**Regulating Recreational Vehicles, LMC Model Ordinance**

*League models are thoughtfully developed by our staff for a city’s consideration. Models should be customized as appropriate for an individual city’s circumstances in consultation with the city’s attorney. Helpful background information on this model may be found in [“Special Vehicles Operating on City Streets”.](https://www.lmc.org/resources/special-vehicles-operating-on-city-streets/)*

**ORDINANCE NO.** **\_\_\_\_\_**

**AN ORDINANCE REGULATING RECREATIONAL VEHICLES**

**The City Council of \_\_\_\_\_, Minnesota ordains:**

**§ 1 PURPOSE AND INTENT.**

(A) (1) The purpose of this ordinance is to provide reasonable regulations for the use of special and recreational motor vehicles on public and private property in the city.

(2) This ordinance is not intended to allow what the Minnesota Statutes prohibit or to prohibit what the Minnesota Statutes expressly allow.

(B) It is intended to ensure the public safety and prevent a public nuisance.

**§ 2 DEFINITION.**

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

**RECREATIONAL MOTOR VEHICLE.** Any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes including, but not limited to trail bike, off-highway motorcycle, as defined by Minn. Stat. § 84.787, subd. 7, as it may be amended from time to time, or other all-terrain vehicle as defined by Minn. Stat. 84.90 and Minn. Stat. § 84.92, subd. 8-10 as it may be amended from time to time, or motorized go-carts, hovercraft, or motor vehicle licensed for highway operation, which is being used for off-road recreational purposes, but not including motorized golf carts, personal electric mobility devices, motorized foot scooters, neighborhood electric vehicles, medium-speed electric vehicles, or mini-trucks.

**§ 3 RECREATIONAL VEHICLE OPERATION REQUIREMENTS.**

It is unlawful for any person to operate a recreational motor vehicle:

(A) On private property in the seven-county metropolitan area as defined in Minn. Stat. § 473.121, subd. 2, without written or oral permission of the owner of the property. (Written permission may be given by a posted notice of any kind or description, so long as it specifies the kind of vehicles allowed, that the owner, occupant, or lessee prefers, such as by saying “Recreational Vehicles Allowed,” “Trail Bikes Allowed,” “All-Terrain Vehicles Allowed,” or words substantially similar.)

Outside the seven-county metropolitan area, no person shall enter on any land not owned by the person for the purpose of operating a recreational motor vehicle after being notified, either orally or by written or posted notice, by the owner, occupant, or lessee not to do so. Where posted notice is used, signs shall bear letters not less than two inches high and shall state one of the following: “Recreational Vehicles Prohibited,” “Snowmobiles Prohibited,” “Trail Bikes Prohibited,” “All-Terrain Vehicles Prohibited,” or words substantially similar. In lieu of the above notice, an owner, occupant, or lessee may post any sign prohibiting recreational motor vehicles that has been adopted by rule of the commissioner of Natural Resources. The notice or sign shall be posted at corners and ordinary ingress and egress to the property and when so posted shall serve so as to raise a conclusive presumption that a person operating a recreational motor vehicle thereon had knowledge of entering upon such posted lands. Failure to post notice as provided in this subdivision shall not deprive a person of the right to bring a civil action for damage to one’s person or property as otherwise provided by law.

(B) On publicly owned land, including school, exclusive city streets, park property, playgrounds, recreation areas and golf courses, except where permitted by this ordinance.

(C) In a manner so as to create a loud, unnecessary, or unusual noise that disturbs, annoys, or interferes with the peace and quiet of other persons.

(D) On a public sidewalk or walkway provided or used for pedestrian travel.

(E) At a place while under the influence of intoxicating liquor or narcotics or habit-forming drugs.

(F) At a rate of speed greater than reasonable or proper under all the surrounding circumstances.

(G) At any place in a careless, reckless, or negligent manner so as to endanger or be likely to endanger any person or property or to cause injury or damage thereto.

(H) On any public street, highway, or right-of-way unless registered pursuant to Minnesota law.

(I) To intentionally drive, chase, run over, or kill any animal, wild or domestic.

(J) By halting any recreational motor vehicle carelessly or heedlessly in disregard of the rights or the safety of others or in a manner so as to endanger or be likely to endanger any person or property or in excess of 25 miles per hour on publicly owned lands.

(K) Within 150 yards of any public recreational area or gathering of people. This provision does not apply to the occasional use of recreational motor vehicles on private property for the purpose of loading or unloading it from a trailer or for mechanically checking it.

(L) Without headlight and taillight lighted at all times if the vehicle is equipped with headlight and taillight.

 (M) Without a functioning stoplight if so equipped.

(N) Without a brake operational by either hand or foot.

(O) At a speed exceeding 10 miles per hour on the frozen surface of public waters within 100 feet of a person not on an all-terrain vehicle or within 100 feet of a fishing shelter.

(P) Helmet and seat belts required.

(1) A person less than 18 years of age shall not ride as a passenger or as an operator of a recreational vehicle regulated herein on public land, public waters, or on a public road right-of-way unless wearing a safety helmet approved by the commissioner of Public Safety.

(2) A person less than 18 years of age shall not ride as a passenger or as an operator of a vehicle regulated herein without wearing a seat belt when such seat belt has been provided by the manufacturer.

(Q) All-terrain vehicles and passengers.

(1) No person under 18 years of age shall operate a class 1 all-terrain vehicle while carrying a passenger. A person 18 years of age or older may operate a class 1 all-terrain vehicle carrying one passenger. For the purposes of this division a ***CLASS 1 ALL-TERRAIN VEHICLE*** means an all-terrain vehicle that has a total dry weight of less than 900 pounds.

(2) No person under 18 years of age shall operate a class 2 all-terrain vehicle while carrying a passenger. A person 18 years of age or older may operate a class 2 all-terrain vehicle while carrying a passenger, or up to the number of passengers for which the vehicle was designed, whichever is greater. For the purposes of this division a ***CLASS 2 ALL-TERRAIN VEHICLE*** means an all-terrain vehicle that has a total dry weight of 1,000 to 1,800 pounds.

Penalty, see §

**§ 4 STREET CROSSINGS.**

(A) No person under 12 years of age operating the vehicles regulated herein shall make a direct crossing of any street, highway, or public right-of-way; or operate a vehicle regulated herein on a public street, highway, or road right-of-way; or operate a vehicle regulated herein on public lands or waters, except that a person at least 10 years of age but under 12 years of age may operate an all-terrain vehicle with an engine capacity up to 90cc on public lands or waters if accompanied by a parent or legal guardian.

 (B) Additional restrictions for all-terrain vehicles*.* An all-terrain vehicle may make a direct crossing of a public road right-of-way provided:

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

(2) The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the road.

(3) The driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard.

(4) In crossing a divided road, the crossing is made only at an intersection of the road with another public road.

(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.

Penalty, see §

**§ 5 HOURS OF OPERATION.**

Hours for use are 8:00 a.m. to 10:00 p.m.

Penalty, see §

**§ 6 MINIMUM EQUIPMENT REQUIREMENTS.**

(A) Standard mufflers shall be properly attached and in constant operation to reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass, straight pipe, or similar device on a recreational motor vehicle motor. The exhaust system shall not emit or produce a sharp popping or crackling sound.

(B) Brakes shall be adequate to control the movement of and to stop and hold under any conditions of operation.

(C) At least one clear lamp shall be 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 under normal atmospheric conditions. The head lamp shall be so that glaring rays are not projected into the eyes of an oncoming vehicle 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 the hours of darkness under normal atmospheric conditions. This equipment shall be required and shall be in operating condition when the vehicle is operated between the hours of one-half hour after sunset and one-half hour before sunrise, or at times of reduced visibility.

Penalty, see §

**§ 7 DESIGNATION OF PUBLIC AREAS FOR USE.**

(A) The Council may designate areas and exclusive city streets for use of recreational motor vehicles by approval of a resolution by a majority of the members of the City Council. The areas designated may be changed from time to time by the City Council. Any area designated shall be published in the official newspaper of the city in a conspicuous place after the approval. If an area is changed, the change shall be published in like manner in the official newspaper of the city. An up-to-date map of any designated park areas open for recreational motor vehicle use shall be kept on file in the office of the city clerk, who shall provide on request a copy of the map together with the applicable rules, regulations, and this ordinance to each person requesting the information from the city.

(B) Unless designated by the City Council as an area for recreational motor vehicles, the use on city park property and city streets shall be unlawful. Further, the use of city parks designated by the City Council shall be in accordance with all of the applicable provisions of this ordinance. See §

Passed by the City Council of \_\_\_\_\_\_\_, Minnesota this \_\_\_\_\_ day of Month, Year.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor

Attested:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City Clerk