

CHAPTER 73: SNOWMOBILES; ALL-TERRAIN VEHICLES

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SNOWMOBILES

§ 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 a snowmobile.

OPERATOR. Every person who operates or is in actual physical control of a snowmobile.

OWNER. A person, other than a lienholder, having the property in or title to a snowmobile and entitled to the use or possession thereof.

ROADWAY. That portion of a highway improved, designed, or ordinarily used for vehicular travel.

SNOWMOBILE. A self-propelled vehicle designed for travel on snow, ice, or natural terrain steered by wheels, skis, or runners.
('75 Code, § 7.301) (Am. Ord. -, eff. 10-1-97)

§ 73.02 OPERATION ON PUBLIC AND PRIVATE PROPERTY.

Except as herein specifically permitted and authorized, it is unlawful for any person to operate a snowmobile within the limits of the city:

(A) On the portion of any right-of-way of any public highway, street, road, trail, or alley used for motor vehicle travel, except the most right-hand lane (except in passing) which is used for vehicular traffic in the same direction, other than on trunk, county state-aid, or county highways. Snowmobiles may also be operated upon the ditch bottom or outside of trunk, county state-aid, and county highways where such highways are so configured within the corporate limits;

(B) On a public sidewalk provided for pedestrian travel;

(C) On boulevards within any public right-of-way;

(D) On private property of another without specific permission of the owner or person in control of said property;

(E) On any other public place except Ambush Park and the Northerly recreation area.

('75 Code, § 7.302) (Am. Ord. -, eff. 10-1-97) Penalty, see § 73.99

§ 73.03 CROSSING OF STREETS.

A snowmobile may make a direct crossing of a street or highway, provided:

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

(B) The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way;

(C) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard;

(D) In crossing a divided street or highway, the crossing is made only at an intersection of such street or highway with another public street or highway;

(E) 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, both front and rear lights are on.

('75 Code, § 7.303) (Am. Ord. -, eff. 10-1-97) Penalty, see § 73.99

§ 73.04 APPLICABILITY OF TRAFFIC REGULATIONS.

The city traffic code shall apply to the operation of snowmobiles upon streets and highways, except for those relating to required equipment, and except those which by their nature have no application.

('75 Code, § 7.304) (Am. Ord. -, eff. 10-1-97)

Cross-reference:

Traffic regulations, see Ch. 70

§ 73.05 YIELDING AT INTERSECTIONS.

No snowmobile 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.

('75 Code, § 7.305) (Am. Ord. -, eff. 10-1-97) Penalty, see § 73.99

§ 73.06 AGE-RELATED LIMITATIONS.

No person under 14 years of age shall operate on streets or the roadway surface of highways or make a direct crossing of a trunk, county state-aid, county highway, or city street as the operator of a snowmobile. A person 14 years of age or older, but less than 18 years of age, may operate a snowmobile on streets and highways as permitted under this code and make a direct crossing of such streets and highways only if he or she has in his or her immediate possession a valid snowmobile safety certificate issued by the Commissioner of the Minnesota Department of Natural Resources, as provided by M.S. § 84.842. It is unlawful for the owner of a snowmobile to permit the snowmobile to be operated contrary to the provisions of this section.
('75 Code, § 7.306) (Am. Ord. -, eff. 10-1-97) Penalty, see § 73.99

§ 73.07 OPERATING PROHIBITIONS AND RESTRICTIONS.

It is unlawful for any person to operate a snowmobile within the limits of the city:

(A) At any place while under the influence of alcohol or drugs as defined in M.S. § 169.121, which is hereby incorporated herein by reference;

(B) At a rate of speed greater than is reasonable or proper under all the surrounding circumstances;

(C) 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;

(D) During the hours of 11:00 p.m. to 7:00 a.m. of any day, closer than 100 feet to any dwelling which is usually occupied by one or more persons;

(E) So as to tow any person or thing in a public street or highway except through use of a rigid tow bar attached to the rear of the snowmobile;

(F) Within 100 feet of any pedestrian, skating rink, or sliding area where the operation would conflict with use or endanger other persons or property.
('75 Code, § 7.307) (Am. Ord. -, eff. 10-1-97) Penalty, see § 73.99

§ 73.08 EQUIPMENT.

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:

(A) Standard mufflers which are properly attached and which 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 snowmobile motor;

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

(C) A safety or so-called “deadman” throttle in operating condition. A *SAFETY* or “*DEADMAN*” *THROTTLE* is defined as a device which, when pressured, is removed from the engine accelerator or throttle, and causes the motor to be disengaged from the driving track;

(D) When operated between the hours of one-half hour after sunset to one-half before sunrise or at times 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 under normal atmospheric conditions. Such 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 taillamp 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.

('75 Code, § 7.308) (Am. Ord. -, eff. 10-1-97) Penalty, see § 73.99

§ 73.09 KEYS TO BE REMOVED FROM IGNITION.

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

('75 Code, § 7.309) (Am. Ord. -, eff. 10-1-97) Penalty, see § 73.99

§ 73.10 EMERGENCY USE OF ROADWAYS.

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

('75 Code, § 7.310) (Am. Ord. -, eff. 10-1-97)

§ 73.11 CHASING AND HARMING ANIMALS PROHIBITED.

No person shall intentionally drive, chase, run over, or kill any animal with a snowmobile.

('75 Code, § 7.311) (Am. Ord. -, eff. 10-1-97) Penalty, see § 73.99

Cross-reference:

Cruelty to animals, see § 90.01

ALL-TERRAIN VEHICLES

§ 73.25 DEFINITIONS.

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

ALL-TERRAIN VEHICLES. A motorized flotation-tired vehicle of not less than four low pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds.

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

PUBLIC PROPERTY. Any real property owned by the city, including, but not limited to, all city parks, city recreational areas, city streets/roadways.

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 street/roadway that is not privately owned.

SNOW REMOVAL. The process of shoveling, blowing, or plowing snow from roadways, sidewalks, driveways, and walkways.

(Ord. 1110.03, passed 2-10-03)

§ 73.26 STATE LAW ADOPTED.

M.S. §§ 84.92 through 84.929 as now existing, or as hereafter are adopted by reference and are as much a part of this code as if fully set forth herein.

(Ord. 1110.03, passed 2-10-03)

§ 73.27 OPERATION.

(A) A person shall not operate an all-terrain vehicle unless the all-terrain vehicle is equipped with at least one headlight and one taillight and must have said headlight and taillight operable and lighted at all times.

(B) A person shall not operate an all-terrain vehicle without a properly operating brake conforming with the standards prescribed by state and federal law and without a brake operational by either hand or foot.

(C) A person shall not operate an all-terrain vehicle at a rate of speed greater than reasonable or proper under the surrounding circumstances and/or at a rate of speed in excess of any posted speed limit.

(D) A person shall not operate an all-terrain vehicle with more persons on the vehicle than for which it was designed.

(E) A person shall not operate an all-terrain vehicle in a careless, reckless, or negligent manner so as to endanger or to cause injury or damage to the person or property of another.

(F) A person shall not operate an all-terrain vehicle without a functioning stoplight if so equipped.

(Ord. 1110.03, passed 2-10-03)

§ 73.28 OPERATION ON PUBLIC PROPERTY.

It shall be unlawful for any person, regardless of age, to drive and operate an all-terrain vehicle on public property except as provided herein and except as provided in M.S. §§ 84.92 through 84.929 as now existing, or as hereafter are adopted.

(Ord. 1110.03, passed 2-10-03)

§ 73.29 OPERATION ON CITY STREETS/ROADWAYS FOR A SPECIFIC PURPOSE.

(A) A person with a valid driver's license issued by Minnesota or another state may drive and operate an all-terrain vehicle on city streets/roadways for a specific purpose only upon receiving a limited operator's permit by the City Council. Before issuing a limited operator's permit, the City Council shall determine that the issuance of the proposed limited operator's permit will only be for a specific purpose and not create a public nuisance and will not be detrimental to the health, safety, or general welfare of

the community, nor will it cause serious traffic congestion or hazard. Further, the City Council shall prescribe the following conditions for each limited operator's permit issued:

- (1) The specific purpose of operation of the all-terrain vehicle;
- (2) The specific hours of operation of the all-terrain vehicle;
- (3) The specific frequency of operation of the all-terrain vehicle; and
- (4) The specific streets/roadways of operation of the all-terrain vehicle.

(B) The annual fee for a limited operator's permit shall be determined by the City Council and set by resolution.

(Ord. 1110.03, passed 2-10-03)

§ 73.30 OPERATION ON CITY STREETS/ROADWAYS FOR PURPOSE OF SNOW REMOVAL.

(A) A person with a valid driver's license issued by Minnesota or another state may drive and operate an all-terrain vehicle on city streets/roadways for the sole purpose of snow removal.

(B) A person operating an all-terrain vehicle on city streets/roadways for the sole purpose of snow removal shall comply with all provisions set forth herein.

(C) A person operating an all-terrain vehicle on city streets/roadways for the sole purpose of snow removal shall have a snow removal device, such as a plow or blower, attached to the all-terrain vehicle.

(D) A person operating an all-terrain vehicle on city streets/roadways for the sole purpose of snow removal shall not operate on the following roadways:

- (1) Atlantic Avenue;
- (2) 13th Street North;
- (3) 14th Street North, between Atlantic Avenue and Nevada Avenue;
- (4) Nevada Avenue, between 14th Street North and 16th Street North;
- (5) Highway 29 from Nevada Avenue to County Road 104;

- (6) County Road 104;
 - (7) Hoban Avenue;
 - (8) Hall Avenue from 22nd Street South to Hoban Avenue;
 - (9) 22nd Street South from Hall Avenue to Minnesota Avenue;
 - (10) Minnesota Avenue, West of Church Street;
 - (11) Church Street;
 - (12) 14th Street South from Atlantic Avenue to McKinney Avenue;
 - (13) County Road 3, North of the railroad tracks;
 - (14) County Road 57 that is within the city limits.
- (Ord. 1110.03, passed 2-10-03)

§ 73.31 OPERATION ON PRIVATE PROPERTY.

It shall be unlawful for any person to drive or operate an all-terrain vehicle on private property of another within the city unless the operator thereof obtains the permission of the property owner or the person entitled to possession of said property.
(Ord. 1110.03, passed 2-10-03)

§ 73.32 YOUTHFUL OPERATORS; PROHIBITIONS.

(A) *Prohibitions.* It shall be unlawful for any person under 12 years of age to do any of the following:

- (1) Make a direct crossing of a public road right-of-way;
- (2) Operate an all-terrain vehicle on a public road right-of-way; or,
- (3) Operate an all-terrain vehicle on public property.

(B) *Helmet required.* A person less than 18 years of age shall not operate an all-terrain vehicle on public property or on a public road right-of-way unless wearing a safety helmet approved by the Commissioner of Public Safety.
(Ord. 1110.03, passed 2-10-03)

§ 73.33 LIABILITY OF OWNER.

It shall be unlawful for the owner of an all-terrain vehicle to permit it to be operated contrary to the provisions of this subchapter.
(Ord. 1110.03, passed 2-10-03)

§ 73.99 PENALTY.

Any person violating any provision of this chapter shall be guilty of petty misdemeanor as further explained in § 10.99. ('75 Code, §§ 7.312, 7.503) (Ord. 1032.83, passed 2-3-83; Am. Ord. -, eff. 10-1-97; Am. Ord. 1110.03, passed 2-10-03)

Statutory reference:

Ordinance violations and penalties, see M.S. § 84.929