



## City of Newfolden Council Meeting Item

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MEETING TYPE:

Regular Meeting

**Title / Subject:** AN ORDINANCE AUTHORIZING AND REGULATING THE OPERATION OF SNOWMOBILES AND ALL TERRAIN VEHICLES (ATVS) WITHIN THE CITY OF NEWFOLDEN, MINNESOTA

**Meeting Date:** October 17, 2011

**Prepared by:** Tammy Hansen

**Attachments:** Draft Ordinance  
Current City Ordinance  
TRF Ordinance  
Roseau Ordinance

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**Policy Consideration:** Consider revising the existing ordinance regulating All Terrain Vehicles.

**Background:** Our current ordinance prohibits ATV's in all forms from operating in city limits. It has been requested that an ordinance be considered which regulates this activity, thereby allowing such vehicles under specific circumstances. Repealing the existing ordinance without replacing it with an ordinance under which ATV's are allowed will default legislation of this activity to State of MN statutes, which prohibit ATV's within City limits.

**Financial or Budget Considerations:** The creation of a new ordinance or the revision of an existing ordinance will require costs to meet publishing requirements.

**Options:** Take no action  
Amend existing ordinance

**Recommendation / Action Requested:** Review draft ordinance and consider revising existing ordinance to regulate activity that currently exists.

**Next Steps and Timelines:** A new ordinance or revisions to an existing ordinance will require three readings followed by publication in The Honker prior to enforcement.

**Connection to Vision / Mission:** Provides community support for the business of snowmobiles and ATV's, supports other modes of transportation, and empowers law enforcement.

ORDINANCE NO. 11212011

AN ORDINANCE AUTHORIZING AND REGULATING THE OPERATION OF SNOWMOBILES AND ALL TERRAIN VEHICLES (ATVS) WITHIN THE CITY OF NEWFOLDEN, MINNESOTA

The City Council of the City of Newfolden ordains as follows:

**APPLICABILITY**

This ordinance applies to the operation of snowmobiles and all terrain vehicles (ATVs) on public lands and waters, and private property within the jurisdiction of the City and on streets and highways within the boundaries of the City.

**SCOPE**

SNOWMOBILES AND ALL TERRAIN VEHICLES (ATVS) may be operated on city streets within the City of Newfolden. Exceptions are State Highways and County Roads.

**DEFINITIONS**

***RECREATIONAL MOTOR VEHICLE.*** Any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including but not limited to a motorcycle, motorized bicycle, all-terrain vehicle, golf-cart, hovercraft, or motor vehicle licensed for highway operation which is being used for off-road recreational purposes.

***SNOWMOBILE.*** A self-propelled vehicle designed for travel on snow or ice or natural terrain steered by wheels, skies, or runners.

**OPERATING RESTRICTIONS.**

It is unlawful for any person to operate a recreational motor vehicle as follows:

- A. On a public sidewalk or walkway provided or used for pedestrian travel;
- B. On private property of another without lawful authority or permission of the owner or occupant;
- C. On public lands, including but not limited to: public parks, playgrounds, trails, sidewalks, paths, open spaces, scenic and historic sites, cemeteries, schools, and other public buildings and structures. except as authorized by the Council;
- D. While the operator is under the influences of liquor or narcotics or habit-forming drugs;
- E. At a rate of speed greater than reasonable or proper under all of the surrounding circumstances;
- F. In a careless, reckless, or negligent manner so as so endanger the person or property or another or cause injury or damage thereto;
- G. At a speed greater than ten miles per hour when within 100 feet of any pedestrian, shelter, skating rink, or sliding area, nor where the operation would conflict with the lawful use of property or would endanger other persons or property;
- H. 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;
- I. Without front or rear lights being lit at all times while on public streets.
- J. Chasing, running over, or killing any animal, wild or domestic;
- K. In any tree nursery or planting in a manner which damages or destroys growing stock.

## **OWNER RESPONSIBILITY.**

- A. It is unlawful for the owner of any recreational motor vehicle to permit its operation on private property without permission of the owner or occupant or on city property without the permission of the Council or on other public property without permission of the body in charge thereof. For purposes of this section, the owner shall be conclusively presumed to have given the permission unless stated otherwise.
- B. Every person leaving a recreational motor vehicle in a public place shall lock the ignition, remove the key, and take the same with him or her.
- C. Vehicles shall not be operated between the hours of 12:01 a.m. and 7:00 a.m., except for emergency purposes or except if the operator is returning to his residence at a speed not in excess of twenty (20) miles per hour.

## **ADDITIONAL SNOWMOBILE OR ATV OPERATING REGULATIONS.**

- A. Operation in a ditch or on the outside bank within the right-of-way of any street or highway except interstate highways or freeways is permitted in conformance with state law and the city code, unless the roadway directly abuts a public sidewalk or walkway or property used for private purposes. Between the hours of one-half hour before sunrise, any operation may only be on the right-hand side of the street or highway and in the same direction as the highway traffic on the nearest lane of the roadway adjacent thereto.
- B. A snowmobile or ATV may make a direct crossing of a street or highway except an interstate highway or freeway, provided:
  - a. The crossing is made at an angle of approximately 90 degrees to the direction of the street or highway and at a pace where no obstruction prevents as quick and safe crossing;
  - b. The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
  - c. The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard;
  - d. In crossing a divided street or highway, the crossing is made only at an intersection of the street or highway with another public street or highway;
  - e. If crossing is made between the hours of one-half hour after sunset or one-half hour before sunrise or in conditions of reduced visibility only if both front and rear lights are on.
- C. No vehicle shall enter any uncontrolled intersection without making a complete stop. The operator shall then yield the right-of-way to any vehicles or pedestrians which constitute an immediate hazard.
- D. Notwithstanding any prohibition in this section, a vehicle 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.
- E. Items related to age, vehicle registration, and regulations not specified shall be in compliance with Minnesota State Statute(s).

## **OPERATING EQUIPMENT.**

It is unlawful for any person to operate a snowmobile or all-terrain vehicle unless it is equipped with the following:

- A. Standard mufflers which are properly attached and in constant operation and which reduce the noise of operation of the motor to the minimum necessary for operation. Mufflers shall comply with Regulation CONS. 55 which is hereby adopted by reference as it existed on September 1, 1970 No person shall use a muffler cut-out, by-pass, straight pipe or similar device on a snowmobile motor, and the exhaust system shall not emit or produce a sharp popping or cracking sound;
- B. Brakes adequate to control the movement of and to stop and hold the snowmobile under any conditions of operation;
- C. A safety or so-called "deadman" throttle in operating condition, so that when pressure is removed from the accelerator or throttle, the motor is disengaged from the driving track;
- D. At least one clear lamp attached to the front, with sufficient intensity to reveal persons or vehicles at a distance of at least 100 feet ahead during the hours of darkness under normal atmospheric conditions. The head lamp shall be aimed so that glaring rays are not projected into the eyes of an oncoming vehicle operator. It shall be equipped with at least one red tail-lamp having a minimum candle power of sufficient intensity to exhibit a red light plainly visible from a distance of 500 feet to the rear during the hours of darkness under normal atmospheric conditions.

The required equipment must be in operating condition when the vehicle is operated between the hours of one-half hour after sunset to one-half hour before sunrise or at times of reduced visibility.

- E. Reflective material at least 16 inches on each side, forward of the handlebars, so as to reflect or beam light at a 90 degree angle.

**PENALTY**

Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment of not more than ninety (90) days, or both, plus costs of prosecution in either case.

Passed and adopted by the Newfolden City Council this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Mayor Doyle Harstad

Attest:

\_\_\_\_\_  
Tammy Hansen, City Administrator

Reading One:           October 17, 2011  
Reading Two:           November 7, 2011  
Reading Three:         November 21, 2011

SUMMARY OF CITY OF NEWFOLDEN, MINNESOTA  
ORDINANCE NO. 11212011

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VEHICLES (ATVS) WITHIN THE CITY OF NEWFOLDEN, MINNESOTA

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- O. While the operator is under the influences of liquor or narcotics or habit-forming drugs;
- P. At a rate of speed greater than reasonable or proper under all of the surrounding circumstances;
- Q. In a careless, reckless, or negligent manner so as so endanger the person or property or another or cause injury or damage thereto;
- R. At a speed greater than ten miles per hour when within 100 feet of any pedestrian, shelter, skating rink, or sliding area, nor where the operation would conflict with the lawful use of property or would endanger other persons or property;
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This ordinance and summary were passed and adopted by the City Council of Newfolden, County of Marshall, State of Minnesota, on the 21 day of November, 2011. A complete copy of this ordinance is available for inspection at the Newfolden City Office, 145 East First Street, Newfolden, MN 56738.