



STAFF REPORT

DATE: April 10, 2018
DISCUSSION #3

AGENDA ITEM: Snowmobile Ordinance

SUBMITTED BY: Kristina Handt, City Administrator

BACKGROUND:

Council member Bloyer and Mayor Pearson have requested the snowmobile ordinance be reviewed at a work session. Language in code, specifically, "No person shall operate a snowmobile or all-terrain vehicle on a public sidewalk or within the unimproved portion of a city street." May be interpreted to mean snowmobiles are not allowed along city streets including ditches.

ISSUE BEFORE COUNCIL:

Should the City Council amend the snowmobile ordinance? If so, how?

PROPOSAL DETAILS/ANALYSIS:

Council may discuss the language in the ordinance and provide direction to staff on whether or not the language should be amended. Other examples are included in your packet from other communities. A common theme seems to be to allow snowmobiles in the ditch and out slope along city streets or in the right lane of the roadway.

ATTACHMENTS:

- Lake Elmo Code regarding snowmobiles
- Snowmobile Regulation Examples from other Communities in Washington County

ARTICLE III. - SNOWMOBILES AND OTHER RECREATIONAL VEHICLES³

Footnotes:

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State Law reference— Recreational vehicles, M.S.A. § 84.81 et seq.

Sec. 54-51. - Adoption of state regulations.

M.S.A. §§ 84.81—84.928 are hereby adopted as a snowmobile and recreational vehicle regulation ordinance of the city, and made a part of this article by reference as if fully set forth herein.

(Ord. No. 670, § 1, 2-3-92)

Sec. 54-52. - 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:

All-terrain vehicle means a motorized flotation tired vehicle of not less than three low-pressure tires, but not more than six tires.

Personal transportation device means any non-motorized platform, footboard, ski-like device, shoe, boot, or similar object mounted on wheels and designed and intended to propel the rider by human power or force or by gravity, including, but not limited to: skateboards, roller skis, scooters, roller skates and in-line skates.

Recreational 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 snowmobiles, trail bikes or other all-terrain vehicles, hovercrafts, or motor vehicles licensed for highway operation, which is being used for off-road recreational purposes.

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

(Ord. No. 670, § 2, 2-3-92; Ord. No. 789, § 4, 5-7-07)

Cross reference— Definitions generally, § 1-2.

Sec. 54-53. - Hours of operation.

No snowmobile or recreational vehicle shall be operated anywhere within the limits of the city except during the following hours: Sunday through Thursday: 6:00 a.m. through 11:00 p.m.; Friday and Saturday: 6:00 a.m. through 1:00 a.m.

(Ord. No. 670, § 3, 2-3-92)

Sec. 54-54. - Speed.

No snowmobile or recreational vehicle may be operated on or across any streets of the city, or other public highway or public street within the city, at a speed in excess of 15 miles per hour.

(Ord. No. 670, § 4, 2-3-92)

Sec. 54-55. - Prohibited areas.

Snowmobiles and recreational vehicles shall not be operated in the following areas within the city:

- (1) Upon private property without written permission of the owner or person in lawful possession.
- (2) Upon any schoolgrounds, skating rinks, playgrounds or recreation areas.
- (3) Upon any street or alley except in the righthand traffic lane of that portion ordinarily used for vehicular traffic.
- (4) Upon any public sidewalk or walkway.
- (5) Recreational vehicles shall not be operated on public park property. Snowmobiles shall not be operated on public park property within 200 feet of any pedestrian present.
- (6) In any other area where the use of a snowmobile or recreational vehicle may be considered to be hazardous to others.

(Ord. No. 670, § 5, 2-3-92)

Sec. 54-56. - Signal from officer to stop.

It is unlawful for an operator of a snowmobile or recreational vehicle, after having received a visual or audible signal from a law enforcement officer to come to a stop, to operate the vehicle in willful or wanton disregard of the signal to stop, or to interfere with or endanger the law enforcement officer or any other person or vehicle, or to increase speed or attempt to flee or elude the officer.

(Ord. No. 670, § 6, 2-3-92)

Sec. 54-57. - Prohibited acts.

It shall be unlawful to commit the following acts related to recreational vehicles:

- (1) Post, mutilate, or remove any notice or sign that prohibits the uses of recreational vehicles upon any lands or waters over which he has no right, title, interest or license.
- (2) Knowingly or negligently allow a juvenile to operate a recreational vehicle in violation of this section.
- (3) Attach a rider of any personal transportation device to any motor or recreational vehicle upon any street or public way in the city.
- (4) Obstruct any sidewalk, lane, alley, public ground, public landing, wharf or pier, or any other public place by placing any building materials, carriages, carts, boxes, lumber, firewood, posts or rails or any other materials to be used as ramps or guides for other skateboards or other personal transportation device.

(Ord. No. 789, § 5, 5-7-07)

State Law reference— Off-road vehicles, M.S.A. § 84.797 et seq.

Secs. 54-58—54-75. - Reserved.

ARTICLE II. - MOTORIZED RECREATIONAL VEHICLES

Sec. 78-23. - Purpose and intent.

It is the intent of this article to protect the public's safety and property as well as promote peace and repose in the community through regulating the operation of all manner of motorized recreational vehicles including snowmobiles, off-highway motorcycles, all terrain vehicles and all other motorized conveyances which are primarily used or intended to be used for off-road recreational purposes.

(Prior Code, § 155-010)

Sec. 78-24. - 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:

Boulevard means all that area of a public road right-of-way or easement other than the roadway.

Motorized recreational vehicle means an off-highway motorcycle as defined in Minn. Stats. § 84.787, subd. 7, an "off-road vehicle" pursuant to Minn. Stats. § 84.797, subd. 7, a "snowmobile" pursuant to Minn. Stats. § 84.81, subd. 3 an "all-terrain vehicle" pursuant to Minn. Stats. § 84.92, subd. 8 and/or any other vehicle which is primarily used or intended to be used for off-road recreational purposes.

Roadway means any portion of a public road right-of-way or easement improved designed or ordinarily used for vehicular traffic.

The remaining words terms and phrases in this article shall have their meanings ascribed to them in the definitional section of Minn. Stats. §§ 84.787—84.929 except where the context clearly indicates a different meaning.

(Prior Code, § 155-030)

Sec. 78-25. - State law adopted.

The provisions of Minn. Stats. §§ 84.787—84.929 inclusive and as hereafter amended are adopted by reference as if herein set forth in full.

(Prior Code, § 155-040)

Sec. 78-26. - Application of traffic laws.

All local and state traffic laws shall apply to the operation of motorized recreational vehicles within the city, except for those relating to required equipment and except those which by their nature have no application.

(Prior Code, § 155-050)

Sec. 78-27. - Areas where operation permitted.

- (a) It shall be unlawful for any person to operate a motorized recreational vehicle within the limits of the city except on:
 - (1) Private property with the specific written dated and signed permission of the owner or person in control of the property. Such permission must be carried with the operator of the vehicle at all

times the vehicle is being operated on the property unless the operator is the owner or family member of the owner of the property.

- (2) Public lands and waters under jurisdiction of the commissioner of the state department of natural resources as permitted by law.
 - (3) City streets when traveling in the most right-hand lane available for automobile traffic or as close as practicable to the right-hand curb or edge of the roadway and when traveling in the same direction as automobile traffic in that lane.
 - (4) The ditch bottom or outside slope of any drainage ditch which lies within and runs parallel to any city-controlled public road easement. Motorized recreational vehicles may not be operated on any boulevard area where an identifiable ditch is not present.
 - (5) The ditch bottom or outside slope of County Highway 8A east of Goodview Avenue, State Highway 61 and County Highways 4, 4A, 7, and 57.
 - (6) Posted trails approved for such use by the city council.
- (b) Nothing in this section shall be deemed to prohibit or, restrict public officials and law enforcement officers from operating any type of vehicle on public or private lands and/or public waters when acting within the scope of official duties and/or employment.
- (c) A motorized recreational vehicle may not be operated upon a public street or highway other than as provided in this article.
- (d) The provisions of this section shall not apply in an emergency situation during periods of time when, and at locations where roadway conditions renders travel by automobile impractical.

(Prior Code, § 155-060)

Sec. 78-28. - Hours and dates of operation permitted.

- (a) It is unlawful for any person to operate a motorized recreational vehicle within the city:
- (1) After 11:00 p.m. Sunday through Thursday until 6:30 a.m. the next morning.
 - (2) Between 1:00 a.m. and 6:30 a.m. on Saturdays and Sundays.
- (b) A person shall not operate a motorized recreational vehicle within the public road right-of-way of any city street, state highway, or county highway from April 1 to August 1 of any year, unless the vehicle is being used exclusively as transportation to and from work on agricultural lands.
- (c) A person shall not operate a motorized recreational vehicle within the public road right-of-way of any city street, state highway or county highway between the hours of one-half hour after sunset to one-half hour before sunrise, except on the right-hand side of the right-of-way and in the same direction as automobile traffic, or on the land adjacent to the roadway.

(Prior Code, § 155-070)

Sec. 78-29. - Required equipment.

- (a) **Muffler requirements.** Every motorized recreational vehicle shall at all times be equipped with the muffler in good working order which blends the exhaust noise into the overall vehicle noise and is in constant operation to prevent excessive or unusual noise. Mufflers shall reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout bypass or similar device upon a motorized recreational vehicle. The exhaust system shall not emit or produce a sharp popping or cracking sound.

- (b) **Brakes required.** Every motorized recreational vehicle shall be equipped with brakes adequate to control the movement of and to stop and hold said vehicle under any condition of operation.
- (c) **Safety throttle mandatory.** It is unlawful for any person to operate a motorized recreational vehicle any place within the city unless it is equipped with a safety or so-called "deadman" throttle in operating condition. The term "safety or deadman" throttle means a device which when pressure is removed from the engine accelerator or throttle causes the motor to be disengaged from the driving track.
- (d) **Lamp and reflector specifications.** No recreational vehicle shall be operated upon any public street or highway unless it is equipped with at least one headlamp and one taillamp, each of a minimum candlepower as prescribed by rules established by the commissioner of the state department of natural resources, and reflective material of a minimum area of 16 square inches mounted on each side of the vehicle.

(Prior Code, § 155-080)

Sec. 78-30. - Miscellaneous regulations.

- (a) No owner shall permit the operation of and no operator shall operate a motorized recreational vehicle at a speed in excess of 15 miles per hour within 100 feet of any residential dwelling.
- (b) It is unlawful to intentionally drive, chase, run over or kill any animal or bird with a motorized recreational vehicle, except that motorized recreational vehicles may be used to herd or control domesticated farm animals by a person engaged in a bona fide agricultural occupation.
- (c) It is unlawful for any person to operate a motorized recreational vehicle within the city so as to tow any other person or thing in a public street or highway except through the use of a rigid tow bar attached to the rear of the motorized recreational vehicle, except to tow a disabled motorized recreational vehicle to a location for repairs to be made.
- (d) Every person leaving a motorized recreational vehicle on a public place shall lock the ignition, remove the key, and secure the key so as to prevent its unauthorized use.
- (e) It is unlawful for the operation of any motorized recreational vehicle to run over or otherwise damage any tree, shrub, flower, crop or other vegetation under the managed care of any individual or agency.
- (f) No person shall operate a motorized recreational vehicle at such time, or in such manner, that causes permanent damage to any public street, sidewalk, or other facility. Such damages include, but are not limited to, gouges or cuts in pavement, cracking or spalling of concrete surfaces and denting or breaking of culverts.
- (g) It is unlawful to attach a fence-cutting device of any kind to a motorized recreational vehicle.

(Prior Code, § 155-090)

Sec. 78-31. - Establishment of motorized recreational vehicle trails.

- (a) **Application to city council.** Individuals or groups may apply to the city council for permission to establish and improve trails for the use of motorized recreational vehicles. Application shall be made to the city clerk and provide the following information:
 - (1) All applications shall clearly identify the person or group applying for the trail permit, to include the address and daytime phone number of a contact person.
 - (2) A map clearly identifying the proposed route of the trail, indicating its alignment, width, relationship to public road rights-of-way, and connections to other trails and destination points.

- (3) Written permission from all property owners whose land the trail crosses for the construction, maintenance and operation of the trail, in such form as acceptable to the city attorney.
 - (4) A statement as to who shall be liable for any injury or property damage resulting from the construction, maintenance and use of the trail, together with evidence of the responsible party's financial ability to provide such insurance or other security necessary to protect the city from financial loss.
 - (5) A development and operations plan for the proposed trail.
 - (6) An application fee set by the city administrator. Said fee shall be a good faith estimate of the actual costs to be included by the city in processing the application.
- (b) **Review of application.** All applications for motorized recreational vehicle trails shall be reviewed by the city council. In determining whether to grant permission for a trail the council shall consider the following:
- (1) The public need for the proposed trail at the location and scale proposed.
 - (2) Potential impact of the trail on adjacent property owners.
 - (3) Potential impact of the proposed trail on future city development.
 - (4) Potential impact of the proposed trail on environmentally sensitive areas.
 - (5) The adequacy of the proposed trail to safely serve its intended use.
 - (6) Such other criteria as the situation may require.
- (c) **Denial.** The city council shall deny all applications for motorized recreational trails when the applicant has not demonstrated to the satisfaction of the council:
- (1) The need for the proposed trail.
 - (2) The adequacy and safety of the proposed trail to serve its intended use.
 - (3) The financial and operative ability of the applicant to construct, maintain and operate the trail as proposed.
 - (4) That the trail will not cause undue hardship and/or unreasonably disrupt the peaceful enjoyment of the property owners adjacent to the proposed trail or that of the public.
- (d) **Approval.** The city council may grant permission for the construction, maintenance and operation of a proposed trail by resolution where it has determined at its sole discretion that such a trail is warranted feasible and in the best interest of the community.
- (e) **Exemptions.** In granting permission for the construction, maintenance and operation of a trail the council may grant in the authorizing resolution exemptions from certain provisions of this article where the situation or design of the trail so warrants, such exemptions in the best interest of the city.
- (f) **Restrictions and conditions.** The council may in the authorizing resolution place special restrictions, regulations and conditions on motorized recreational vehicle trails when the situation or design of the trail so warrants.
- (g) **Rescindment of approval.** Should it appear to the council that the terms and conditions which it has placed upon a trail are not being adhered to or that they are not adequate, sufficient or necessary to protect the health safety, and welfare of the public, then the council may, by resolution rescind its approval for the operation, maintenance and use of any trail or amend the conditions of the resolution approving this trail as the situation warrants.

(Prior Code, § 155-100)

AN ORDINANCE REGARDING THE REGULATION AND OPERATION OF SNOWMOBILES AND PROVIDING A PENALTY FOR VIOLATION.

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

801.01 State Law Adopted.

Minnesota Statutes 1969, Chapter 84.81 through 84.89 inclusive, as amended by Chapters 491 and 577 of the 1971 Regular Session Laws and the Session Laws of 1973, 1974, and 1975, are hereby adopted, subject to the provisions herein contained, as the Snowmobile Ordinance of the City of Oak Park Heights. Every provision contained in the said statutes is hereby adopted and made a part of this Ordinance by reference as if fully set forth herein.

801.02 Definitions.

For the purpose of this Ordinance the terms defined herein shall have the meaning ascribed to them:

- A. "Person" includes an individual, partnership, corporation, the State and its agencies and subdivisions, and any body of persons, whether incorporated or not.
- B. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice or natural terrain steered by wheels, skis, or runners.
- C. "Owner" means a person, other than a lien holder having the property in or title to snowmobile entitled to the use or possession thereof.
- D. "Operate" means to ride in or on and control the operation of a snowmobile.
- E. "Operator" means every person who operates or is in actual physical control of a snowmobile.

801.03 Operation.

Except as herein specifically permitted and authorized, it is unlawful for any person to operate a snowmobile within the limits of the City of Oak Park Heights:

- A. On the portion of any right of way of any City highway, street, road, trail, or alley used for motor vehicle travel, except the most right hand lane which is used for vehicle traffic in the same direction (except in passing a parked vehicle). No person shall operate a snowmobile within the right- of-way of any Trunk, County, State, or County Highway between the hours of one-half

(1/2) hour after sunset to one-half (1/2) hour before sunrise, except on the right hand side of such right- of way and in the same direction as the highway traffic on the nearest lane of the roadway adjacent thereto. No snowmobile shall be operated at any time within the right of way of any interstate highway or freeway within the City.

- B. On a public sidewalk provided for pedestrian travel.
- C. On boulevards within any public right of way.
- D. On private property of another without specific written, dated permission of the owner or person in control of said property.
- E. On any other public place except as may be specifically permitted by other provisions of the City of Oak Park Heights ordinances.

801.04 Traffic Ordinances.

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

801.05 Regulation.

It is unlawful for any person to operate a snowmobile within the limits of the City of Oak Park Heights:

- A. During the hours from 11:00 P.M. to 7:00 A.M. of any day.
- B. So as to tow any person or thing in a public street or highway except through use of a rigid tow bar attached to the rear of the snowmobile.
- C. In any public park unless such park is posted with City signs specifically allowing the operation of snowmobiles therein, and setting forth the hours of the day that such operation shall be allowed, provided, however, that in the event such park is so posted, it shall be unlawful for any person to operate a snowmobile within one hundred (100) feet of any fisherman, pedestrian, skating rink, or sliding area where the operation would conflict with the use or endanger other persons or property. The City Council shall by resolution establish those parks or areas of parks where snowmobiles shall be allowed to operate, and the hours of operation.

801.06 Equipment.

It is unlawful for any person to operate a snowmobile any place within the limits of the City of Oak Park Heights unless it is equipped with the following:

- A. A safety or so-called "deadman" throttle in operating condition. A safety or "deadman" throttle is defined as a device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving track.
- B. It shall be unlawful to attach a fence cutting device of any kind to a snowmobile.

801.07 Ignition Key.
Every person leaving a snowmobile on a public place shall lock the ignition, remove the key, and take the same with him.

801.08 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 (\$700.00) or by imprisonment for more than ninety (90) days, or both, unless otherwise provided by State law.

Sec. 51-6. - Snowmobiles.

Subd. 1. *Adoption of state law provisions by reference.* Minn. Stat. §§ 84.81—84.88 are adopted as the snowmobile regulation ordinance of the city.

Subd. 2. *Additional requirements.* In addition to the restrictions and regulations contained in the state statutes, the following provisions apply within the city:

- (1) *Place of operation.* It shall be unlawful to operate a snowmobile in any of the following places and conditions:
 - a. Upon private property without written permission of the owner or person in lawful possession.
 - b. Upon any school ground, skating rinks, park property, playgrounds, recreation area or golf course unless permitted by the owner.
 - c. Upon any street or alley except in the righthand traffic lane of that portion ordinarily used for vehicular traffic.
 - d. Upon any public sidewalk or walkway.
 - e. Upon lakes and rivers in the city within 25 yards of any fisherman or pedestrian.
 - f. In any other area where the use of a snowmobile may be considered to be hazardous to others.
- (2) *Youthful operators.* A person 14 years of age or older, but less than 18 years of age, may operate a snowmobile upon a public street or highway within the city limits if he has in his immediate possession a valid snowmobile safety certificate issued by the department of natural resources commissioner or a valid motor vehicle operator's license issued by the commissioner of public safety or the driver's license authority of another state.
- (3) *Hours of operation.* Except as is specifically authorized by Minn. Stat. §§ 84.81—84.88, no persons shall operate a snowmobile within the city limits, upon private or public property, between 11:00 p.m. and 7:00 a.m. on Sunday through Thursday and between midnight and 7:00 a.m. on Friday and Saturday except in the following cases:
 - a. In the case of emergency when and where snow on a roadway renders travel by automobile impractical.
 - b. In the case of emergency when requested by an officer of the city police department or fire department.
- (4) *Manner of operation.* No snowmobile may travel at a speed greater than 20 mph when traveling on city streets. Snowmobiles must yield the right-of-way to all other traffic which is approaching uncontrolled intersections. Snowmobiles must be operated in single file, except when passing.

(Code 1980, § 51.06)

AN ORDINANCE REGULATING THE OPERATION OF
SNOWMOBILES AND PROVIDING A PENALTY FOR
VIOLATION

THE TOWN BOARD OF THE TOWN OF STILLWATER, WASHINGTON COUNTY,
DOES ORDAIN:

Section 1. Provisions of State Law Adopted. The provisions of Minnesota Statutes, Chapter 876, with reference to the definition of terms, rules and regulations, operation, and all other matters pertaining to the operation of snowmobiles are hereby adopted and made a part of this ordinance as if fully set out herein.

Section 2. Operation on Private Property. No person shall operate a snowmobile upon platted, private property, or private lakes within the Town of Stillwater without the express, dated, written consent of the owner or lessee of such private property.

Section 3. Operation in Public Parks, on Public Lakes and Rivers. No person shall drive or operate a snowmobile in a public park, upon public lakes and rivers in Stillwater Township within 25 yards of any fisherman or pedestrian, in any skating or sliding area, or in any other area where the use of a snowmobile may be considered to be hazardous to others.

Section 4. Mufflers. Every snowmobile shall at all times be equipped with a muffler in good working order to prevent excessive or unusual noise. No person shall use a muffler cutout, by-pass, or any similar device upon a snowmobile. The exhaust system shall not emit or produce sharp popping or crackling sounds. Exception to this section is permissible for special races or tournaments only when approved and authorized by the

Town Board upon request at the regular monthly meetings.

Section 5. Hours of Operation. No person shall operate a snowmobile upon any property, public or private, nor upon private lakes, public lakes and rivers in the Town of Stillwater between the hours of eleven o'clock (11) P.M. and seven o'clock (7) A.M., of the following day.

Section 6. Penalty. Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$100.00 or imprisonment for not more than 90 days, plus the costs of prosecution in either case.

Section 7. Effective Date. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the Town Board this 10th day of Oct., 1968.

Gerry J. Byrd
Chairman

Attest:

Geraldine C. Riedesel
Town Clerk

Published Gazette, Wed., Oct. 16, 1968