

ORDINANCE NO. 06-17

ORDINANCE AMENDING SECTION 805 OF THE
CITY CODE ENTITLED "SNOWMOBILES"

THE CITY COUNCIL OF THE CITY OF PROCTOR DO ORDAIN AS FOLLOWS:

Section 1. City Code, Section 805, entitled "Snowmobiles," is hereby amended as follows:

Title. Snowmobiles and All-Terrain Vehicles (ATV's)

Section 2. Section 805 - Regulation of Snowmobiles and All-Terrain Vehicles is hereby amended and restated in its entirety to read as shown on Exhibit A attached hereto.

Section 3. All other provisions shall remain in full force and effect without modification or amendment

Section 4. The effective date of this ordinance change shall be the date following the last date of publication in the City of Proctor official newspaper.

Moved by Councilperson Benson and seconded by Councilperson DeWall that the foregoing ordinance be adopted.

Voting Yes: Councilpersons Benson, DeWall, Nowak, Larson, Schwarzbauer

Voting No: None

Ordinance declared adopted this 17th day of July, 2017.

CITY OF PROCTOR

By _____
Mayor

ATTEST:

City Clerk/Administrator

First Reading: June 19, 2017

Second Reading: July 17, 2017

Published Proctor Journal on July 20, 2017

EXHIBIT A

Section 805 - Regulation of Snowmobiles and All-Terrain Vehicles

805.01 Intent. It is the intent of this chapter to supplement Minnesota Statutes chapters 84 and 169, as they may be amended from time to time, with respect to the operation of snowmobiles and all-terrain vehicles. This section is not intended to allow what Minnesota State Statutes prohibit, nor to prohibit what Minnesota State Statutes allow.

805.02 Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

805.02.1. “All-terrain vehicle” or (“ATV”) – shall have the meaning as defined in Minnesota Statutes Section 84.92, subd. 8, as it may be amended from time to time.

805.02.2. “Class 1 ATV” shall have the meaning as defined in Minnesota Statutes Section 84.92, subd. 9, as it may be amended from time to time.

805.02.3. “Class 2 ATV” shall have the meaning as defined in Minnesota Statutes Section 94.92, subd.10, as it may be amended from time to time.

805.02.4. “City of Proctor Snowmobile and ATV Map” shall mean the map created by the City indicating the streets, roads, highway and other areas within the City in which Snowmobile and ATV operation is authorized, which shall be kept on file at the Proctor Police Department and furnished upon request.

805.02.5. “Ditch” shall mean a narrow channel dug in the ground, typically used for drainage alongside a road.

805.02.6. “Operate” shall mean to ride in or on and control the operation of a snowmobile.

805.02.7. “Operator” shall mean every person who operates or is in actual physical control of a snowmobile or ATV.

805.02.8. “Owner” shall mean a person, other than a lien holder having the property in or title to a snowmobile or ATV or entitled to the use or possession thereof.

805.02.9. “Right-of-way” shall mean the entire strip of land traversed by a highway or street in which the public owns the fee or an easement for roadway purposes.

805.02.10. “Roadway” shall mean that portion of a highway or street improved, designed or ordinarily used for vehicular travel, including the shoulder.

805.02.11. “Snowmobile” shall have the meaning as defined in Minnesota Statutes Section 84.81, as it may be amended from time to time.

805.02.12. “Street” or “Highway” shall mean the entire width between the boundaries of any way of place open to the use of the public, as a matter of right, for the purposes of vehicular traffic.

805.03 State Statutes Adopted. Minnesota Statutes Sections 84.81 to 84.915, Snowmobiles, and Minnesota Statutes Section 84.92 to 84.928, All-Terrain Vehicles, and Minnesota Statutes Chapter 169, Traffic Regulations, as they may be amended from time to time, are hereby adopted by reference and are as much a part of this Section as if fully set forth herein.

805.04 Application of Traffic Ordinances. City traffic ordinances shall apply to the operation of Snowmobiles and ATV’s on streets of highways except those which by their nature have no application.

805.05. Snowmobile Operation. A Snowmobile may be operated upon the roadway, shoulder, inside bank or slope of those City streets, County Roads, and State Highways as designated on the City of Proctor Snowmobile and ATV Map provided that that operation occurs on the farthest right hand side of the street, road, or highway and whenever possible, and legal to do, the operation occurs within the ditch and always one way in the direction of traffic.

805.06 Snowmobile Restrictions. It shall be unlawful to operate a Snowmobile:

805.06.1. On a public sidewalk provided for pedestrian travel;

805.06.2. On boulevards within any public right-of-way;

805.06.3. On private property of another, except as permission is expressly obtained by the owner or person in control of such private property;

805.06.4. On any school grounds, except as permission is expressly obtained from responsible school authorities;

805.06.5. On public property, playgrounds and recreation areas, except as allowed by the City and indicated on the City of Proctor Snowmobile and ATV Map;

805.06.6. At a rate of speed exceeding 30 miles per hour on any roadway, or at a rate of speed greater than the posted speed limit on any trail, and in no event at a rate of speed greater than reasonable or proper under the surrounding circumstances;

805.06.7. In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto; and

805.06.8. In a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys, or interferes with the peace and quiet of the public.

805.06.9. No person shall operate a snowmobile on any street, alley, or other public roadway within the City of Proctor between the hours of 1:00 a.m. and 6:00 a.m., Monday through Friday, or between the hours of 2:00 a.m. and 6:00 a.m. on Saturday and Sunday.

805.07 ATV Operation. In order to access businesses and residences and to make trail connections, an ATV may be operated upon the roadway of those City streets, County Roads, and State Highways as designated on the City of Proctor Snowmobile and ATV Map, provided that operation occurs on the farthest right hand shoulder or the extreme right hand side of the street, road, or highway and always one way in the direction of traffic.

805.08 ATV Restrictions. It shall be unlawful to operate an ATV:

805.08.1. On a public sidewalk provided for pedestrian travel;

805.08.2. On boulevards within any public right of way;

805.08.3. On or in a ditch;

805.08.4. On private property of another without specific permission of the owner or person in control of such property;

805.08.5. On any school grounds, except as permission is expressly obtained from responsible school authorities;

805.08.6. On public property, playgrounds and recreation areas, except as allowed by the City and indicated on the City of Proctor Snowmobile and ATV Map;

805.08.7. At a rate of speed greater than 30 mph or proper under the surrounding circumstances;

805.08.8. In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto; and

805.08.9. In a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys, or interferes with the peace and quiet of the public.

805.08.91. No person shall operate an ATV on any street, alley, or other public roadway within the City of Proctor between the hours of 1:00 a.m. and 6:00 a.m., Monday through Friday, or between the hours of 2:00 a.m. and 6:00 a.m. on Saturday and Sunday.

805.09. Equipment. It is unlawful for any person to operate a Snowmobile or ATV within the limits of the City unless it is equipped with the following:

805.09.1. A muffler that is in good working order and that does not produce sharp popping or cracking sounds or excessive or unusual noise. In no event, shall a muffler be altered in any way to produce a noise that is louder than the original manufacturer equipment or by means of a cutout, bypass straight pipe or similar device; Or in a manner so as to create a loud, unnecessary or unusual noise which disturbs, annoys, or interferes with the peace and quiet of the public.

805.09.2. Brakes adequate to control the movement of and to stop and hold the Snowmobile or ATV under any condition of operation;

805.09.3. A safety throttle in operating condition; and

805.09.4. Reflective material at least 16 square inches on each side so as to reflect lights at a 90 degree angle.

805.09.5 At a rate of speed greater than 30 mph or proper under the surrounding circumstances.

805.10 Signage. The City of Proctor Chief of Police may, in his/her sole discretion, cause signage to be installed identifying the designated Snowmobile or ATV routes as set forth on the City of Proctor Snowmobile and ATV Map, and/or cause signage to be installed notifying persons of any restrictions on use as described in this Section.

805.11 Stopping and Yielding. No Snowmobile or ATV shall enter any uncontrolled intersection 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.

805.12 Violation. A person convicted of a violation of this Section is guilty of a misdemeanor ordinance violation.