

ORDINANCE #70

AN ORDINANCE REGULATING THE USE OF SNOWMOBILES WITHIN THE CITY OF NEW MUNICH.

THE COUNCIL OF THE CITY OF NEW MUNICH HEREBY ORDAINS:

SECTION 1. INTENT.

IT IS THE INTENT OF THIS ORDINANCE TO SUPPLEMENT MINNESOTA STATUTES, SECTION 84.81 THROUGH 84.88 AS AMENDED AND MINNESOTA STATUTES CHAPTER 169 WITH RESPECT TO THE OPERATION OF SNOWMOBILES. SUCH STATUTES ARE INCORPORATED HEREIN BY REFERENCE.

SECTION 2. DEFINITIONS.

1. FOR THE PURPOSE OF THIS ORDINANCE THE TERMS DEFINED HEREIN SHALL HAVE THE MEANING DESCRIBED TO THEM.
2. "PERSON" INCLUDES AN INDIVIDUAL, PARTNERSHIP, CORPORATION, THE STATE AND ITS AGENCIES AND SUBDIVISIONS, AND ANY BODY OF PERSONS, WHETHER INCORPORATED OR NOT.
3. "SNOWMOBILE" MEANS A SELF-PROPELLED VEHICLE DESIGNED FOR TRAVEL ON SNOW OR ICE STEERED BY SKIS OR RUNNERS.
4. "OWNER" MEANS A PERSON, OTHER THAN A LIEN HOLDER HAVING THE PROPERTY IN OR TITLE TO A SNOWMOBILE OR ENTITLED TO THE USE OR POSSESSION THEREOF.,
5. "OPERAROR" MEANS TO RIDE IN OR ON AND CONTROL THE OPERATION OF A SNOWMOBILE.
6. "OPERATOR" MEANS EVERY PERSON WHO OPERATES OR IS IN ACTUAL PHYSICAL CONTROL OF A SNOWMOBILE.
7. "ROADWAY" MEANS THAT PORTION OF A HIGHWAY OR STREET IMPROVED, DESIGNED OR ORDINARILY USED FOR VEHICULAR TRAVEL.
8. "STREET" MEANS A PUBLIC THOROUGHFARE, ROADWAY, ALLEY, OR TRAIL USED FOR MOTOR VEHICULAR TRAFFIC WHICH IS NOT AN INTERSTATE, TRUNK, COUNTY STATEAID, OR COUNTY HIGHWAY.
9. "RIGHT OF WAY" MEANS THE ENTIRE STRIP OF LAND TRAVERSED BY A HIGHWAY OR STREET IN WHICH THE PUBLIC OWNS THE FEE OR AN EASEMENT FOR ROADWAY PURPOSES.
10. "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.

SECTION 3. PLACES PROHIBITED.

NO PERSON SHALL OPERATE A SNOWMOBILE WITHIN THE CITY IN ANY OF THE FOLLOWING PLACES:

1. UPON PRIVATE PROPERTY WITHOUT WRITTEN PERMISSION OF THE OWNER OR PERSONS ENTITLED TO POSSESSION AND USE OF THE PROPERTY.
2. UPON ANY SCHOOL GROUNDS, PARK PROPERTY, PLAYGROUNDS, OR RECREATIONAL AREAS EXCEPT AS AND AT SUCH TIMES AS THE PROPER AUTHORITIES MAY AUTHORIZE OR DESIGNATE.
3. UPON ANY PUBLIC SIDEWALK OR WALKWAY.

SECTION 4. AGE RESTRICTIONS OF OPERATORS.

NO PERSON UNDER FOURTEEN (14) YEARS OF AGE SHALL OPERATE A SNOWMOBILE ON ANY STREETS, ROADWAYS OR RIGHT OF WAYS IN THE CITY OF NEW MUNICH OR MAKE A DIRECT CROSSING OF ANY CITY STREET AS THE OPERATOR OF THE SNOWMOBILE. A PERSON FOURTEEN (14) YEARS OF AGE OR OLDER, BUT LESS THAN EIGHTEEN (18) YEARS OF AGE, MAY OPERATE A SNOWMOBILE ON STREETS AS PERMITTED UNDER THIS ORDINANCE AND MAKE A DIRECT CROSSING OF SUCH STREETS ONLY IF HE HAS IN HIS IMMEDIATE POSSESSION A VALID SNOWMOBILE SAFETY CERTIFICATE ISSUED BY THE COMMISSIONER OF NATURAL RESOURCES AS PROVIDED BY MINNEAOTA STATUTES 84.86. IT IS UNLAWFUL FOR THE OWNER OF A SNOWMOBILE TO PERMIT THE SNOWMOBILE TO BE OPERATOR CONTRARY TO PROVISIONS OF THIS SECTION.

SECTION 5.

NO SNOWMOBILE SHALL ENTER ANY UNCONTROLLED INTERSECTIONS WITHOUT MAKING A COMPLETE STOP. THE OPERATOR SHALL THEN YIELD 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. EQUIPMENT.

IT IS UNLAWFUL FOR ANY PERSON TO OPERATE A SNOWMOBILE ANY PLACE WITHIN THE CITY LIMITS OF NEW MUNICH UNLESS IT IS EQUIPPED WITH THE FOLLOWING:

1. BRAKES ADEQUATE TO CONTROL THE MOVEMENT OF AND TO STOP AND HOLD THE SNOWMOBILE UNDER ANY CONDITION OF OPERATION.
2. A SAFETY OF SO-CALLED "DEADMAN" THROTTLE IN OPERATION CONDITION.
3. 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 100 FEET AHEAD DURING THE HOUSE OF DARKNESS AND UNDER NORMAL ATMOSPHERIC CONDITIONS. SUCH HEADLAMPS 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 TAIL LAMP HAVING A MINIMUM CANDLEPOWER 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.
4. 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, and STRAIGHT PIPE OR SIMILAR DEVICE ON A SNOWMOBILE.

SECTION 7.

EVERY PERSON LEAVING A SNOWMOBILE ON A PUBLIC PLACE SHALL LOCK THE IGNITION, REMOVE THE KEY AND TAKE THE SAME WITH HIM.

SECTION 8.

IT IS UNLAWFUL FOR ANY PERSON TO OPERATE A SNOWMOBILE AT ANY TIME WITHIN THE CITY LIMITS OF NEW MUNICH;

1. AT ANY PLACE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS AS DEFINED IN MINNESOTA STATUTES 169.121 WHICH IS HEREBY INCORPORATED 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 LIKELY TO ENDANGER OR CAUSE INJURY FOR DAMAGE TO ANY PERSONAL PROPERTY.

4. WITHIN 100 FEET OF ANY FISHERMAN, PEDESTRIAN, SKATING RINK OR SLIDING AREA WHERE THE OPERATION WOULD CONFLICT WITH USE OR ENDANGERS OTHER PERSONS OR PROPERTY.

SECTION 9. SPEED ON STREETS.

SNOWMOBILES BEING OPERATED ON THE CITY STREETS SHALL NOT TRAVEL IN EXCESS OF TWENTY-FIVE (25) MILES PER HOUR.

SECTION 10.

ALL SNOWMOBILE ACCIDENTS RESULTING IN PERSONAL INJURY, DEATH, OR PROPERTY DAMAGE OF \$100.00 OR MORE MUST BE REPORTED TO THE STEARNS COUNTY SHERIFF'S DEPARTMENT.

SECTION 11. PENALTIES.

ANYONE VIOLATING ANY OF THE ABOVE RULES SHALL BE GUILTY OF A MISDEMEANOR. A PERSON REGISTERED AS OWNER OF A SNOWMOBILE MAY BE FINED NOT TO EXCEED \$300 IF A SNOWMOBILE BEARING HIS REGISTRATION NUMBER IS OPERATED CONTRARY TO THE PROVISIONS OF MINNESOTA STATUTES, SECTION 84.41 TO 84.88, 100.26, SUBDIVISION 1, OR 100.29 SUBDIVISIONS 28 OR 29. THE REGISTERED OWNER MAY NOT BE SO FINED IF:

1. THE SNOWMOBILE WAS REPORTED AS STOLEN TO THE COMMISSIONER OR A LAW ENFORCEMENT AGENCY AT THE TIME OF THE ALLEGED UNLAWFUL ACT, OR IF
2. THE REGISTERED OWNER DEMONSTRATES THAT THE SNOWMOBILE EITHER WAS STOLEN OR WAS NOT IN USE AT THE TIME OF THE ALLEGED UNLAWFUL ACT, OF IF
3. THE REGISTERED OWNER FURNISHES TO LAW ENFORCEMENT OFFICERS UPON REQUEST THE IDENTITY OF THE PERSON IN ACTUAL PHYSICAL CONTROL OF THE SNOWMOBILE AT THE TIME OF SUCH VIOLATION.

THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANY PERSON WHO RENTS OR LEASES A SNOWMOBILE IF SUCH PERSON KEEPS A RECORD OF THE NAME AND ADDRESS OF THE PERSON OR PERSONS RENTING OR LEASING SUCH SNOWMOBILE, THE REGISTRATION NUMBER THEREOF, THE DEPARTURE DATE AND TIME, AND EXPECTED TIME OF RETURN THEREOF. SUCH RECORD SHALL BE PRESERVE FOR AT LEAST SIX (6) MONTHS AND SHALL BE PRIMA FACIE EVIDENCE THAT THE PERSON NAMED THEREIN WAS THE OPERATOR THEREOF AT THE TIME IT WAS OPERATED CONTRARY TO MINNESOTA STATUTES, SECTION 84.81 TO 84.88, 100.26, SUBDIVISION 1, OR 100.29, SUBDIVISION 28 OR 29. THE PROVISIONS OF THIS

SECTION DO NOT PROHIBIT OR LIMIT THE PROSECUTION OF A
SNOWMOBILE OPERATOR FOR VIOLATION AN OF THE SECTIONS
REFERRED TO IN SECTION 11.

PASSED BY THE CITY COUNCIL OF THE CITY OF NEW MUNICH, MINNESOTA
THIS _____ DAY OF _____, 2001.

HAROLD KLAPHAKE, MAYOR OF THE CITY OF
NEW MUNICH

ATTEST:

KELLY THIELEN- CITY CLERK

PUBLISHED IN THE MELROSE BEACON ON _____ . 2001