

**CITY OF ELKO NEW MARKET
SCOTT COUNTY, MINNESOTA**

ORDINANCE NO. 201

**AN ORDINANCE AMENDING TITLE 7, CHAPTER 3
OF THE ELKO NEW MARKET CITY CODE
CONCERNING SNOWMOBILES AND SPECIAL USE VEHICLES**

THE CITY COUNCIL OF THE CITY OF ELKO NEW MARKET, MINNESOTA
ORDAINS:

SECTION 1. Title 7, Chapter 3 of the Elko New Market City Code is hereby amended in its entirety to read as follows:

Chapter 3
SNOWMOBILES AND SPECIAL USE VEHICLES

7-3-1: PURPOSE:

7-3-2: APPLICATION AND SCOPE; EXEMPTIONS:

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7-3-11: MISDEMEANOR VIOLATION:

7-3-1: PURPOSE:

The purpose of this chapter is to provide reasonable regulations for the use of snowmobiles and special use vehicles on public and private property in the city. This chapter is intended to protect life and property and to prevent public nuisances.

7-3-2: APPLICATION AND SCOPE; EXEMPTIONS:

A. Conflicts With State Law: If any provision in this chapter contradicts the regulations pertaining to snowmobiles, ATVs, UTVs or golf carts set forth in Minnesota Statutes chapter 168 (motor vehicle registration), chapter 169 (traffic regulations), chapter 169A (driving while impaired), chapter 171 (driver license regulations) or chapter 84 (snowmobile and all-terrain vehicle registrations), the state regulations shall control.

- B. Scope: This chapter shall apply to the control of traffic and the regulation of that certain class of vehicles falling within the definition of snowmobiles, ATVs, UTVs or golf carts as to matters set forth herein. All provisions of other ordinances not relating to matters herein stated apply as equally to snowmobiles, ATVs, UTVs or golf carts as to other vehicles. Nothing contained in this chapter shall be construed to change state law, and said laws shall remain in full force and effect.
- C. Exemption: This Chapter shall not apply to privately owned golf carts when operated solely on the golf course or when crossing Oxford Lane or Glenborough Drive at designated golf course cart crossings.

7-3-3: DEFINITIONS:

For the purpose of this chapter, the terms defined in this section shall have the meanings stated:

ALL-TERRAIN VEHICLE OR ATV: A motorized vehicle with: not less than three, but not more than six low pressure or non-pneumatic tires; a total dry weight of 2,000 pounds or less; and a total width from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does not include a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designed and used specifically for lawn maintenance, agriculture, logging, or mining purposes.

COMMISSIONER: The state commissioner of natural resources acting directly or through the commissioner's authorized agent.

GOLF CART: An electric or gas-powered vehicle not completely enclosed, generally having a small wheel base.

MINI-TRUCK: A motor vehicle that has four wheels; is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 660 cubic centimeters or less; has a total dry weight of 900 to 2,200 pounds; contains an enclosed cabin and a seat for the vehicle operator; commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle; and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in the Code of Federal Regulations, title 49, sections 571.101 to 571.404, and successor requirements.

NATURAL TERRAIN: Areas other than roadways or driveways (private or public), parking lots and other areas of which the surface has been intentionally modified for motor vehicle operation thereon.

OPERATE: To ride in or on and control the operation of a snowmobile or special use vehicle.

OPERATOR: Every person who operates or is in actual physical control of a snowmobile or special use vehicle.

OWNER: A person, other than a lienholder, having the property in or title to a snowmobile or special use vehicle and entitled to the use or possession thereof.

PERSON: Includes an individual, partnership, corporation, the state and its agencies and subdivisions, and any body of persons, whether incorporated or not.

ROADWAY: That portion of a highway improved, designed, or ordinarily used for vehicular travel.

SHARED USE PATH: A multi-use trail or other path, physically separated from motorized vehicular traffic by an open space or barrier, either within a highway right-of-way or within an independent right-of-way, and typically used by pedestrians, bicyclists, skaters, and other nonmotorized users.

SIDEWALK: The portion of a street between the curb line, or the lateral line of a roadway, and the adjacent property line that is paved and intended for use by pedestrians.

SNOWMOBILE: A self-propelled vehicle designed for travel on snow or ice and steered by skis or runners.

SPECIAL USE VEHICLE: An ATV, UTV or golf cart as defined under this title.

STREET OR HIGHWAY: The entire width between boundary lines or any way or place when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic.

UTILITY TASK VEHICLE OR UTV: A side-by-side, four-wheel drive, off-road vehicle that has four wheels, is propelled by an internal combustion engine with a piston displacement capacity of 1,200 cubic centimeters or less, and has a total dry weight of 1,800 but less than 2,600 pounds.

7-3-4: SNOWMOBILES:

A. Operation Regulations:

1. Prohibited Hours; Exceptions: No person shall operate a snowmobile upon any public property, street, alley, lot, lake or stream within the city between the hours of one o'clock (1:00) A.M. and six o'clock (6:00) A.M.; provided, however, that if the snowmobile is being driven for the purpose of going in the most direct, practicable route possible from a point outside the city limits to the residence of the operator within the city limits, or from the residence of the operator inside the city limits in the most direct, practicable route to a

specific destination outside the city limits, then, and for that purpose only, operation of a snowmobile between the aforesaid hours shall be lawful.

2. Operation On Banks Of Highways: Snowmobiles may be operated upon the ditch bottom or outside bank of trunk, county state aid and county highways where such highways are configured within the corporate limits.
3. Driving On Roadways: It is unlawful to operate a snowmobile on the portion of any right of way of any public highway, street, road or alley used for motor vehicle travel except as otherwise provided in this Section. It is lawful to operate a snowmobile upon the most right hand lane of a municipal street or alley and may, in passing or making a left hand turn, operate on other lanes which are used for vehicle traffic in the same direction, only when going to or from a designated trail or non-highway area of permissible operation outside the city limits to the operators place of residence or establishment within the city limits.
4. Direct Crossing:
 - a. 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 degrees (90°) 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; and
 4. 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.
 - b. If the crossing is made between the hours of one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise or in conditions of reduced visibility, the crossing may be made only if both front and rear lights are on.
5. Compliance With State Law: No snowmobile shall be operated within the city in violation of the requirements under Minnesota Statutes section 84.87, subdivision 1.

B. Prohibited Operation:

1. On Sidewalks or Shared Use Path: No snowmobile shall be operated at any time whatsoever upon any sidewalk or shared use path within the corporate limits of the city.
2. In Parks: It shall be unlawful to operate a snowmobile in any city park unless authorized by the City as part of an event.
3. Occupants: The number of occupants on the snowmobile shall not exceed the design occupancy load. Each occupant must be seated in a seat designed for occupants.
4. Hurting Or Chasing Animals: It is unlawful to intentionally drive, chase, run over or kill any animal with a snowmobile.
5. Established Public Places: In addition to the regulations provided in this subsection, it is unlawful to operate a snowmobile on any public place where prohibited by order of the city council. The city council shall have the power, by resolution, to prohibit the operation whenever, in its discretion, the same would be likely to produce damage to property or endanger the safety or repose of other persons. The areas shall be appropriately signposted following the enactment of the city resolution, and the prohibition shall become effective upon the posting.

C. Unsafe Operation: It shall be unlawful for any person to drive or operate any snowmobile in the following unsafe or harassing ways:

1. Speed: At a rate of speed greater than the posted limit or reasonable or proper under all surrounding circumstances.
2. Carelessness, Negligence: In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
3. Noisy Conditions: In such a manner so as to create loud, unnecessary and excessive noise or in any way which shall unduly disturb the peace and quiet of other persons in the city or in any manner which creates a public nuisance thereby.
4. Lights: Without a lighted headlight and taillight when required for safety.
5. Tree Nurseries: In any tree nursery or planting in a manner which damages or destroys growing stock.
6. Private Property: On private property of another without specific permission of the owner or person in control of said property.

7. Under Influence Of Intoxicants: At any place while under the influence of "alcohol" or a "controlled substance", as those terms are defined in Minnesota Statutes. Minnesota Statutes section 169A.20, "driving while impaired", is incorporated herein by reference.

D. Equipment Requirements: It is unlawful for any person to operate a snowmobile to any place within the city unless it is equipped with the following:

1. Mufflers: 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, bypass, straight pipe or similar device on a snowmobile motor);
2. Brakes: Brakes adequate to control movement of and to stop and hold the snowmobile under any condition of operation;
3. Safety Throttle: A safety or so called "dead man" throttle in operating condition;
4. Lights: When operated between the hours of one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise or at a time 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 feet (100') ahead during the hours of darkness and under normal atmospheric conditions; and the headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming snowmobile operator. It shall also be equipped with at least one red taillamp having a minimum power of sufficient intensity to exhibit a red light plainly visible from a distance of five hundred feet (500') to the rear during the hours of darkness under normal atmospheric conditions; and
5. Reflective Material: Reflective material at least sixteen (16) square inches on each side, forward of the handlebars or steering device of a snowmobile and at the highest practicable point of any towed object, as to reflect light at a ninety degree (90°) angle.

E. Age of Operator:

1. It is unlawful for any person under the age of fourteen (14) years to operate a snowmobile on streets and city parks or other public land or on the roadway surface of highways or to make the crossing of a trunk, county state aid or county highway as the operator of a snowmobile.
2. All other persons operating a snowmobile within the City must have in their possession a safety certificate issued by the commissioner of natural resources, a driver's license that has a valid snowmobile qualification indicator, or an identification card that has a valid snowmobile qualification in accordance with and to the extent required under Minnesota Statutes section 84.862.

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

7-3-5: SPECIAL USE VEHICLES:

A. Permit Required: It is unlawful for any person to operate a special use vehicle on public streets in the city without first obtaining a permit as provided herein. Persons who obtain a permit as required below are authorized to operate a special use vehicle on designated public roadways and shared use paths or portions thereof under the jurisdiction of the city. Operators must have proof of insurance in possession while operating a special use vehicle on designated streets and shared use paths and shall produce such proof of insurance on demand of a police officer as specified in Minnesota Statutes section 169.791.

1. Term of Permit: Except as otherwise provided herein, all permits issued shall be issued for a specified three (3) year term and must be renewed following their expiration. All permits issued during 2019, shall be issued for the remainder of 2019 and the three (3) year term beginning on January 1, 2020.
2. Permit Fee: All applications for a permit under this chapter shall be accompanied by the fee set forth in the city fee schedule, as it may be amended from time to time. The permit fee shall not be prorated.
 - a. Replacement Permit: If the issued permit is lost or damaged, a new application for a permit shall be required and shall be accompanied by the fee set forth in the city fee schedule, as it may be amended from time to time.
3. Exemption: Authorized city staff may operate city owned special use vehicles without obtaining a permit within the city on city streets, sidewalks, share use paths, rights-of-way, and other public property when conducting city business.

B. Application for Permit: Application for a permit shall be made at least two (2) regular business days before the applicant desires to begin operating special use vehicles unless otherwise approved by the city clerk or their designee. Application for a permit shall be made on a form available from the office of the city clerk. All applications shall be signed by the applicant and include the following information:

1. The name, address and contact information of the applicant.
2. The make, model name, year and serial number of the special use vehicle.
3. Proof of insurance complying with Minnesota Statutes section 65B.48.
4. All additional information deemed necessary by the city.

C. Permit Display: All permits shall be issued for a specific special use vehicle. A current city-issued permit tag/sticker shall be plainly visible from the front or driver's side of the special use vehicle.

D. Suspension or Revocation of Permit: The Police Chief may suspend or revoke a permit granted hereunder upon a finding that the holder thereof has violated any of the provisions of this section or Minnesota statute chapter 169, as it may be amended from time to time, or if there is evidence that the permit holder cannot safely operate the special use vehicle on the designated roadways. Appeal: The permit holder may appeal a permit suspension, revocation or nonrenewal to the city council. The permit holder must file with the city clerk a notice of appeal within ten (10) days of a suspension, revocation or nonrenewal. The council shall consider the appeal at a regularly or specially scheduled council meeting on or after fifteen (15) days from service of the notice of appeal upon the city clerk by the permit holder. Hearing on the appeal shall be open to the public. At the conclusion of the hearing, or as soon as thereafter as practicable, the council may order:

1. The revocation, suspension or non-renewal of the permit.
2. The revocation, suspension or non-renewal by the Police Chief be lifted and the permit be returned to or re-issued to the permit holder.

E. Operation Regulations:

1. Prohibited Hours; Exceptions: No person shall operate a special use vehicle upon any public property, street, alley, lot, lake or stream within the city between the hours of one o'clock (1:00) A.M. and six o'clock (6:00) A.M.; provided, however, that if the special use vehicle is being driven for the purpose of going in the most direct, practicable route possible from a point outside the city limits to the residence of the operator within the city limits, or from the residence of the operator inside the city limits in the most direct, practicable route to a specific destination outside the city limits, then, and for that purpose only, operation of a special use vehicle between the aforesaid hours shall be lawful.
2. Operation On Banks Of Highways: Special use vehicles may be operated upon the ditch bottom or outside bank of trunk, county state aid and county highways where such highways are configured within the corporate limits.
3. Driving On Roadways: It is lawful to drive a special use vehicle upon the most right hand portion of any public highway, street, road or alley used for motor vehicle travel.
4. Compliance With State Law: No special use vehicle shall be operated within the city in violation of the requirements under Minnesota Statutes sections 84.92 Through 84.928.

F. Prohibited Operation:

1. On Sidewalks: No special use vehicle shall be operated at any time whatsoever upon any sidewalk within the corporate limits of the city.
 2. On Shared Use Paths: No special use vehicle shall be operated at any time whatsoever upon any shared use path within the corporate limits of the city; except, along County Road 2 or County Road 91. All special use vehicles must yield to pedestrians when operating on a shared use path.
 3. In Parks: It shall be unlawful to operate a special use vehicle in any city park unless authorized by the city as part of an event.
 4. Occupants: The number of occupants on the special use vehicle shall not exceed the design occupancy load. Each occupant must be seated in a seat designed for occupants.
 5. Hurting Or Chasing Animals: It is unlawful to intentionally drive, chase, run over or kill any animal with a special use vehicle.
 6. Established Public Places: In addition to the regulations provided in this subsection, it is unlawful to operate a special use vehicle on any public place where prohibited by order of the city council. The city council shall have the power, by resolution, to prohibit the operation whenever, in its discretion, the same would be likely to produce damage to property or endanger the safety or repose of other persons. The areas shall be appropriately signposted following the enactment of the city resolution, and the prohibition shall become effective upon the posting.
 7. Mini-Trucks: It shall be unlawful to operate a mini-truck upon any public sidewalk, shared use path, street or other public place within the corporate limits of the city.
- G. Unsafe Operation: It shall be unlawful for any person to drive or operate any special use vehicle in the following unsafe or harassing ways:
1. Speed: At a rate of speed greater than the posted limit or reasonable or proper under all surrounding circumstances.
 2. Carelessness, Negligence: In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
 3. Noisy Conditions: In such a manner so as to create loud, unnecessary and excessive noise or in any way which shall unduly disturb the peace and quiet of other persons in the city or in any manner which creates a public nuisance thereby.
 4. Lights: Without a lighted headlight and taillight when required for safety.

5. Tree Nurseries: In any tree nursery or planting in a manner which damages or destroys growing stock.
6. Private Property: On private property of another without specific permission of the owner or person in control of said property.
7. Under Influence Of Intoxicants: At any place while under the influence of "alcohol" or a "controlled substance", as those terms are defined in Minnesota Statutes. Minnesota Statutes section 169A.20, "driving while impaired", is incorporated herein by reference.

H. Equipment Requirements:

1. ATVs and UTVs: It is unlawful for any person to operate an ATV or UTV to any place within the city unless it is equipped with the following:
 - a. Mufflers: 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, bypass, straight pipe or similar device on an ATV or UTV motor);
 - b. Brakes: Brakes adequate to control movement of and to stop and hold the ATV or UTV under any condition of operation;
 - c. Safety Throttle: A safety or so called "dead man" throttle in operating condition;
 - d. Lights: When operated between the hours of one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise or at a time 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 feet (100') ahead during the hours of darkness and under normal atmospheric conditions; and the headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming special use vehicle operator. It shall also be equipped with at least one red taillamp having a minimum power of sufficient intensity to exhibit a red light plainly visible from a distance of five hundred feet (500') to the rear during the hours of darkness under normal atmospheric conditions; and
 - e. Reflective Material: Reflective material at least sixteen (16) square inches on each side, forward of the handlebars or steering device of an ATV or UTV and at the highest practicable point of any towed object, as to reflect light at a ninety degree (90°) angle.
2. Golf Carts: It is unlawful for any person to operate a golf cart to any place within the city unless it is equipped with the following:

- a. Slow Moving Vehicle Emblem: Golf carts must display a slow moving vehicle emblem in accordance with Minnesota Statutes section 169.522.

I. Age of Operator:

1. ATVs and UTVs:

- a. A person sixteen (16) years of age or older may operate an ATV or UTV, as permitted under this chapter, only if the individual has, in the individual's possession, a safety certificate issued by the commissioner of natural resources in accordance with Minnesota Statutes section 84.925 and a valid driver's license.
- b. A person fifteen (15) years of age or older may operate an ATV or UTV, as permitted under this chapter, only if the individual has, in the individual's possession, a safety certificate issued by the commissioner of natural resources in accordance with Minnesota Statutes section 84.925 and a valid learner's permit, and is accompanied by a person eighteen (18) years of age or older who meets the requirements of subsection IIa of this section.
- c. A person twelve (12) years of age or older, but less than fifteen (15) years of age may operate an ATV or UTV upon the most right hand lane of a municipal street or alley and may, in passing or making a left hand turn, operate on other lanes which are used for vehicle traffic in the same direction, for purposes of going to or returning from a nonhighway area of permissible operation outside the city, by the most direct route, only if the individual has, in the individual's possession, a safety certificate issued by the commissioner of natural resources in accordance with Minnesota Statutes section 84.925 and is accompanied by a person eighteen (18) years of age or older who meets the requirements of subsection IIa of this section.
- d. Any person born prior to July 2, 1987 is not required to have a safety certificate issued by the commissioner of natural resources.

2. Golf Carts:

- a. A person sixteen (16) years of age or older may operate a golf cart, as permitted under this chapter, only if the individual has, in the individual's possession, a valid driver's license.
- b. A person fifteen (15) years of age or older may operate a golf cart, as permitted under this chapter, only if the individual has, in the individual's possession, a valid learner's permit and is accompanied by a person eighteen (18) years of age or older who meets the requirements of subsection I2a of this section.

3. It is unlawful for the owner of a special use vehicle to permit the special use vehicle to be operated contrary to the provisions of this section.

7-3-6: EMERGENCIES:

Notwithstanding any prohibitions in this chapter, a snowmobile or special use vehicle may be operated on a public thoroughfare in an emergency during the period of time and at locations where snow upon the roadway renders travel by automobile impractical.

7-3-7: OBEDIENCE TO POLICE:

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

7-3-8: LOCKED VEHICLES REQUIRED:

It is unlawful for any person to leave a snowmobile or special use vehicle on a public place unless he or she shall lock the ignition, remove the key and take the same with him or her.

7-3-9: COMPLIANCE WITH OTHER LAWS; STATE REGULATIONS ADOPTED:

City ordinances relating to vehicular traffic shall apply to the operation of snowmobiles and special use vehicles upon streets and highways within the city; and Minnesota Statutes sections 84.81 through 84.92 Minnesota Statutes chapters 169 and 169A, and applicable rules and regulations promulgated thereunder by the state departments of natural resources and public safety are hereby adopted by reference except those provisions which by their nature have no application.

7-3-10: NO ASSUMPTION OF LIABILITY:

Nothing in this chapter shall be construed as an assumption of liability by the city for injuries to persons or property which may result from the operation of any snowmobile or special use vehicle by a permit holder or the failure by the Police Chief or city council to suspend or revoke a permit.

7-3-11: MISDEMEANOR VIOLATION:

Anyone who violates any provision of this chapter is guilty of misdemeanor and subject to punishment as provided by law. Any parent or legal guardian of a juvenile found in violation of this ordinance may be cited for the violation committed under this ordinance.

SECTION 2. This Ordinance shall take effect immediately upon its passage and publication.

ADOPTED this 24th day of October, 2019 by the City Council for the City of Elko New Market.

CITY OF ELKO NEW MARKET

BY: _____
Joe Julius, Mayor

ATTEST:

Thomas Terry, City Clerk