

## CHAPTER 4

### SNOWMOBILES, ALL-TERRAIN VEHICLES, AND OFF-HIGHWAY MOTORCYCLES

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6-4-1: **DEFINITIONS:** Unless the context clearly indicates otherwise, the words, combinations of words, terms, and phrases as used in this chapter shall have the meanings set forth in this section:

#### ALL-TERRAIN

##### VEHICLE:

A motorized flotation-tired vehicle of not less than three (3) low pressure tires, but not more than six (6) low pressure tires, that is limited in engine displacement of less than eight hundred (800) cubic centimeters and total dry weight less than six hundred (600) pounds.

#### BOULEVARD:

That portion of the street right-of-way between the curb line and the property line.

#### OFF-HIGHWAY MOTORCYLCE

##### (OHM):

A motorized, off-highway vehicle traveling on two wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control, including a vehicle that is registered under chapter 168 for highway use when it is used for off-highway operation on trails or unimproved terrain. (M.S. 84.787 subd. 7) (Amended Ord. 328, 5-2-2006)

#### OPERATE:

To ride in or on, and control the operation of, a snowmobile or all-terrain vehicle.

- OPERATOR:** Every person who operates, or is in actual physical control of a snowmobile or all-terrain vehicle.
- OWNER:** A person, other than a lien holder, having the property in or title to snowmobiles or all-terrain vehicles, and entitled to the use or possession thereof.
- PUBLIC LANDS:** Public parks, playgrounds, trails, paths, and other public open spaces; scenic and historic sites; schools, and other public buildings and structures.
- RIGHT-OF-WAY:** The entire strip of land traversed by a highway or street in which the public owns the fee or an easement for roadway purposes.
- ROADWAY:** That portion of a highway improved, designed, or ordinarily used for vehicular travel, including the shoulder, but not including the boulevard.
- SAFETY OR DEADMAN THROTTLE:** A device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving track.
- SNOWMOBILE:** A self-propelled vehicle designed for travel on snow or ice and steered by skis or runners.
- URBAN DISTRICT:** The territory contiguous to and including any street which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than one hundred feet (100'), for a distance of a quarter mile or more. (Amended Ord. 109, 6-6-1995)

**6-4-2: AGE RESTRICTIONS FOR SNOWMOBILE OPERATION:**

- A. Age Restrictions: No person under fourteen (14) years of age shall operate on streets or highways, or make a direct crossing of a street or highway, as the operator of a snowmobile. A person fourteen (14) years of age or older, but less than eighteen (18) years of age, may operate a snowmobile on streets or highways as permitted under this chapter, and make a direct crossing thereof, only if he/she has in his immediate possession a valid snowmobile safety certificate issued by the Commissioner of Natural Resources, as provided by Minnesota Statutes Section 84.86, as amended.
- B. Responsibility Of Snowmobile Owner: It is unlawful for the owner of a

snowmobile to permit the snowmobile to be operated contrary to the provisions of this section. (Amended Ord. 109, 6-6-1995)

**6-4-3: PROHIBITED AND PERMITTED AREAS:**

- A. Prohibited Areas: No person shall operate an all-terrain vehicle or snowmobile south of the line legally described in Exhibit A attached to Ordinance 109 and on file in the office of the City Clerk for public use and inspection, with the exception of designated snowmobile trails or areas that have been approved by the City Council and private property, as regulated in 6-4-5, provided permission is granted by the owner, occupant, or lessee of such land.
- B. Permitted Areas: The operation of all-terrain vehicles or snowmobiles is permitted north of the described line as shown in Exhibit A attached to ordinance 109 on file in the office of the City Clerk for public use and inspection. The following designated trails or areas south of this line are permitted:
  - 1. On Round Lake (when frozen) when access can be legally obtained.
  - 2. On Crooked Lake (when frozen) when access can be legally obtained. (Amended Ord. 109, 6-6-1995; amd. 2003 Code)

**6-4-4: OPERATION ON PUBLIC PROPERTY:** No snowmobile or all-terrain vehicle shall be operated on public property within the city in violation of the following provisions:

- A. Within the city including, but not limited to: school grounds, park property, playgrounds, recreation areas and golf courses, except, snowmobiles may be operated on designated snowmobile trails or designated access thereto.
- B. Upon the roadway, shoulder, inside bank or slope of any trunk, county state aid, or county highway within the city and, in the case of a divided trunk or county highway, on the right-of-way between the opposing lanes of traffic.
- C. On city streets, except on the shoulder of the roadway or, in the absence of an improved shoulder, on the right hand most portion of the roadway (not on boulevard areas), and in the same direction as the street traffic on the nearest lane of the roadway adjacent thereto. In addition, snowmobiles or all-terrain vehicles shall take the shortest route on any city street to access any county road, county state aid highway, or any designated snowmobile trails.

- D. On a public sidewalk or walkway provided or used for pedestrian travel.
- E. At any place while under the influence of an alcoholic beverage or controlled substance.
- F. At any speed in excess of fifteen (15) miles per hour on any public city street, or elsewhere at a rate of speed greater than reasonable or proper under all the surrounding circumstances.
- G. At any speed in excess of fifteen (15) miles per hour on any county road or county state aid highway in an urban district. All other county roads and county state aid highways not in an urban district must comply with Minnesota Statutes, or elsewhere at a rate of speed greater than reasonable or proper under all the surrounding circumstances.
- H. At a speed greater than fifteen (15) miles per hour when within one hundred feet (100') of any riverbank or lakeshore; or within one hundred feet (100') of fishermen, icehouses, or skating rinks; nor shall operation be permitted within one hundred feet (100') of any sliding area; nor where the operation would conflict with the lawful use of property, or would endanger other persons or property.
- I. At any place in a careless, reckless, or negligent manner, so as to endanger the person or property of another, or to cause injury or damage thereto.
- J. In a manner so as to create loud, unnecessary, or unusual noise, which disturbs, annoys, or interferes with the peace and quiet of another.
- K. On any days between the hours of eleven o'clock (11:00) P.M. and eight o'clock (8:00) A.M.; except, on Saturday and Sunday, the restriction shall be between one o'clock (1:00) A.M. and eight o'clock (8:00) A.M.
- L. So as to tow any person or thing on a public street or highway, except through use of a rigid tow bar attached to the rear of the snowmobile or all-terrain vehicle.
- M. Within fifteen feet (15') of any public sidewalk, walkway, or trail.
- N. In a tree nursery or planting in a manner that damages or destroys growing stock.
- O. Authorized snowmobiles and all-terrain vehicles may be used on any public property within the city for rescue, emergency, or law enforcement purposes.
- P. A snowmobile or all-terrain vehicle may make a direct crossing of a street

or highway, 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 construction prevents a quick and safe crossing.
2. The snowmobile or all-terrain vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway.
3. The driver yields the right of way to all oncoming traffic, which constitutes an immediate hazard.
4. In crossing a divided street or highway, the crossing is made only at an intersection of such street or highway with another public street or highway.
5. 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, only if both front and rear lights are on.
6. A snowmobile or all-terrain vehicle may be operated upon a bridge other than a bridge that is the main traveled lanes of an interstate highway, when required for the purpose of avoiding obstructions to travel when no other method of avoidance is possible, provided the snowmobile or all-terrain vehicle is operated in the extreme right hand lane, the entrance to the roadway is made within one hundred feet (100') of the bridge, and the crossing is made without undue delay.

Q. No snowmobile or all-terrain vehicle shall enter any controlled intersection without making a complete stop. The operator shall then yield the right-of-way to any vehicles or pedestrians that constitute any immediate hazard.

R. An all-terrain vehicle or snowmobile may be operated upon any public street or highway in any emergency during the period of time when and at locations where the condition of the roadway renders travel by automobile impossible. (Amended Ord. 109, 6-6-1995; amd. 2003 Code)

6-4-5: **OPERATION ON PRIVATE PROPERTY:** The operation of all-terrain vehicles and off-highway motorcycles shall be prohibited in the following areas:

- A. Any property in the R-2, R-3, or R-4 zoning district.
- B. Any property less than 2.5 acres in size.

- C. Off-highway motorcycles and ATV's shall not be operated between the hours of 8:00 PM and 8:00 AM within the City.
- D. Exception: ATV's may be used in the above areas for tasks directly related to property maintenance or improvement, such as snowplowing, hauling or lawn maintenance. (Amended Ord. 328, 5-2-06)

6-4-6: **EQUIPMENT REQUIREMENTS:** It is unlawful for any person to operate a snowmobile or all-terrain vehicle any place within the corporate limits of Andover unless it is equipped with the equipment set forth as follows:

- A. Muffler; Cutout, Bypass: 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. No person shall use a muffler cutout, bypass, straight pipe or similar device on a snowmobile motor, and the exhaust system shall not emit or produce a sharp popping or crackling noise.
- B. Brakes: Brakes adequate to control the movement of, and to stop and hold, the snowmobile or all-terrain vehicle under any conditions of operation.
- C. Safety Throttle: 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. Lights:
  - 1. 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 under normal atmospheric conditions. Such headlamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming vehicle operator.
  - 2. It shall 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 five hundred feet (500') to the rear during the hours of darkness under normal atmospheric conditions.
  - 3. Such equipment shall be in use when the vehicle is operated between the hours of one-half (1/2) hour after sunset, or one-half (1/2) hour before sunrise, or at times of reduced visibility. (Amended Ord. 109, 6-6-1995)

6-4-7: **UNATTENDED SNOWMOBILES:** Every person having a

snowmobile in a public place shall lock the ignition, remove the key and take the same with him. (Amended Ord. 109, 6-6-1995)

6-4-8:           **CHASING ANIMALS PROHIBITED:** It is unlawful to intentionally drive, chase, run over, kill, otherwise take or attempt to take any animal, wild or domestic, with a snowmobile or all-terrain vehicle . (Amended Ord. 109, 6-6-1995; amd. 2003 Code)

6-4-9:           **EXEMPTIONS FROM PROVISIONS:** The City's enforcement agency or the County Sheriff's Department, in order to provide enforcement, shall be exempt from the requirements of this chapter. (Amended Ord. 109, 6-6-1995)

6-4-10:           **VIOLATION; PENALTY:** Any person violating any provision of this chapter shall be guilty of a petty misdemeanor and, upon conviction thereof, shall be subject to a fine as provided in the City Code. (Amended Ord. 109, 6-6-1995; amd. 2003 Code; Amended Ord. 416, 2-6-12)