

ORDINANCE NO. 135

AN ORDINANCE REGULATING AND CONTROLLING THE USE OF SNOWMOBILES, RECREATIONAL MOTOR VEHICLES AND ALL TERRAIN VEHICLES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOOSE LAKE:

Section 1: Purpose and Intent.

The purpose of this Ordinance is to provide reasonable regulations for the use of snowmobiles, recreational motor vehicles and/or all terrain vehicles on public and private property in the City of Moose Lake.

Section 2: Definitions.

For the purposes of this Ordinance the terms defined herein shall have the following meanings ascribed to them:

Subdivision 1. Person. "Person" includes an individual, partnership, corporation, the State of Minnesota and its agencies and subdivisions, and any body of persons, whether incorporated or not.

Subdivision 2. Snowmobile. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice, steered by skis or runners.

Subdivision 3. Recreational Motor Vehicle and/or All Terrain Vehicle. "Recreational Motor Vehicle" and/or "All Terrain Vehicle" (ATV) refers to, but is not limited to, 'trail bikes', 'mini-bikes', amphibious vehicles and similar devices other than snowmobiles used at least partially for travel on natural terrain.

Subdivision 4. Owner. "Owner" means a person, other than a lien holder having the property in or title to any snowmobile, recreational vehicle, and/or all terrain vehicle entitled to the use or possession thereof.

Subdivision 5. Operate. "Operate" means to ride in or on and control the operation of any vehicle.

Subdivision 6. Operator. "Operator" means every person who operates or is in actual physical control of any vehicle.

Subdivision 7. Deadman throttle or safety throttle. "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.

Subdivision 8. Natural Terrain. "Natural Terrain" means areas other than roadways or driveways (public and/or private), parking lots and other areas the surface of which has been intentionally modified for motor vehicle operation thereon.

Section 3. Operation Generally.

Except as herein specifically permitted and authorized, it is unlawful for any person to operate a snowmobile, recreational motor vehicle and/or ATV not licensed as a motor vehicle within the limits of the City of Moose Lake:

Subdivision 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 a snowmobile may operate upon the most 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 the purpose of going to or returning from a non-highway area of permissible operation by the most direct route. Snowmobile operators are encouraged to use the East and West trail connectors through the State Park.

Subdivision 2. On private property of another without specific written permission or consent of the owner or person in control of said property.

Subdivision 3. On playgrounds.

Subdivision 4. Within one (1) block of any church during services or school while in session.

Subdivision 5. In a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys, or interferes with the peace and quiet of other persons.

Subdivision 6. On a sidewalk or boulevard, except that a direct crossing may be made in the same manner as provided for the direct crossing of a city street.

Subdivision 7. Upon a public street within the City limits of the City of Moose Lake at any speed in excess of twenty (20) miles per hour.

Subdivision 8. At any place, and at any time, while under the influence of intoxicating liquor, narcotics or habit-forming drugs.

Subdivision 9. At any place, and at any time, 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.

Subdivision 10. During the hours of 1:30 A.M. to 7:00 A.M. of any given day.

Subdivision 11. So as to tow any person or thing except through use of a rigid tow bar attached to the rear of the vehicle

Subdivision 12. In a manner that simulates a race or temporary race, or creates or causes unnecessary engine noise or, in the case of recreational motor vehicles and/or ATM's, tire squealing, or causes tires to spin or slide upon the acceleration or stopping of said vehicle(s) to unnecessarily turn abruptly or sway from side to side.

Section 4. Street and Highway Crossings

A snowmobile may make a direct crossing of a street or highway, except an interstate highway or freeway, provided:

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

Subdivision 2. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way.

Subdivision 3. 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.

Subdivision 4. 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.

Subdivision 5. If the crossing is made between the hours of one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise or in conditions of reduced visibility, the crossing may be made only if both front and rear lights are on.

Section 5. Operation by Minors.

Subdivision 1. Persons under twelve (12) years of age shall not operate on City 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 unless accompanied by their parent(s) or guardian(s). A person twelve (12) years of age or older, but less than eighteen (18) years of age, may operate a snowmobile on streets and highways as permitted under this ordinance and make a direct crossing of such streets and highways only if they are in the immediate possession of a valid snowmobile safety certificate issued by the Commissioner or Highways of the State of Minnesota.

Subdivision 2. It is unlawful for the owner of any snowmobile to permit the snowmobile to be operated contrary to the provisions of this section.

Section 5. Traffic Regulations

All City of Moose Lake Traffic Ordinances shall apply to the operation of snowmobiles upon streets and highways, except those relating to required equipment, and except those which by their nature have no application.

Section 6. Minimum Equipment Requirements

It is unlawful for any person to operate a snowmobile, recreational motor vehicle and/or all terrain vehicle not licensed for highway use, or licensed for highway use when operating on natural terrain within the limits of the City of Moose Lake unless it is equipped with:

Subdivision 1. 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 any vehicle motor(s).

Subdivision 2. Brakes adequate to control the movement of and to stop and hold the vehicle motor.

Subdivision 3. A safety or so-called "deadman" throttle in operating condition.

Subdivision 4. When operated between the hours of one-half (1/2) hour after sunset to one-half (1/2) hour 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 one hundred (100) feet ahead during the hours of darkness and under normal atmospheric conditions. Such head lamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming vehicle operator. It shall also be equipped with at least one (1) 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.

Section 7. Security Requirements.

Every person leaving a snowmobile, recreational motor vehicle and/or all terrain vehicle at a public place shall lock the ignition, remove the key and take same with them .

Section 8. Emergency Use.

Notwithstanding any prohibitions in this ordinance, 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.

Section 9. Penalty

Every person convicted of a violation of any of the provisions of this ordinance shall be punished by a fine of not more than seven hundred dollars (\$700) or by imprisonment for a period of not more than ninety (90) days, or both, but in either case the costs of prosecution may be added.

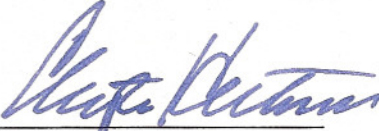
Section 10. Severability.

That the terms of this ordinance are severable. If any provision of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 11. Effective Date.

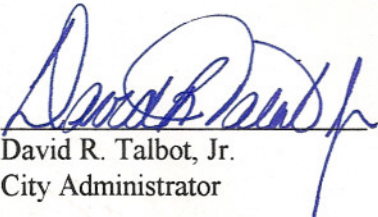
That this ordinance shall take effect immediately from and after its passage and publication according to law.

Passed by the City Council of the City of Moose Lake, Minnesota, this 11th day of December, 1996.



Clayton C. Hartman
Mayor

ATTEST:



David R. Talbot, Jr.
City Administrator

(seal)

Published in the Arrowhead Leader on Tuesday, December 17, 1996.