

ARTICLE V. SNOWMOBILES AND OTHER RECREATIONAL VEHICLES*

***State law references:** Off-highway motorcycles, Minn. Stat. § 84.787 et seq.; local regulation of off-highway motorcycles, Minn. Stat. §§ 84.768, subd. 9, 84.795, subd. 8; off-road vehicles, Minn. Stat. § 84.797 et seq.; local regulation of off-road vehicles, Minn. Stat. §§ 84.798, subd. 8, 84.804, subd. 6; snowmobiles, Minn. Stat. § 84.81 et seq.; local regulation of snowmobiles, Minn. Stat. ch. 845, § 84.87, subd. 3; all-terrain vehicles, Minn. Stat. § 84.92 et seq.; local regulation of all-terrain vehicles, Minn. Stat. §§ 84.923, subd. 9, 84.928, subd. 6.

Sec. 82-191. Definitions.

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

Ice sailboat means an apparatus with runners having sails by means of which it is propelled.

Laddie Lake means that body of water which bears that name and is given the lake number 73-177 by the state department of natural resources lying within the county. A map thereof is on file in the office of the city clerk and attached to the original draft of Ordinance No. 83-781.

Operate means to ride in or on and control the operation of a snowmobile or recreational motor vehicle.

Operator means a person who operates or is in actual physical control of a snowmobile or recreational motor vehicle.

Owner means a person, other than a lienholder, having the property in or title to a snowmobile or recreational motor vehicle, entitled to the use or possession thereof.

Person means an individual, partnership, corporation or any body of persons, whether incorporated or formed into an association or not.

Recreational motor vehicle means 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 bikes or other all-terrain vehicles, hovercraft, or motor vehicles licensed for highway operation which is being used for off the road recreational purposes, but not including ice sailboats or snowmobiles.

Roadway means that portion of a highway or street which is improved, designed, or ordinarily used for vehicular travel.

Snowmobile means a self-propelled vehicle steered by wheels, skis or runners designated for travel on snow or ice or on natural terrain.

Undeveloped area means any area wherein it is possible to operate a snowmobile farther than 100 feet from an occupied dwelling.

(Code 1963, §§ 6.01, 6A.01; Code 1980, § 19-40; Ord. No. 261, 3-4-1971; Ord. No. 315, 8-16-1973; Ord. No. 83-781, 1-20-1983)

Cross references: Definitions generally, § 1-2.

Sec. 82-192. Operation of recreational motor vehicle; generally; permission of landowner.

(a) It is unlawful for any person to enter, operate, or stop a recreational motor vehicle:

(1) On publicly owned land and easements, including park property, playgrounds, and recreational areas under the jurisdiction of the city, except where such areas are posted permitting recreational motor vehicles to operate on such property;

(2) On all public property, including streets, roadways, shoulders and public right-of-way, lying west of State Highway 65 between the north and south corporate limits of the city.

(3) On all public property, including streets, roadways, shoulders and public right-of-way, lying east of State Highway 65 between the north and south corporate limits of the city, which streets, roadways, shoulders and public right-of-way abut property zoned R-1 single-family residence on either or both sides of the street, roadway, shoulder and public right-of-way;

(4) Carelessly or heedlessly in disregard of the rights or the safety of others, or in a manner so as to endanger any person or property.

(b) No person shall enter, operate, or stop a recreational motor vehicle on lands not such person's own, except where otherwise allowed by law, without written permission of the owner, occupant, or lessee of such lands. Written permission may be given by a posted notice of any kind or description that the owner, occupant, or lessee prefers, so long as it specifies the kind of vehicles allowed, such as by saying "recreational vehicles allowed," "trailbikes allowed," or words substantially similar. Written permission other than posted notice shall be carried on the person of the operator of the recreational motor vehicle.

State law references: Similar provisions, Minn. Stat. § 84.90, subd. 2.

(Code 1963, § 6A.02; Code 1980, § 19-41; Ord. No. 315, 8-16-1973; Ord. No. 83-781, 1-20-1983; Ord. No. 86-927, 2-6-1986)

Sec. 82-193. Destruction of signs; illegally posting.

It is unlawful for a person to post, mutilate or remove any notice or sign as provided in this chapter upon or from any lands or waters over which such person has no right, title, interest or license.

(Code 1963, § 6A.03; Code 1980, § 19-42; Ord. No. 315, 8-16-1973; Ord. No. 83-781, 1-20-1983)

State law references: Similar provisions, Minn. Stat. § 84.90, subd. 4.

Sec. 82-194. Passage through gates or wires.

No person shall enter or leave lands of another with a recreational motor vehicle, ice sailboat or snowmobile, or pass from one portion of such lands to another portion, through a closed gate, without returning the gate to its original position. No person shall enter or leave the land of another with a recreational motor vehicle, ice sailboat or snowmobile by cutting any wire or tearing down or destroying any fence.

(Code 1963, § 6A.04; Code 1980, § 19-43; Ord. No. 315, 8-16-1973; Ord. No. 83-781, 1-20-1983)

State law references: Similar provisions, Minn. Stat. § 84.90, subd. 5.

Sec. 82-195. Snowmobiles; operation regulations.

(a) *General restrictions.* It shall be unlawful for any person to operate a snowmobile or for the owner to knowingly direct or permit the operation of any snowmobile within the city:

(1) On the private property of another person without first securing the permission of the owner of such property or of the person entitled to possession and control of such property;

State law references: Similar provisions, Minn. Stat. § 84.90, subd. 2.

(2) On publicly owned land and easements including park property, playgrounds, and recreational areas under the jurisdiction of the city, except where such areas are posted permitting snowmobiles to operate on such property;

State law references: Similar provisions, Minn. Stat. § 84.90, subd. 2.

(3) On the boulevard of any roadway or in any residentially or commercially developed area, or any sidewalk, walkway or land designed for such use;

- (4) On Laddie Lake;
- (5) Directly across a city roadway unless:
 - a. The operator is 18 years or more of age;
 - b. An operator who is 14 years or more of age and less than 18 years of age possesses a valid snowmobile safety certificate issued by the state commissioner of natural resources;
 - c. The crossing is made at an angle of approximately 90 degrees to the direction of the roadway and at a place where no obstruction prevents a quick and safe crossing;
 - d. The snowmobile is brought to a complete stop before crossing the roadway;
 - e. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard;

State law references: Direct crossing of streets by snowmobiles, Minn. Stat. § 84.87, subd. 1(b); required snowmobile training, Minn. Stat. § 84.862.

- (6) Along, on or upon a city roadway unless:
 - a. The operator is 18 years or more of age;
 - b. The operator who is less than 18 years of age and at least 16 years of age possesses a valid snowmobile safety certificate issued by the state commissioner of natural resources;
 - c. The snowmobile is brought to a complete stop at each street intersection which it encounters;
 - d. The snowmobile proceeds along the righthand side of the street in single file;
- (7) Along, on or upon a city roadway while towing a toboggan, sled or similar device unless such device is equipped with a rigid V-type hitch;

State law references: Required snowmobile training, Minn. Stat. § 84.862.

- (8) Within the city between the hours of 10:00 p.m. and 7:00 a.m., except that it shall be lawful to operate a snowmobile until midnight on Friday, Saturday, and the eve preceding Thanksgiving, Christmas and New Years subject to the limitations of subsection (a)(9) of this section;
- (9) Along, on or upon roadway or within 100 feet of any dwelling after 9:00 p.m., except that such operation is permitted after 9:00 p.m. (subject to the limitations of subsection (a)(8) of this section) for the sole purpose of leaving and returning to a place of residence provided that such travel is limited to the shortest practical route between residence and nearest undeveloped area, or between undeveloped areas;
- (10) Along, on or upon a city roadway at a rate of speed greater than reasonable or proper under all surrounding circumstances, but under no condition in excess of 15 miles per hour;
- (11) In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto;

State law references: Similar provisions, Minn. Stat. § 84.87, subd. 2(1).

- (12) Without a lighted headlight when required for safety, such headlight having a minimum candlepower of sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during hours of darkness under normal atmospheric conditions;

State law references: Lighting requirements for snowmobiles, Minn. Stat. § 84.87, subds. 1(c), 2(3).

- (13) Without a lighted taillight being red in color and having a minimum candlepower of sufficient intensity to be plainly visible from a distance of 500 feet to the rear during hours of darkness under normal atmospheric conditions;

State law references: Lighting requirements for snowmobiles, Minn. Stat. § 84.87, subds. 1(c), 2(3).

- (14) Without at least 16 square inches of reflector material mounted on each side of the

snowmobile forward of the handle bars;

State law references: Reflector requirements for snowmobiles, Minn. Stat. § 84.87, subd. 1(c).

(15) Without brakes adequate to control the movement of and to stop and to hold the snowmobile under any conditions of operation;

State law references: Brake requirements for snowmobiles, Minn. Stat. § 84.87, subd. 1(c).

(16) Without a safety or so-called "dead man" throttle in operating condition. Such throttle is defined as a device which when pressure is removed from the accelerator or throttle, causes the motor to disengage from the driving track;

(17) Without a muffler in good working order which is in constant operation to prevent excessive or unusual noise, except for organized events as authorized by Minn. Stat. § 84.871. Such muffler shall meet the minimum requirements established by the state commissioner of natural resources. Alteration or excessive deterioration of the original equipment manufacturer provided muffler or exhaust pipe shall constitute a violation of this section;

(18) On all public property, including streets, roadways, shoulders and public right-of-way, lying west of State Highway 65 between the north and south corporate limits of the city;

(19) On all public property, including streets, roadways, shoulders and public right-of-way, lying east of State Highway 65 between the north and south corporate limits of the city, which streets, roadways, shoulders and public right-of-way abut property zoned R-1 single-family residence on either or both sides of the street, roadway, shoulder and public right-of-way.

(b) *Operation under the influence of alcohol or controlled substances.*

(1) No owner or other person having charge or control of any snowmobile shall authorize or permit any individual the person knows or has reason to believe is under the influence of alcohol or a controlled substance or other substance to operate the snowmobile anywhere in this city or on the ice of any boundary water of this city.

(2) No owner or other person having charge or control of any snowmobile shall knowingly authorize or permit any person, who by reason of any physical or mental disability is incapable of operating the vehicle, to operate the snowmobile anywhere in this city or on the ice of any boundary water of this city.

(3) A person who operates or is in physical control of a snowmobile or all-terrain vehicle anywhere in this city or on the ice of any boundary water of this city is subject to Minn. Stat. ch. 169A. In addition to the applicable sanctions under Minn. Stat. ch. 169A, a person who is convicted of violating Minn. Stat. § 169A.20 or an ordinance in conformity with it while operating a snowmobile, or who refuses to comply with a lawful request to submit to testing under Minn. Stat. §§ 169A.50--169A.53 or an ordinance in conformity with it, shall be prohibited from operating the snowmobile for a period of one year.

(4) Administrative and judicial review of the operating privileges prohibition is governed by Minn. Stat. § 97B.066, subs. 7--9, if the person does not have a prior impaired driving conviction or prior license revocation, as defined in Minn. Stat. § 169A.03. Otherwise, administrative and judicial review of the prohibition is governed by Minn. Stat. § 169A.53.

(5) The court shall promptly forward to the state copies of all convictions and criminal and civil sanctions imposed under this section and Minn. Stat. ch. 169 relating to snowmobiles.

(6) A person who violates subsection (b)(1) or (b)(2) of this section is guilty of a misdemeanor. A person who operates a snowmobile during the time period the person is prohibited from operating a vehicle under subsection (b)(3) of this section is guilty of a misdemeanor.

State law references: Similar provisions, Minn. Stat. § 84.91.

(Code 1963, § 6.02; Code 1980, § 19-44; Ord. No. 261, 3-4-1971; Ord. No. 83-781, 1-20-1983; Ord. No. 86-925, 2-6-1986)

Sec. 82-196. Snowmobiles and ice sailboats prohibited on Laddie Lake.

In the interests of public health, safety and the general welfare, the following regulations are hereby imposed upon all ice sailboats and motor vehicles, including snowmobiles, operated, placed or maintained in or upon Laddie Lake:

- (1) No person shall operate on Laddie Lake, an ice sailboat or motor vehicle, which shall include snowmobiles, whenever there is ice formed on Laddie Lake.
- (2) Motor vehicles and snowmobiles utilized by city, county or state officers for law enforcement, rescue, or resource management shall be exempt from the provisions of this section.

The city manager is directed and/or authorized to inform the public of the provisions of this article by posting Laddie Lake in accordance with state Department of Natural Resources rules, orders and permits.

(Code 1980, § 19-45; Ord. No. 83-781, 1-20-1983)

Sec. 82-197. Penalties for violation of article.

Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-7. Ordinance No. 83-781 shall become effective upon publication subject to the approval by the state commissioner of natural resources.

(Code 1980, § 19-46; Ord. No. 83-781, 1-20-1983)

Secs. 82-198--82-230. Reserved.