

CHAPTER 5: TRAFFIC AND MOTOR VEHICLES

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ORDINANCE 52 SNOWMOBILES AND OTHER RECREATIONAL VEHICLES

Section 52.01: PURPOSE. Because the operation and use of snowmobiles and other recreational vehicles in an uncontrolled manner endangers the public peace, health and safety of the City's inhabitants, the City adopts the following rules to regulate the operation and use of recreational vehicles and provide penalties for the improper use of recreational vehicles to greatly decrease the danger and to provide greater protection to the public peace, health and safety of the inhabitants of the City while snowmobiles and other recreational vehicles are operated and used in the City.

Section 52.02: DEFINITIONS. The following terms shall have the meaning ascribed to them.

Subd. 1: All-Terrain Vehicle. A motorized flotation-tired vehicle of not less than three (3) low pressure tires, but not more than six (6) tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds.

Subd. 2: Owner. A person, other than a lienholder, having the property in or title to a snowmobile or other recreational vehicle and entitled to the use or possession of the vehicle.

Subd. 3: Operate. To ride in or on and control the operation of a snowmobile or recreational vehicle.

Subd. 4: Operator. Every person who operates or is in actual physical control of a snowmobile or other recreational vehicle.

Subd. 5: Person. Includes an individual, partnership, corporation, the state and its agencies and subdivision and any body of persons, whether incorporated or not.

Subd. 6: Public Property. Any real property owned by the City including all city parks and recreation areas.

Subd. 7: Recreational Motor Vehicle or Recreational Vehicle. Any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes, including but not limited to snowmobile, trail bike or other all-terrain vehicle, hovercraft, or motor vehicle licensed for highway operation that is being used for off-road recreational purposes.

Subd. 8: Roadway. That portion of a highway improved, designed, or ordinarily used for vehicular travel.

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Subd. 9: Snowmobile. A self-propelled vehicle designed for travel on snow or ice or natural terrain steered by wheels, skis or runners.

Section 52.03: OPERATION. Except as this Ordinance specifically permits and authorizes, no Person shall operate a snowmobile, all-terrain vehicle or other recreational vehicle within the City limits:

Subd. 1: Public Roads. On the portion of any right-of-way of any public highway, street, road, trail or alley used for motor vehicle travel, except the most right-hand lane, (except in passing) which is used for vehicle traffic in the same direction, other than on freeways, interstate, trunk, county state aid, or county highways. A person may operate a snowmobile or other recreational vehicle upon the ditch bottom or outside of trunk, county state aid and county highways where such highways are so configured within the corporate limits.

Subd. 2: Sidewalks. On a public sidewalk provided for pedestrian travel.

Subd. 3: Boulevards. On boulevards within any public right-of-way.

Subd. 4: Private Property. On private property of another without specific permission of the owner or person in control of the property.

Subd. 5: Public Property. On any other public property, including Parks and recreational areas, except as the City's Ordinances may specifically permit.

Subd. 6: Alcohol and Drugs. No person shall operate a snowmobile or other recreational vehicles within the City limits at any place while under the influence of alcohol or drugs, as defined in M.S. '169.121, which is incorporated by reference.

Subd. 7: Speed. No person shall operate a snowmobile or recreational vehicle at a rate of speed greater than reasonable and proper under all surrounding circumstances. No person shall operate a snowmobile or recreational vehicle on public roadways at speeds greater than thirty (30) miles per hour.

Subd. 8: Recklessness. No person shall operate a snowmobile or other recreational vehicle 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 be likely to endanger or cause injury or damage to any person or property.

Subd. 9: Towing. No person shall operate a snowmobile or recreational vehicle so as to tow any person or thing in a public street or highway except through use of a rigid tow bar attached to the rear of the vehicle.

Subd. 10: Operation Near People. No person shall operate a snowmobile or other recreational vehicle within one hundred (100) feet of any fisherman, pedestrian, skating rink or sliding area where the operation would conflict with use or endanger other persons or property.

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Section 52.04: CROSSING STREETS OR HIGHWAYS. A snowmobile or recreational vehicle may make a direct crossing of a street or highway except an interstate highway or freeway provided:

Subd. 1: The crossing is made at any angle of approximately ninety (90) degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing.

Subd. 2: The vehicle is brought to a complete stop before crossing the shoulder or main traveled way.

Subd. 3: The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.

Subd. 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.

Subd. 5: If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

Section 52.05: TRAFFIC LAWS. City Traffic Ordinances, including but not limited to Ordinance 50, shall apply to the operation of snowmobiles and recreational vehicles upon streets and highways, except for those relating to required equipment and except those which by their nature have no application.

Section 52.06: YIELDING. No snowmobile or recreational vehicle shall enter any intersection without yielding 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 52.07: OPERATION BY MINORS.

Subd. 1: No person under fourteen (14) years of age shall operate on streets or the roadway surface of highways, or make a direct crossing of a trunk, county state-aid, county highway or city street 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 and highways as permitted under this Ordinance and make a direct crossing of streets and highways only if he or she has in his or her possession a valid snowmobile safety certificate issued by the commissioner, as provided by M.S.A. §84.872.

Subd. 2: No owner of a snowmobile or recreational vehicle shall permit the vehicle to be operated contrary to the provisions of this Section or state law.

Section 52.08: EQUIPMENT. No Person shall operate a snowmobile or recreational vehicle any place within the City limits unless it is equipped with the appropriate equipment required by state law.

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Section 52.09: EMERGENCIES. Notwithstanding any prohibitions in this Ordinance, a snowmobile or other recreational vehicle may be operated on a public thoroughfare in an emergency during the period of time when, and at locations where, snow upon the roadway renders travel by automobile impractical.

Section 52.10: ANIMALS. No person shall intentionally drive, chase, run over or kill any animal with a snowmobile or recreational vehicle.

Section 52.11: ADOPTION OF MINNESOTA STATUTES. Minn. Stat. §84.81 to 84.929 and the following sections of Minnesota Statutes Chapter 169 are adopted by reference and shall be applicable to snowmobiles and recreational vehicles.

Sections 169.09, 169.122, 169.15, 169.18, 169.19, 169.32, 169.33, 169.34 and 169.46.

Section 52.12: MOTORIZED GOLF CARTS.

Subd. 1: Purpose. The purpose of this Section is to provide authority for the use of motorized golf carts on City streets that are located within the Albany City Limits pursuant to the authority granted by Minn. Stat. §169.045 and Stearns County Ordinance No. 500. The provisions of this Section are intended to ensure public safety and prevent a public nuisance.

Subd. 2: Definitions. For the purpose of this Section, the following shall mean:

Designated Streets: That portion of city streets which are located within the jurisdictional boundaries of the City of Albany and upon which the City has formally requested that Stearns County allow the use of such vehicles. Designated Streets shall be all City streets except MN State HWY #238 (operation of motorized golf carts is prohibited on 1st Street, Railroad Avenue and 8th Street south of Railroad Avenue). However, crossing MN State HWY #238 is permitted (including Railroad Avenue and 8th Street south of Railroad Avenue).

Driver: The person driving and having physical control over the motorized golf cart.

Motorized Golf Cart: Any passenger conveyance, being driven with three or four low pressure tires, that is limited to engine displacement of less than 800 cubic centimeters and total dry weight less than 800 pounds. Motorized Golf Cart shall also include an electrically powered motor vehicle that has four wheels and has a speed attainable in one mile of at least 20 miles per hour, but not more than 25 miles per hour, on a paved level service, also known as a "neighborhood electric vehicle".

Subd. 3: Severability. The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this ordinance.

Subd. 4: General Provisions. Use of motorized golf carts may be allowed on City streets only if the following conditions are met:

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- a) The posted speed limit on the street is 30 mph or less
- b) A permit for the use of such motorized golf carts has been obtained from the City of Albany, as provided in Subd. 5.
- c) The operator shall be a licensed driver.

Subd. 5: Permit Required. It shall be unlawful for any person to operate a motorized golf cart on streets under the jurisdiction of the City of Albany except when the vehicle is traveling on a designated street and is prominently displaying a valid permit obtained from the City of Albany.

Every application for a City permit shall be made on a form supplied by the City and shall contain all of the following information:

- a) The name and address of the applicant
- b) Model name, make, and year and number of the motorized golf cart
- c) Current valid driver's license
- d) Proof of insurance
- e) Other information as the City may require

The annual permit fee shall be as set forth in the City of Albany fee schedule which may be amended from time to time. Permits shall be granted for a period of one year and may be renewed annually January 1st to December 31st.

No permit shall be granted or renewed unless the following conditions are met:

- a) The applicant may be required to submit a certificate signed by a physician, that the applicant is able to safely operate a motorized golf cart on the roadways designated.
- b) The applicant must provide evidence of insurance equivalent to that required by the provisions of Minn. Statutes §65B.48 Subdivision 5, as it may be amended from time to time.
- c) The applicant has not had his/her driver's license suspended, revoked or cancelled.

Subd. 6: Rights and Duties. Every person operating a motorized golf cart or neighborhood electric vehicle under permit on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Minn. Statute Chapter 169, except when those provisions cannot reasonably be applied to the vehicle.

Motorized golf carts may only be operated on designated streets from sunrise to sunset, unless the equipment includes headlights, taillights, and turn signals in which case the motorized golf carts may be operated between 5:00 AM and 10:00 PM. Motorized golf carts may not be operated in inclement weather or when visibility is impaired by weather, smoke, fog, or other conditions, or at any time when there is insufficient light to clearly see persons, and vehicles on the roadway at a distance of 500 feet.

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Motorized golf carts shall display the slow-moving vehicle emblem provided for in Minn. Statute §169.522 and shall be equipped with a rear view mirror to provide the driver with adequate vision from behind as required by Minn. Statute §169.70.

The number of occupants on the motorized golf cart may not exceed the design occupant load.

It is unlawful to operate a golf cart or electric vehicle upon roadways or public rights of way as follows:

- a) At a speed in excess of the posted speed limit.
- b) Other than single file on a roadway.
- c) Carelessly or recklessly
- d) On a public sidewalk or trail provided for pedestrian travel.
- e) On boulevards within any public right of way
- f) While under the influence of alcohol or drugs, as defined by Minn. State Statutes 169A.20, which is incorporated by reference.

Subd. 7: Penalties. A violation of this Section shall be petty misdemeanor, except that violations committed under circumstances that endanger or are likely to endanger persons or property, shall be misdemeanors. A violation of this Section within twelve (12) months or a conviction for a prior violation of this ordinance shall be a misdemeanor and shall result in revocation of the violator's permit to operate the motorized golf cart on designated streets for a period of twelve (12) months following conviction.

Subd. 8: Adoption of Ordinance. This ordinance is effective upon publication in accordance with law.

Subd. 9: Sunset Date. This ordinance shall be in effect until repealed by further act of the City Council.

Section 52.12, Subd. 9 amended 5/4/2016

Section 52.13: PENALTY. Any Person violating this Ordinance shall be guilty of a petty misdemeanor upon the first offense and a misdemeanor upon the second and subsequent offenses. Fines for violations are as established by the City Council in Appendix A.

Section 52.13 amended on 1/4/06

Section 52.12 amended 3/18/15

Section 52.12 amended 4/18