

ARTICLE IV. SNOWMOBILES AND OFF-ROAD VEHICLES RULES AND REGULATIONS

DIVISION 1. SNOWMOBILES

Sec. 34-136. Definitions.

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

- (1) **Commissioner:** The Commissioner of the Department of Natural Resources.
- (2) **Deadman throttle or safety throttle:** A device which when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving mechanism.
- (3) **Established Riding Area:** Means trails or area on a lot used by a snowmobile.
- (4) **Natural terrain:** 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.
- (5) **Operate:** To ride in or on and have control of the operation of a snowmobile.
- (6) **Operator:** Every person who operates or is in actual physical control of a snowmobile.
- (7) **Owner:** A person, other than a lienholder, having the property in, or title to, a snowmobile entitled to the use or possession of the snowmobile.
- (8) **Public Roads:** Any city, municipal, county, state or federal road or highway.
- (9) **Residential Subdivision:** A plat that legally describes parcels by lot and block numbers.
- (10) **Right-Of-Way:** The entire strip of land traversed by any highway, street, county road or roadway easement for the purpose of vehicle travel, and includes the entire width of the land dedicated or acquired by law for right-of-way purposes.
- (11) **Roadway:** That portion of the improved right-of-way designed or ordinarily used for vehicle travel, including the shoulder.
- (12) **Snowmobile:** A self-propelled vehicle designed for travel on snow or ice and steered by skis or runners.

Sec. 34-137. Uses specifically prohibited.

Except as specifically permitted and authorized in this Division, it is unlawful for any person to operate a snowmobile 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:
 - (a) A snowmobile 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. Snowmobiles may also be operated upon the ditch bottom or the outside bank of trunk, county state-aid, and county highways where such highways are so configured within the corporate limits.
 - (b) Nothing in this ordinance is intended to prohibit the crossing of a City or County Right-of-Way, which is otherwise allowed by Minnesota Statutes § 84.87 and 84.928.
 - (c) Nothing in this ordinance is intended to prohibit the operation of a snowmobile upon a waterway, the shoulder, inside bank, or slope of any public highway, street, road, trail, or alley as permitted by Minnesota Statute s § 84.87, Subd. 3.
- (2) No person shall operate a snowmobile on any street in the city between the hours of 10:00 p.m. and 6:00 a.m. Sunday through Thursday, or between the hours of 12:00 midnight and 6:00 a.m. on Friday and Saturday, except going to or from their usual place of residence at a reduced speed and using the most direct route.
- (3) On a public sidewalk provided for pedestrian travel.
- (4) On private property of another without lawful authority or permission of the owner or occupant.
- (5) On public grounds, park property, playgrounds, recreational areas without the express provision or permission to do so by the city.
- (6) Snowmobiles shall not exceed a speed of 20 M.P.H. on local city streets.
- (7) At a rate of speed greater than reasonable or proper under all surrounding circumstances.
- (8) 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.
- (9) In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of another person.
- (10) To tow any person or thing except through use of a rigid tow bar attached to the rear of the snowmobile.
- (11) At any place while under the influence of alcohol or drugs as defined in Minnesota Statutes § 169A.

- (12) Within one hundred (100) feet of any fisherman, pedestrian, skating rink, or sliding area where the operation would conflict with use, or endanger other persons or property.
- (13) On boulevards within any public right-of-way.
- (14) On a trail not specified for snowmobile use.

Sec. 34-138. Crossing a public road right-of-way.

A snowmobile may make a direct crossing of a public road right-of-way, other than an interstate highway or freeway, provided:

- (1) The crossing is made at an angle of approximately ninety (90) degrees to the direction of the road and at a place where no obstruction prevents a quick and safe crossing.
- (2) The snowmobile first comes to a complete stop at the edge of the shoulder or the main-traveled way of the road.
- (3) The operator yields the right-of-way to all oncoming traffic which 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; and
- (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.

Sec. 34-139. Traffic ordinances applicable.

- (1) City and State traffic regulations shall apply to the operation of snowmobile 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.

Sec. 34-140. Yielding right-of-way.

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

Sec. 34-141. Operation; persons under 18.

No person under fourteen (14) years of age shall operate a snowmobile 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 fourteen (14) years of age or older, but less than eighteen (18) years of age, may operate a snowmobile as permitted under this Division and make a direct crossing of the streets and highways only if he has in his immediate possession a valid safety certificate issued by the Commissioner, as provided by Minnesota Statutes § 84.872 or 84.9256.

Sec. 34-142. Equipment required.

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

- (1) Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation.
 - (a) No person shall use a muffler cutout, bypass straight pipe, or similar device on a snowmobile motor.
- (2) Brakes adequate to control the movement of and to stop and hold the snowmobile 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 one hundred (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 snowmobile 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 five hundred (500) feet to the rear during hours of darkness under normal atmospheric conditions.
- (5) Reflective material at least sixteen (16) square inches on each side, forward of the handlebars or steering device of a snowmobile and at the highest practical point on any towed object, as to reflect light at a 90-degree angle.

Sec. 34-143. Ignition lock.

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

Sec. 34-144. Emergencies, operation permitted.

Notwithstanding any other provisions in this article, a snowmobile may be operated on a public thoroughfare in an emergency during the period of time and at locations where snow upon the roadway renders travel by automobile impractical.

Sec. 34-145. Uses prohibited; animals.

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

Sec. 34-146. Established Riding Area.

- (1) The use of a snowmobile within an established riding area is not allowed on a lot or parcel of land of less than two (2) acres in size or within residential subdivisions.
- (2) A snowmobile established riding area may be used on lots of two (2) acres or greater in size located within the City on the condition that the riders shall adhere to the following:
 - (a) The established riding area for a snowmobile is to be located no closer than three hundred (300) feet of a building occupied by humans or livestock, unless the building is also owned by the owner of the established riding area.
 - (b) Dust and noise control measures are to be maintained by the property owner or occupant. These dust and noise control measures are to be enforced by the City if other properties are adversely affected by dust and noise due to snowmobile use. The owners affected must file a written complaint with the City.
 1. Dust control measures shall include, but are not limited to, the planting of twelve (12) foot high coniferous trees planted ten (10) feet on center, or the construction of a six (6) foot minimum board on board style fence, as approved by the City.
 2. A snowmobile must have a factory approved exhaust. The noise emission may not exceed one hundred five (105) decibels at a distance of 20 inches during operation, and mufflers may not be altered to increase motor noise, or have a cut out bypass, or similar device.
 - (c) No more than four (4) riders may operate a snowmobile on the property. A snowmobile may only be operated on the property during the following times: Monday through Friday, 9:00 a.m. through 7:00 p.m.; and Saturdays and Sundays, 10:00 a.m. through 7:00 p.m. Operation of a snowmobile must cease for a minimum of one (1) hour after every two hours of riding.
 - (d) Operation of a snowmobile shall not be allowed on either primary or secondary septic sites.

Sec. 34-147. Exemptions

With the exception of Sec. 32 – 146, the following uses are exempt from this Ordinance:

- (1) Any snowmobile used for the purpose of property maintenance.
- (2) Any agent or employee of any road authority, law enforcement or public safety agency, or any agent or employee of the Minnesota Department of Natural Resources or any other governmental body in conducting official business.
- (3) Any organized track-racing event that is required to be registered with the Department of Natural Resources.

Secs. 34 – 148—34 – 159. Reserved.

DIVISION 2. OFF ROAD VEHICLES

Sec. 34-160. Definitions.

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

- (1) **All-terrain vehicle:** A motorized vehicle of not less than three, but not more than six low pressure or non-pneumatic tires, that is limited in engine displacement of less than 1,000 cubic centimeters and includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle.
 - (a) **Class 1 all-terrain vehicle:** An all-terrain vehicle that has a total dry weight of less than 1,200 pounds.
 - (b) **Class 2 all-terrain vehicle:** all-terrain vehicle that has a total dry weight of 1,200 to 1,800 pounds.
- (2) **Commissioner:** The Commissioner of the Department of Natural Resources.
- (3) **Deadman throttle or safety throttle:** A device which when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving mechanism.
- (4) **Established Riding Area:** Means trails or area on a lot used by an off-road vehicle.
- (5) **Go-Cart:** A motorized miniature vehicle capable of achieving speeds in excess of ten miles per hour and commonly used on courses or racetracks specifically designed for such vehicles.
- (6) **Golf Cart:** A motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour. Golf carts shall have no increased power, wheel base or tire modifications from a standard manufactured gas or electric golf cart.
- (7) **Motorized Dirt Bike:** A two (2) wheeled vehicle being capable of cross-country travel on natural terrain without benefit of a road or trail.
- (8) **Natural terrain:** 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.
- (9) **Off-Highway Motorcycle:** a motorized, off-highway vehicle traveling on two wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control, including a vehicle that is registered under MN Statutes Chapter 168 for highway use if it is also used for off-highway operation on trails or unimproved terrain.
- (10) **Off-Road Vehicle:** Any motor vehicle which can be operated cross-country without benefit of a road or trail over land, snow, and other natural terrain, and includes, but is not limited to, all of the following: Multi-track and multi-wheeled vehicles, all-terrain vehicles (ATV), off-highway motorcycles, go-carts, and related two (2), three (3), and four (4)-wheeled vehicles, amphibious machines (water to land, and back), hovercraft, and any other vehicles that use mechanical power, including two (2) and four (4)-wheel drive (4WD) vehicles that are highway registered, when operated off highways and roads. This definition does not include snowmobiles.
- (11) **Operate:** To ride in or on and have control of the operation of an off-road vehicle.
- (12) **Operator:** Every person who operates or is in actual physical control of an off-road vehicle.
- (13) **Owner:** A person, other than a lienholder, having the property in, or title to, an off-road vehicle, entitled to the use or possession of the off-road vehicle.
- (14) **Public Roads:** Any city, municipal, county, state or federal road or highway.
- (15) **Residential Subdivision:** A plat that legally describes parcels by lot and block numbers.
- (16) **Right-Of-Way:** The entire strip of land traversed by any highway, street, county road or roadway easement for the purpose of vehicle travel, and includes the entire width of the land dedicated or acquired by law for right-of-away purposes.
- (17) **Roadway:** That portion of the improved right-of-way designed or ordinarily used for vehicle travel, including the shoulder.
- (18) **Snowmobile:** A self-propelled vehicle designed for travel on snow or ice and steered by skis or runners.

Sec. 34-161. Uses specifically prohibited.

Except as specifically permitted and authorized in this Division, it is unlawful for any person to operate an off-road vehicle 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 unless in accordance with Minnesota Statutes § 84.928.
 - (a) Nothing in this ordinance is intended to prohibit the crossing of a City or County Right-of-Way, which is otherwise allowed by Minnesota Statutes § 84.928.
- (2) On a public sidewalk provided for pedestrian travel.
- (3) On private property of another without lawful authority or permission of the owner or occupant.
- (4) On public grounds, park property, playgrounds, recreational areas without the express provision or permission to do so by the city.

- (5) Class 1 ATVs shall not exceed a speed of 20 M.P.H. on local city streets.
- (6) At a rate of speed greater than reasonable or proper under all surrounding circumstances.
- (7) 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.
- (8) In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of another person.
- (9) To tow any person or thing except through use of a rigid tow bar attached to the rear of the off-road vehicle.
- (10) At any place while under the influence of alcohol or drugs as defined in Minnesota Statutes § 169A.
- (11) Within one hundred (100) feet of any fisherman, pedestrian, skating rink, or sliding area where the operation would conflict with use, or endanger other persons or property.
- (12) On boulevards within any public right-of-way.
- (13) On a trail not specified for ATV use.

Sec. 34-162. Crossing a public road right-of-way.

An off-road vehicle may make a direct crossing of a public road right-of-way, other than an interstate highway or freeway, provided:

- (1) The crossing is made at an angle of approximately ninety (90) degrees to the direction of the road and at a place where no obstruction prevents a quick and safe crossing.
- (2) The off-road vehicle first comes to a complete stop at the edge of the shoulder or the main-traveled way of the road.
- (3) The operator yields the right-of-way to all oncoming traffic which 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; and
- (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.

Sec. 34-163. Traffic ordinances applicable.

- (1) City and State traffic regulations shall apply to the operation of off-road vehicle 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.
- (2) Golf carts and Class 1 ATVs for the physically handicapped persons may be operated on city streets with a city permit. The permit is a period not to exceed one year and may be renewed annually. The permits are exempt from registration tax, but must display the triangular slow-moving vehicles emblem. A driver's license is not required.

Sec. 34-164. Yielding right-of-way.

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

Sec. 34-165. Youthful Operators.

No person less than eighteen (18) years of age, may operate an off-road vehicle except as provided by Minnesota Statutes § 84.9256, 84.793, 84.802, or 84.872.

Sec. 34-166. Equipment required.

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

- (1) Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation.
 - (a) No person shall use a muffler cutout, bypass straight pipe, or similar device on an off-road vehicle motor.
- (2) Brakes adequate to control the movement of and to stop and hold the off-road vehicle 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 one hundred (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 snowmobile or off-road 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 five hundred (500) feet to the rear during hours of darkness under normal atmospheric conditions.
- (5) Reflective material at least sixteen (16) square inches on each side, forward of the handlebars or steering device of an off-road vehicle and at the highest practical point on any towed object, as to reflect light at a 90-degree angle.

Sec. 34-167. Ignition lock.

Every person leaving an off-road vehicle on a public place or way shall lock the ignition, and remove and take the keys with him.

Sec. 34-168. Emergencies, operation permitted.

Notwithstanding any other provisions in this article, an off-road may be operated on a public thoroughfare in an emergency during the period of time and at locations where snow upon the roadway renders travel by automobile impractical.

Sec. 34-169. Uses prohibited; animals.

It is unlawful to intentionally drive, chase, run over, or kill any animal with an off-road vehicle.

Sec. 34-170. Established Riding Area.

- (1) The use of an off-road vehicle within an established riding area is not allowed on a lot or parcel of land of less than two (2) acres in size or within residential subdivisions.
- (2) An off-road vehicle established riding area may be used on lots of two (2) acres or greater in size located within the City on the condition that the riders shall adhere to the following:
 - (a) The established riding area for an off-road vehicle is to be located no closer than three hundred (300) feet of a building occupied by humans or livestock, unless the building is also owned by the owner of the established riding area.
 - (b) Dust and noise control measures are to be maintained by the property owner or occupant. These dust and noise control measures are to be enforced by the City if other properties are adversely affected by dust and noise due to off-road vehicle use. The owners affected must file a written complaint with the City.
 1. Dust control measures shall include, but are not limited to, the planting of twelve (12) foot high coniferous trees planted ten (10) feet on center, or the construction of a six (6) foot minimum board on board style fence, as approved by the City.
 2. An off-road vehicle must have a factory approved exhaust. The noise emission may not exceed one hundred five (105) decibels at a distance of 20 inches during operation, and mufflers may not be altered to increase motor noise, or have a cut out bypass, or similar device.
 - (c) No more than four (4) riders may operate an off-road vehicle on the property. An off-road vehicle may only be operated on the property during the following times: Monday through Friday, 9:00 a.m. through 7:00 p.m.; and Saturdays and Sundays, 10:00 a.m. through 7:00 p.m. Operation of a snowmobile or off-road vehicle must cease for a minimum of one (1) hour after every two hours of riding.
 - (d) Operation of an off-road vehicle shall not be allowed on either primary or secondary septic sites.

Sec. 34-171. Exemptions

With the exception of Sec. 34 – 170, the following uses are exempt from this Ordinance:

- (1) Any off-road vehicle used for the purpose of property maintenance.
- (2) Any agent or employee of any road authority, law enforcement or public safety agency, or any agent or employee of the Minnesota Department of Natural Resources or any other governmental body in conducting official business.
- (3) Any organized track-racing event that is required to be registered with the Department of Natural Resources.

Secs. 34 – 172—34 – 199. Reserved.