

SNOWMOBILE ORDINANCE

CITY OF OLIVIA

ORDINANCE NO. 270

AN ORDINANCE AMENDING ORDINANCE NO. 267 & 216 THE REGULATION OF SNOWMOBILES AND ALL-TERRAIN VEHICLES WITHIN THE CITY OF OLIVIA, MINNESOTA, PLACING RESTRICTIONS ON THE USE AND OPERATION OF SNOWMOBILES AND ALL-TERRAIN VEHICLES WITHIN THE CITY OF OLIVIA AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

THE CITY COUNCIL OF THE CITY OF OLIVIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. 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. The definitions of “snowmobile” and “all-terrain vehicle” for purposes of this ordinance shall be the same as those set forth in Minnesota Statutes Sections 84.81 and 84.92 respectively.

SECTION 2. The following regulations shall apply to the operation of all snowmobiles and all-terrain vehicles operated within the City of Olivia:

- 2.1 Speed. Unless posted otherwise, no snowmobile or all-terrain vehicle shall be operated at a speed in excess of 20 miles per hour in the streets. Speed in alleys shall not exceed 10 miles per hour.
- 2.2 Operation of Snowmobiles and All-Terrain Vehicles. It shall be unlawful to operate a snowmobile or all-terrain vehicle in the City of Olivia upon any streets, avenues, sidewalks, boulevards, parks, golf course, parking lots, alleys, school grounds, airport property or other public or private property, except as provided in this subdivision.
 - 2.2(a) Snowmobiles. When the operation is in compliance with all other provisions of this Ordinance, snowmobiles may be operated.
 - (1) Between the hours of 8:00 a.m. and 10:00 p.m. on streets, alleys, and specially designated routes in the City of Olivia and on private property with the Owner’s permission, given specifically to the operator of the snowmobile.
 - (2) Between 10:00 p.m. and 8:00 a.m. only for purposes of leaving a business establishment or residence at which the operator was located at 10:00 p.m. and proceeding directly to the operator’s residence by the most direct street route or proceeding from the operator’s residence directly out of town .
 - (3) Between 8:00 a.m. and 10:00 p.m. only for purposes of traveling on the boulevard on the south side of Trunk Highway 212 between the intersection of Trunk Highway South and SuperAmerica or unless allowed under Section 2.2 (a) (2)

- (4) Between 8:00 a.m. and 10:00 p.m. only for the purposes of traveling on the Trunk Highway 71 South boulevard provided that written permission is granted from the adjoining property owner (s). If approval is granted by the property owner(s), proper signage is required indicating a trail has been created. If said trail is not permitted by the adjoining property owner(s), snowmobile operators shall use existing city streets at T.H. 71 South and Ash Avenue.

2.2 (b) All-Terrain Vehicles. When the operation is in compliance with all other provisions of this Ordinance, all-terrain vehicles may be operated:

- (1) Between the hours of 8:00 a.m. and 10:00 p.m. on private property with the Owner's permission given specifically to the operator of the all-terrain vehicle.
- (2) When the all-terrain 4-wheel vehicle is being driven from the normal place of domicile to work locations utilizing the most direct route on City streets during daylight hours for purposes of:
 - (a) mowing and fertilizing lawns
 - (b) spraying weeds
 - (c) other uses, when used as the power unit
- (3) Only for the purposes of plowing or blowing snow, all-terrain vehicles may be driven on streets, alleys, and sidewalks at any hour within a 24-hour time frame.

These exemptions shall apply only when specially designed equipment is mounted on, or towed by, the all-terrain 4-wheel vehicle utilizing a rigid hitch system and the all-terrain 4-wheel vehicle is used as the power unit on the job site. The vehicle must be insured, registered and equipped according to law. The owner must apply for an annual permit, issued by the City of Olivia and the operator must be at least 18 years of age and use proper safety equipment as required by law.

- 2.3 Single File Traffic Only. Snowmobiles and all-terrain vehicles traveling in the same direction must travel in single file. It shall be unlawful for two or more snowmobiles or all-terrain vehicles to travel abreast on any city street.
- 2.4 Rigid Tow Bar Required. 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.

SECTION 3. It shall be unlawful for the registered owner of a snowmobile or all-terrain vehicle to be operated contrary to this ordinance or governing state law. The registered owner of the snowmobile or all-terrain vehicle may not be prosecuted and punished if :

- 3.1 the snowmobile or all-terrain vehicle was reported as stolen to the Commissioner of Natural Resources or a law enforcement agency at the time the alleged unlawful conduct occurred or
- 3.2 the registered owner demonstrates that the snowmobile either was stolen or was not in use at the time of the alleged unlawful conduct or
- 3.3 the registered owner furnishes to law enforcement officers upon request the identity of the person in actual physical control of the snowmobile or all-terrain vehicle at the time of such lawful conduct.

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

The prosecution of the owner of a snowmobile or all-terrain vehicle 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 4. A violation of this ordinance shall be a misdemeanor, subject to the maximum penalties provided by law for misdemeanors.

4.1 A violation of Section 2.1 (speed), shall be a petty misdemeanor, subject to the penalties provided by law for petty misdemeanors.

4.2 A violation of any other section of this ordinance shall be a misdemeanor, subject to the penalties provided for misdemeanors.

Ordinance 216 shall not apply to, law enforcement agencies, and fire and rescue personnel while in the performance of their official duties.

Dated this 6th day of June, 2002.

THE CITY OF OLIVIA

SEAL

William R. Miller, Mayor

ATTEST: _____
Michael S. Funk, City Administrator

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