours of darkness under normal atmospheric conditions.
- (5) Reflective material at least 16 square inches mounted on each side, forward of the handlebars or steering device of an ATV and at the highest practical point on any towed object, as to reflect light as a 90-degree angle.
- (6) Properly licensed within the State of Minnesota

**Section 9. Ignition lock.**

Every person leaving an ATV on a public place or way shall lock the ignition, and remove and take the keys with them.

**Section 10. Uses prohibited; animals.**

It is unlawful to intentionally drive, chase, run over or kill any animal with an ATV.

**SECTION 11. Effective Date.** This ordinance shall become effective upon its passage and publication.

**SECTION 12. Summary for Publication.** The City Council hereby determines that the following summary clearly informs the public of the intent and effect of this ordinance and by a four-fifths vote of its members directs that only the title of the ordinance and the following summary be published pursuant to Minn. Stat. 412.191, Subd. 4:

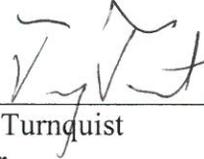
CITY OF BRAHAM  
ORDINANCE NO. 232

AN ORDINANCE  
REGULATING THE USE OF ALL-TERRAIN VEHICLES  
IN THE CITY OF BRAHAM

Ordinance Number 232 regulates the use of all-terrain vehicles (ATVs) in the City of Braham. It includes definitions of these vehicles, their equipment and the persons associated with their ownership and operation. It limits the use of ATVs within the city limits, generally allowing their use only when leaving or returning to the City, prohibits their use on most public and private property except with specific permission or approval, establishes a speed limit of 10 miles per hour, requires helmet usage by operators under 18, specifies rules of operation, makes traffic ordinances applicable to ATVs, requires ATVs to yield the right-of-way to other vehicles and pedestrians, adopts age-based restrictions for the use of ATVs by persons under 12 and for persons between 12 and 16, requires mufflers and safety equipment, among other provisions.

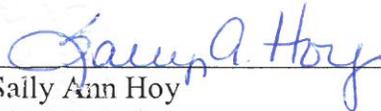
A printed copy of the full text of the ordinance is available for inspection by any person at the Braham City Hall.

Adopted by the Braham City Council this 8<sup>th</sup> day of November, 2004.



\_\_\_\_\_  
Terry Turnquist  
Mayor

Attest:



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Sally Ann Hoy  
Clerk/Administrator