

ORDINANCE NO. 138

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

The City Council of the City of Lamberton ordains:

Section 1. DEFINITIONS.

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

Subd. 2. "Person" includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.

Subd. 3. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice steered by skis or runners.

Subd. 4. "All Terrain Vehicle" or "ATV" means a motorized flotation-tired vehicle of not less than three 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.

Subd. 5. "Owner" means a person, other than a lien holder having the property in or title to snowmobile or ATV entitled to the use or possession thereof.

Subd. 6. "Operate" means to ride in or on and control the operation of a snowmobile or ATV.

Subd. 7. "Operator" means every person who operates or is in actual physical control of a snowmobile or ATV.

Subd. 8. "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.

Subd. 9. "Natural terrain" means areas other than roadways or driveways (public or private), parking lots and other areas the surface of which has been intentionally modified for motor vehicle operation thereon.

Section 2. Snowmobiles and ATVs may be operated only in the following locations within the limits of the City of Lamberton:

- a. On the operator's property subject to the provisions of this Ordinance.
- b. On privately owned property of another if the operator has specific permission of the owner of such property or the person in control of such property.
- c. Snowmobiles may be operated on City streets, except as hereinafter provided in Section 5, only when such operation is necessary to gain access to designated trails, private property, or areas which, by Minnesota Statutes, may be used by snowmobiles; and
- d. ATVs may be operated on City streets, except as hereinafter provided in Section 5, from sunrise to sunset, if the ATV is insured in compliance with the provisions of Minnesota Statutes Section 65B.48, subd. 5, and registered and equipped according to the law. The owner must apply for an annual permit, issued by the City of Lamberton and the operator must be at least 18 years of age and use proper safety equipment as required by law. The form of the application for the permit shall be as follows:

Section 5. Operation of Snowmobiles and ATVs. City and state traffic laws shall apply to the operation of snowmobiles and ATVs upon streets and highways in the City, except for those relating to required equipment, and except those which by their nature have no application.

Snowmobiles and ATVs traveling in the same direction must travel in single file. It shall be unlawful for two or more snowmobiles or ATVs to travel abreast on any City street or highway.

No snowmobile or ATV 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.

No snowmobile or ATV shall be operated on public school grounds, park property, playgrounds, winter recreational areas, public sidewalks or boulevards, or any other public places except as set forth in Section 2, unless the operator has the express permission by the proper public authority. No snowmobile or ATV shall be operated in the areas located in the City of Lambertton described as follows:

- a. On Main Street between the north line of First Avenue and the south line of Third Avenue; on Second Avenue between the east line of Douglas Street and the west line of Birch Street; on Third Avenue between the east line of Douglas Street and the west line of Birch Street; and
- b. The area bounded as follows: On the north by the north line of Ninth Avenue; on the south by the south line of Tenth Avenue; on the east by the east line of Block 4 Southside Addition to the City of Lambertton; and on the west by the west line of Douglas Street.

Parents or Guardians shall be held responsible for all damages or wrongful acts conducted by a minor operating a snowmobile or ATV within the City limits.

Section 6. PERSONS UNDER 18.

Subd. 1. 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 ordinance and make a direct crossing of such streets and highways as permitted under this ordinance and make a direct crossing of such streets and highways only if he has in his immediate possession a valid snowmobile safety certificate issued by the commissioner, as provided by M. S. A. Section 84.872.

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

Subd. 3. No person under the age of 18 shall operate or ride a snowmobile in this state without wearing protective headgear that complies with standards established by the Commissioner of Public Safety, except that the provisions of this subdivision shall not apply to persons during their participation in a parade that has been granted a permit or other official authorization by a local unit of government, or a person operating a snowmobile on land that is owned by the person or the person's parents, grandparents, siblings, uncles or aunts.

Section 7. It is unlawful for any person to operate a snowmobile or an ATV within the limits of the City of Lambertton:

1. 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;
2. At a rate of speed greater than reasonable or proper under all surrounding circumstances, and in no event shall exceed the speed of 15 miles per hour;

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;
4. During the hours from 10:00 P.M. to 7:00 A.M. of any day.
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 100 feet of any pedestrian, skating rink or sliding area where the operation would conflict with use or endanger other persons or property.
7. In a manner that simulates a race or temporary race, or creates or causes unnecessary engine noise or, in the case of ATVs, tire squealing, or causes the tires to spin or slide upon the acceleration or stopping of said vehicle or that causes the said vehicle to unnecessarily turn abruptly or sway from side to side.
8. Within 200 feet of any church while any church function is being conducted.

Section 8. It is unlawful for any person to operate a snowmobile or ATV any place within the limits of the City of Lambertton 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 device 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. No snowmobile shall be operated upon a public street or highway unless it is equipped with at least one headlamp, one tail lamp, each of minimum candlepower as prescribed by rules of the commissioner, reflector material of a minimum area of 16 square inches mounted on each side forward of the handle bars, and with brakes each of which shall conform to standards prescribed by rule of the commissioner pursuant to the authority vested in the commissioner by section 84.86, and each of which shall be subject to approval of the commissioner of public safety.
5. Any sled, trailer, or other device being towed by a snowmobile must be equipped with reflective materials as required by rule of the commissioner.

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 him.

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.

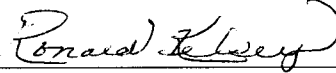
Section 12. Any person violating the terms of this ordinance shall be guilty of a petty misdemeanor, and upon conviction thereof, be fined a sum not to exceed \$200.00. A second offense within twelve (12) calendar months shall constitute a misdemeanor, and upon conviction thereof, the person shall be fined a sum not to exceed \$700.00 or shall be imprisoned not to exceed 90 days, or both.

Section 13. Ordinance No. 92, entitled "ORDINANCE REGULATING THE USE OF SNOWMOBILES WITHIN THE VILLAGE OF LAMBERTON, MINNESOTA AND PRESCRIBING PENALTIES FOR VIOLATION.", is hereby repealed.

Section 14. This ordinance shall take effect and be in force from and after its adoption and publication according to law.

Passed by the council this 1st day of April, 2002.

Approved,



Mayor

Attest:



Clerk

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