

ORDINANCE 6.02

AN ORDINANCE REGULATING AND CONTROLLING THE USE OF SNOWMOBILES AND ALL-TERRAIN VEHICLES (ATV)

SECTION 1. DEFINITIONS. For the purposes of this Ordinance, the terms defined herein shall have the meaning ascribed to them.

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

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

Subdivision 3. "All-Terrain Vehicle" or "ATV" refers to "trail-bikes", "mini-bikes", amphibious vehicles and similar devices other than snowmobiles, used at least partially for travel on natural terrain, but not "special mobile equipment" defined in MSA 168.011, Subd.22.

Subdivision 4. "Owner" means a person, other than a lien holder, having the property in or title to snowmobile(s) or ATV(s) entitled to the use or possession thereof.

Subdivision 5. "Operate" means to ride in or on, and control the operation of a snowmobile or ATV.

Subdivision 6. "Operator" means every person who operates or is in actual physical control of a snowmobile or ATV.

Subdivision 7. "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" means areas other than roadways or driveways (private or public), parking lots, and other areas the surface of which has been intentionally modified for motor vehicle operation thereon.

SECTION 2. Except as herein specifically permitted and authorized, it is unlawful for any person to operate a snowmobile or ATV not licensed as a motor vehicle within the limits of the City of Rothsay:

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. Snowmobiles may also be operated upon the ditch bottom or the outside bank of a trunk, county state-aid, and county highways, where such highways are so configured within the corporate limits.

2. On a public sidewalk provided for pedestrian travel.

3. On boulevards within any public right-of-way.

4. On private property of another without specific permission of the owner or person in control of said property.

5. On any other public place except as may be specifically permitted by other provisions of the City Ordinances.

SNOWMOBILES & ATVs continued....

SECTION 3. A snowmobile may make a direct crossing of a street or highway, except an interstate highway or freeway, provided:

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.

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

3. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

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.

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.

SECTION 4. City traffic ordinances shall apply to the operation of snowmobiles upon street and highways, except for those relating to required equipment, and except those which, by their nature, have no application.

SECTION 5. 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.

SECTION 6. PERSONS UNDER AGE 18.

Subdivision 1. No person under fourteen (14) years of age shall operate a snowmobile or ATV on streets or the roadway surface of highways, or make direct crossing of a trunk, county state-aid or county highway, or on a City street. A person fourteen (14) years of age or older, but less than eighteen (18) years of age, may operate a snowmobile or ATV on streets and highways as permitted under this Ordinance, and make a direct crossing of such streets and highways only if he/she has in their immediate possession a valid snowmobile safety certificate issued by the Commissioner, as provided by MSA Section 84.872.

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

SECTION 7. It is unlawful for any person to operate a snowmobile, an ATV not licensed for highway use, or ATV licensed for highway use when operating on natural terrain within the limits of the City of Rothsay:

1. At any place, while under the influence of alcohol or drugs as defined in MSA 169.121, which is hereby incorporated herein by reference;

2. At a rate of speed greater than reasonable or proper under all surrounding circumstances;

3. 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;

SNOWMOBILES & ATVs continued....

4. During the hours from eleven o'clock p.m. (11:00 p.m.) to seven o'clock a.m. (7:00 a.m.) of any day, closer than one hundred (100) feet to any dwelling which is usually occupied by one or more persons, except for the purpose of going to or returning from a non-highway area of permissible operation by the most direct route;

5. So as to tow any person or thing, except through use of a rigid tow bar attached to the rear of the snowmobile or ATV;

6. Within one hundred (100) feet of any skating rink or sliding area where the operation would conflict with use, or endanger other persons or property.

SECTION 8. It is unlawful for any person to operate a snowmobile or ATV any place within the limits of the City of Rothsay, 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. No person shall use a muffler cutout, by-pass, straight pipe or similar service on a snowmobile or ATV motor.

2. Brakes adequate to control the movement of and to stop and hold the snowmobile or ATV 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 to one-half 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 snowmobile or ATV 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 or ATV and at the highest practical point on any towed object, as to reflect light at a ninety (90) degree angle.

SECTION 9. Every person leaving a snowmobile or ATV on a public place shall lock the ignition, remove the key and take the same with them.

SECTION 10. 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 11. It is unlawful to intentionally drive, chase, run over or kill any animal with a snowmobile or ATV.

SECTION 12. Every person convicted of a violation of any of the provisions of this Ordinance shall be punished by a fine of not more than three hundred (\$300.00) dollars, 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.