

ORDINANCE NO. 38

ORDINANCE REGULATING THE OPERATION AND USE OF SNOWMOBILES, ALL-TERRAIN VEHICLES, GO-CARTS, MOTORIZED DIRT BIKES AND NEIGHBORHOOD ELECTRIC VEHICLES FOR THE CITY OF NEVIS

The City of Nevis ordains the following:

SECTION 1.

Self Propelled Motor Vehicles

Definitions.

- (A) **Self-propelled Motor Vehicles.** Self-propelled motorized vehicles include automobiles, trucks, motorcycles, motor scooters, mini-bikes, dune buggies, trail bikes, go-carts and golf carts.
- (B) **Public property.** Property owned by a governmental body that may be used by the public, subject to reasonable regulations by the government body, including: public parks; county, city and school parks, grounds and yards; but excluding state, city and county streets and roads and parking lots.

Prohibition of Self-Propelled Motor Vehicles on Public Property. No person shall drive, operate or be in physical control of any motor vehicle on any public property as defined in *Ordinance No. 38 - Definitions*. This section does not apply to the parking or use of motor vehicles, campers, trailers or equipment in connection with any municipality-approved carnival, festival, race, parade or other gathering to include approved overnight camping sites.

Penalty. It is a misdemeanor to violate any provision of this chapter and any person violating the terms of this chapter shall, upon conviction thereof, be guilty of a misdemeanor and penalized as provided in *Ordinance No. 38*.

Recreational Motor Vehicles (Snowmobiles and ATVs)

Definitions. The following words and phrases, when used in this chapter, have the meanings as set out herein:

- (A) "Recreational Motor Vehicle" (RMV) means a self-propelled vehicle designed for travel on snow, ice or natural terrain steered by wheels, skis or runners. Snowmobiles and All-Terrain Vehicles (ATV) are RMVs.
- (B) "Operate" means to ride in or on and control the operation of an RMV.
- (C) "Operator" means every person who operates or is in actual physical control of an RMV.
- (D) "Owner" means a person, other than a person with a security interest, having a property interest in or title to an RMV and entitled to the use and possession of the vehicle.
- (E) "Person" includes an individual, partnership, corporation, the state and its agencies and subdivisions and any body of persons, whether incorporated or not.

- (F) "Public road right-of-way" means the entire right-of-way of a public road, including the traveled portions, banks, ditches, shoulders and medians of a roadway that is not privately owned.
- (G) "Register" means the act of assigning a registration number to an RMV.
- (H) "Snowmobile Trails" mean the property designated and posted for use by RMVs.
- (I) "Street" means any public roadway, including streets, highways and alleys.

Operation on Street.

- (A) (1) All provisions of this code as to traffic regulation and parking shall apply to the operation of RMVs upon the streets and other public property of this municipality, except for those relating to required equipment and except those which by their nature have no application.
- (2) All provisions of the Highway Traffic Regulations Act, M.S. Ch. 169, as it may be amended from time to time, and all ordinances of the city regulating traffic shall apply to the operation of RMVs upon streets and highways, except those which by their nature have no application.
- (B) When operating an RMV upon a street, all such operation shall be at the extreme right of the street as near to the curb or shoulder thereof as practical under the circumstances.
- (C) No person shall operate an RMV upon the roadway inside bank or slope of any trunk, county state aid or county highway in the city.
- (D) An RMV may make a direct crossing of a street or highway at any hour of the day, provided:
 - (1) The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
 - (2) The RMV is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
 - (3) The driver yields the right-of-way to all on-coming traffic which constitutes an immediate hazard;
 - (4) If the crossing is made between the hours of one-half hour before sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.
- (E) No person shall operate an RMV within the corporate limits of this municipality between the hours of 10:00 p.m. and 7:00 a.m., except that occasional operation upon a public street or a city approved trail or path after said hour shall be permitted when the operator is proceeding directly to his or her home from outside the municipality.
- (F) When two or more RMVs shall be operated together or as a group, they shall stay in single file while operating upon any street and not more than three RMVs shall proceed in any single group.

Unlawful Operation. Unless otherwise noted, it is unlawful for any person to operate an RMV:

- (A) At any place while under the influence of alcohol or of a controlled substance, as defined in or referred to in M.S. §169.121, as it may be amended from time to time, which statutes are hereby incorporated herein by reference;
- (B) At any rate of speed greater than 20 miles per hour on city streets;
- (C) 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) So as to tow any person or thing on a public street or highway;
- (E) In a manner so as to create loud, unnecessary or unusual noise so as to disturb or interfere with the peace and quiet of other persons;
- (F) Unless the RMV has been registered or licensed as required by State Statutes;
- (G) Unless the driver is in possession of a valid Driver's License (not required for snowmobile use);
- (H) Without fully complying with the provisions of M.S. §84.81 through 84.915, inclusive, and M.S. §84.92 through 84.929, inclusive, and as may be amended from time to time, and all rules and regulations promulgated thereunder, and all other state statutes regulating such activities, which statutes and rules and regulations are hereby adopted and made a part hereof.

Unlawful Operation on Streets and the Like. Except as herein permitted, it shall be unlawful for any person to operate an RMV in the city under the following circumstances:

- (A) On private property without the express permission to do so by the owner and occupant of the property;
- (B) On public school grounds, park property, playgrounds, winter recreational areas, golf courses, cemeteries or any other public places, except on posted "Snowmobile Trail" locations, unless the operator has the express permission by the proper public authority;
- (C) No RMV shall be operated on public sidewalks or boulevards;
- (D) On the portion of any public road right-of-way used for motor vehicle travel or the roadway of a state, trunk, county state aid or county highway, except that a city street may be used only to gain access to and from those areas not restricted by this chapter. Except where prohibited by state statutes or other provisions of this chapter, RMVs may also be operated upon the ditch bottom or outside of trunk, county state aid and county highways where such highways lie within the corporate limits of the city;
- (E) No RMV 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;
- (F) The operator of an RMV shall make every effort to be visible to oncoming traffic from any direction.

- (G) Only the operator of the RMV shall be on the vehicle. No RMV shall be operated with any additional passengers except, as provided by State Statutes, a parent or guardian may operate an ATV carrying one (1) passenger who is under 16 years of age and who wears a safety helmet approved by the Minnesota Commissioner of Public Safety..

Equipment. No RMV shall be operated within the city unless it shall have the following equipment:

- (A) Mufflers which are properly attached, which are in good working order and which blends the exhaust noise into the overall RMV noise, is in constant operation to prevent excessive or unusual noise as is required by law and the rules and regulations of the State of Minnesota pertaining thereto, and no person shall use a muffler cut-out, by-pass, straight pipe or any similar device on a snowmobile;
- (B) At least one headlamp, one tail lamp, each a minimum candle power as prescribed by regulations of the State of Minnesota, reflector material of a minimum area of 16 square inches mounted on each side forward of the handlebars;
- (C) Brakes adequate to control the movement of and to stop and hold the RMV under any condition of operation;
- (D) A safety or so-called "dead-man" throttle in operating condition; a safety or "dead-man" throttle is defined as a device which, when pressure is removed from the accelerator or throttle, causes the RMV to come to a stop.

Age Restrictions. No person shall operate an RMV in violation of the age requirements established by Minnesota State Statutes.

Emergency Operation. Notwithstanding any prohibitions in this chapter, an RMV may be operated on a public thoroughfare in an emergency during the periods of time when, and at all locations where, snow upon the roadway renders travel by automobile impractical.

Signal From Officer To Stop. It is unlawful for a snowmobile or all-terrain vehicle operator, after having received a visible or audible signal from any peace officer, to come to a stop or to:

- (A) Operate a snowmobile or all-terrain vehicle in willful or wanton disregard of the signal;
- (B) Interfere with or endanger the peace officer or any other person or vehicle; or
- (C) Increase operator's speed or attempt to flee or elude the officer.

Organized RMV Events. In accordance with M.S. §84.87, Subd. 1a., as it may be amended from time to time, and M.S. §84.87, Subd. 3, nothing in this chapter shall prohibit the use of RMVs within the city in organized events or contests, provided the organized events or contests are conducted as hereinafter set forth.

- (A) **Authorization.** Any incorporated veterans' organization and/or club, incorporated religious corporation or non-profit corporations may organize and conduct within the incorporated limits of the city an organized RMV event or RMV contest, provided the organization shall first apply to the city for and obtain a permit authorizing such organized RMV event or RMV contest.

- (B) **Term.** The permits issued for said organized RMV event or contest may be for one, two, but not more than three consecutive days.
- (C) **Permit required.** No organized RMV event or RMV contest shall be conducted within the city unless the sponsoring organization shall have first obtained from the city a permit therefore as provided herein, which the organizing corporation shall comply with all terms and conditions of this chapter and of the permit issued pursuant hereto.
- (D) **Application.** Any corporation as herein defined desiring to obtain a permit to give or hold or conduct an organized RMV event or RMV contest shall make verified application to City Hall upon blanks to be furnished by the City Administrator. The application shall set forth in reasonable detail the dates, hours, place or places, description of event or contest to be conducted, description of security facilities and personnel, if any, and information as the Chief of Police of the city may thereafter demand. The application shall also be accompanied by acceptable documentary evidence that the applicant has or will have in force public liability insurance which will protect both the city and all members of the public who might attend the organized event and which insurance shall be in a minimum of \$600,000.00. The applicant shall pay to the city at the time of application a fee in an amount as the Council of this city shall set from time to time hereafter. The Chief of Police shall thereupon investigate the applying organization, the application for permit and all related fact-statements made therein and make a report to the City Council recommending either issuance or rejection of the application for permit.
- (E) **Issuance of permit.** The Administrator of this city, upon approval by the City Council, may issue a permit authorizing the applicant to organize and conduct such RMV organized event or RMV contest within the city for a period not to exceed three consecutive days.
 - (1) The Administrator is hereby authorized, upon recommendation of the Chief of Police, to suspend and/or alter and change existing city ordinance and regulations regulating the operation of snowmobiles within the city so as to permit the operation thereof, under different terms and conditions, in said RMV organized events.
 - (2) The Administrator may authorize operating a RMV during said organized RMV event on any public property and/or city-owned property, not including the municipal airport, and, further, may establish minimum required safety regulations and provisions to govern the operation of RMV during such RMV organized events.
 - (a) These regulations and provisions may include authorizing persons 12 years of age or older to so operate, providing that each such snowmobile operator shall have in his or her immediate possession a valid State of Minnesota snowmobile safety certificate.
 - (b) The said terms, regulations and provisions may also require the wearing by all RMV operators at all times of State of Minnesota-approved safety helmets.

Penalties. Any person violating the terms of this chapter shall be guilty of a petty misdemeanor and, upon conviction thereof, be as provided in Ordinance No. 38. Petty Misdemeanor fine in amount of \$100.00; misdemeanor fine \$250.00.

SECTION 2. The Code of Ordinances is declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by Minnesota Statutes by the Courts of the State of Minnesota.

SECTION 3. This ordinance adopting shall take effect upon its summary publication in the City's official newspaper. Said publication shall read as follows:

Ordinance No. 38 of the Nevis City Code of Ordinances by regulating Self Propelled Motor Vehicles and Recreational Motor Vehicles (Snowmobiles and ATVs). A full copy of the ordinance is available for inspection at city hall.

Motion By Karl Dierkhising, seconded by Paul Schroeder, and carried unanimously to approve Ordinance No. 38.

ADOPTED by the Nevis City Council this 9th day of November, 2009.

Dave McCurnin, Mayor

ATTEST:

Carol J. Fridgen
City Administrator

ORIGINAL