



## Ordinance 23 - \_\_\_\_

### **An Ordinance Amending Chapter 74 – Traffic and Vehicles, Article V. – Snowmobiles and All Terrain Vehicles (ATVs) Traffic and Vehicles of the City of Elk River, Minnesota, City Code**

The City Council of the City of Elk River does hereby ordain as follows:

**SECTION 1.** That § **Chapter 74 – Traffic and Vehicles**, Article V. – Snowmobiles and All Terrain Vehicles (ATVs) of the City of Elk River Code of Ordinances shall be amended for the following sections to add the underlined and eliminate the strikethrough language as follows:

#### **ARTICLE V. – SNOWMOBILES AND ALL TERRAIN VEHICLES (ATV'S)**

##### **Sec. 74-154. – Operation within the city limits, snowmobiles.**

The city council, may, from time to time, adopt an official map defining the boundaries of a No Snowmobile Zone within which snowmobiling, including recreational riding on your own property, is prohibited in order to protect the safety of snowmobilers and citizens of Elk River.

Within the city, snowmobiles may be operated for recreational purposes on:

- (1) Property you own,
- (2) Property for which you have written permission in your possession to ride,
- (3) Over Lake Orono (when safely iced over), when legally accessed as defined in this article and not closer than 100 feet from the shoreline, skating rinks, fish houses, and pedestrians, and
- (4) Over the Elk River (when safely iced over), when legally accessed as defined in this article.

Within the city, travel through the city on a snowmobile may occur within the bottom or outside slope of the ditches adjacent to the following county roads or state highways: County Road 30 from Big Lake Township Border, east to Waco Street north, County Roads 1, 12, 13, 21, 31, 32, 33, 77, and State Highways 10 and 169. In cases where paved trails or sidewalks are located on one side of the county road or highway, travel shall be limited to the side without the paved trail or sidewalk. In no case shall travel occur through the No Snowmobile Zone on the above-identified roads or highways. Travel from the City of Otsego from Parrish Avenue to Highway 169 is allowed on Main Street.

For local access to the above-identified through-city travel routes, snowmobiles ~~displaying a city-issued local access sticker~~ may travel on the right hand side of local streets on the paved surface within the curb line from the operator's place of residence to the travel route via the most direct

route. Any return trip must occur in the same manner. Travel for local access shall be at a rate not to exceed 20 miles per hour. Snowmobiles must travel single file in this instance.

Lake Orono or the Elk River may be accessed directly from private property, by trailering sleds to the Lake Orono boat landing, or via local access as defined above. Travel through Orono Park shall be via the park's driveways and parking lots, not through the park itself.

Within the city, snowmobiles shall not be operated

- (1) On public lands, including but not limited to: public parks, playgrounds, trails, sidewalks, paths, open spaces, scenic and historic sites, cemeteries, schools, golf courses, and other public buildings and structures.
- (2) Within 100 feet of any fisherman, fish house, shelter, pedestrian, skating rink, sliding area or in any other area where such operation would conflict with the use or endanger other persons or property.
- (3) At any place, while under the influence of intoxicating liquor, narcotics or habit-forming drugs.
- (4) At a rate of speed greater than posted for the county road or highway, or reasonable for the surrounding circumstances, and in the case of local access, not to exceed 20 miles per hour.
- (5) 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.
- (6) In any tree nursery or planting in a manner which damages or destroys growing stock.

Snowmobiles shall not be operated between the hours of 12:01 a.m. and 7:00 a.m., except for emergency purposes or except if the operator is returning to his residence at a speed not in excess of 20 miles per hour.

#### **Sec. 74-155. Operating requirements.**

In order to operate a snowmobile lawfully within the city's corporate limits, a snowmobile must have:

- ~~(1) Elk River residents (living within the city's corporate boundaries) shall obtain and display a local access sticker in a highly visible location on both sides of the hood of the snowmobile. Local access stickers shall be obtained from the city on an annual basis and for the fee set by city council resolution. Nonresidents shall not be issued local access stickers and shall remain on the trails identified in section 74-154.~~
- (2) A lighted headlight and taillight.
- (3) A muffler in good working order which blends the exhaust noise into the overall snowmobile noise and which is in constant operation to prevent excessive or unusual noise.
- (4) Without any noise-making device which amplifies noise emitted from the snowmobile, including, but not limited to, tuned exhausts cut-outs or straight pipes.

#### **Sec. 74-157. Operation within the city limits, ATVs.**



For defining where all terrain vehicles (ATVs) are permitted to operate, the city has been divided into two parts:

- (1) No ATV zone
- (2) ATV zone

The city council, may, from time to time, adopt an official map defining the boundaries of the no ATV zone.

- (1) No ATV zone: The operation of an ATV within the No ATV Zone is permitted:
  - a. On designated ATV trails accessed from established trailheads.
  - b. On property that you own or which you have permission on your person to ride. On property you own, you may not operate an ATV in a repetitive, continuous manner.
  - c. In the winter, on Lake Orono not closer than 100 feet from the shoreline, skating rinks, fish houses and pedestrians.
  - d. For agricultural or utility use as per state statute and after issuance of a city permit.
- (2) ATV zone: The operation of an ATV within the ATV zone is permitted:
  - a. On designated ATV trails access from established trailheads.
  - b. On property you own or which you have permission on your person to ride.
  - c. On a private track in compliance with the following standards:
    1. Located a minimum of 1,000 feet from any residence, except that of the owner
    2. Located a minimum of 1,000 feet from a livestock shelter and/or arena, except that of the owner
    3. Must be setback 50 feet from any property line
  - e. For agricultural or utility use as per state statute ~~and after issuance of a city permit.~~
  - e. In the ditch or outside slope of County Roads 1, 13, 21, 32, and 33 if they can be accessed directly from your property.

Anywhere within the corporate limits of the city, ATVs shall not be operated:

- (1) On public lands, including but not limited to: public parks, playgrounds, trails, sidewalks, paths, open spaces, scenic and historic sites, schools, golf courses, and other public buildings and structures.
- (2) On city streets and their related rights-of-way area per state statute.
- (3) Within 100 feet of any fisherman, fish house, shelter, pedestrian, skating rink, sliding area or in any other area where such operation would conflict with the use or endanger other persons or property.
- (4) At any place, while under the influence of intoxicating liquor, narcotics or habit-forming drugs.
- (5) At a rate of speed greater than reasonable or proper under all the surrounding circumstances.

- (6) 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.

**SECTION 2.** That this ordinance shall take effect upon adoption and be published as provided by law.

Passed and adopted by the City Council of the City of Elk River this [Click here to enter day](#) this will be adopted [day of Click here to enter month](#) this will be adopted, 2023.

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John J. Dietz, Mayor

ATTEST:

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Tina Allard, City Clerk