

ORDINANCE 187

AN ORDINANCE TO REPEAL ORDINANCE 183, TO MAKE CERTAIN AMENDMENTS TO THE REGULATION OF SNOWMOBILES AND ALL-TERRAIN VEHICLES (ATV) WITHIN THE CITY OF BIRD ISLAND

SECTION I. REPEAL

Ordinance 183 is hereby repealed.

SECTION II. DEFINITIONS

The definitions of “snowmobile” and “all-terrain vehicle” for purposes of this ordinance shall be the same as those set forth in Minnesota Statute Sections 84.81 and 84.92 respectively.

SECTION III. STATE LAW ADOPTED

The laws of the State of Minnesota as set forth in Minnesota Statutes Section 84.81 through Section 84.928 and Chapter 169 are adopted in full.

SECTION IV. REGULATIONS

A. It shall be unlawful to operate a snowmobile or ATV on any public or private property within the City of Bird Island, with the following exceptions:

1. Entering or leaving the City by the most direct route to and from the operator’s residence.
2. The operator’s property or the private property of another person when that other person has given permission for the use of his property by the operator of the snowmobile or ATV.
3. Operators of snowmobiles or ATV’S whose destination requires them to travel directly through the City.
4. Emergency situations during the period of time when and at locations where snow upon the roadway renders travel by automobile impractical.

B. No person shall operate a snowmobile or ATV on any street, roadway or public thoroughfare within the City between the hours of 10:00 P.M. and 6:00 A.M., with the following exceptions:

1. The operator is returning to his place of abode after operating such snowmobile or ATV outside of the City limits.
2. The operator is traveling on a route designated for the purpose of reaching the City’s commercial district (map attached).

C. No snowmobile or ATV shall be operated at a speed in excess of 15 miles per hour.

D. Snowmobiles traveling together or being driven in the same direction must travel in single file. It shall be unlawful for two or more snowmobiles to travel abreast on any street within the City of Bird Island.

E. It shall be unlawful for any snowmobile to tow a sled, wagon, toboggan, skier or any other object or person except by means of a rigid tow bar affixed to the rear of the snowmobile.

F. No snowmobile or ATV shall be operated 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.

G. It shall be unlawful for the registered owner of a snowmobile or ATV to allow his or her snowmobile or ATV to be operated contrary to this ordinance or governing state law. The registered owner of the snowmobile or ATV may not be prosecuted and punished if

1. The snowmobile or ATV was reported as stolen to the Commissioner of Natural Resources or a law enforcement agency at the time the alleged unlawful conduct occurred.
2. The registered owner demonstrates that the snowmobile or ATV was either stolen or was not in use at the time of the alleged unlawful conduct.
3. The registered owner furnishes to law enforcement officers upon request the identity of the person in actual physical control of the snowmobile or ATV at the time of such unlawful conduct.

This section shall not apply to any person who rents or leases snowmobiles or ATV'S if such person keeps a record of the name and address of the person or persons renting or leasing the snowmobile or ATV, the registration number thereof, the departure date and time and expected time of return.

The prosecution of the owner of a snowmobile or ATV under this section shall not operate to limit or bar the prosecution of the snowmobile operator for violations of this ordinance or applicable Minnesota statutes.

SECTION V. PENALTY

Any person violating the provisions of this ordinance shall be guilty of a misdemeanor.

SECTION VI. EFFECTIVE DATE

This ordinance shall be effective upon adoption and publication as provided by law.

Passed by the City Council of the City of Bird Island this _____ day of _____, 1999.

Mayor

Clerk