

ORDINANCE NO. 11-15-10
AN ORDINANCE AMENDING THE HAYFIELD CITY CODE AMENDING CHAPTER 6, PART 2
Snowmobiles, All-Terrain Vehicles and Golf Carts. ALSO AMENDING the amendment codified
as ORDINANCE NO. 2007-05-21-B

THE CITY COUNCIL OF THE CITY OF HAYFIELD DOES ORDAIN:

SECTION 1. AMENDMENT the Hayfield City Code is hereby amended by Renaming Chapter 6, part 2, to read as follows:

Chapter 6, Part 2 – Snowmobiles, All-Terrain Vehicles and Golf Carts

PART 2. AMENDMENT is detailed in full incorporating all amendments and modifications and shall now read in total as written below:

Part 2. Snowmobiles and All Terrain Vehicles

602.01. **Definitions.** For the purpose of this part, the terms defined herein shall have the following meaning ascribed to them.

- a. Snowmobile: Means a self-propelled vehicle designed for travel on snow or ice steered by skis or runners.
- b. All terrain vehicle (ATV): means a motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cubic centimeters and includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle.
- c. Owner: Means a person, other than a lien holder having the property in or title to snowmobile or ATV entitled to the use or possession thereof.
- d. Operate: Means to ride in or on and control the operation of a snowmobile or ATV.
- e. Operator: Means every person who operates or is in physical control of a snowmobile or ATV.
- f. Deadpan throttle or safety throttle: Means a device which when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving mechanism.
- g. Natural terrain: Means areas other than roadways or driveways (private or public), parking lots, and other areas the surface of which has been intentionally modified for motor vehicle operation thereon.
- h. Class 1 all-terrain vehicle: "Class 1 all-terrain vehicle" means an all-terrain vehicle that

has a total dry weight of less than 900 pounds.

- i. Class 2 all-terrain vehicle: "Class 2 all-terrain vehicle" means an all-terrain vehicle that has a total dry weight of 900 to 1,500 pounds.
- j. Motorized Golf Cart means a three or four wheeled vehicle which is self propelled and is designed to be use to provide transportation on a golf course, however, can be used in other limited fashions.

602.02. Uses of Snowmobiles and ATV's Permitted. Except as herein specifically permitted and authorized, it is unlawful for any person to operate a snowmobile or ATV not licensed as a motor vehicle within the limits of the city:

- a. On the portion of any right of way of any public highway, street, road, trail, or alley used for motor vehicle travel, **except that a snowmobile** may operate upon the most right hand lane of a municipal street or alley and may in passing or making a left turn operate on other lanes which are used for vehicle traffic in the same direction, for purposes of going to or returning from a non-highway area of permissible operation, by the most direct route. Snowmobiles may also be operated upon the ditch bottom or the outside bank of trunk, county state-aid, and county highways where such highways are so configured within the corporate limits.
- b. On a public sidewalk provided for pedestrian travel.
- c. On boulevards within any public right of way.
- d. On private property of another without specific permission of the owner or person in control of said property.
- e. On any other public place except as may be specifically permitted by other provisions of the city.
- f. At a speed in excess of 10 miles per hour.

602.03. Crossing of Streets or Highways. A snowmobile not licensed as a motor vehicle may make a direct crossing of a street or highway, except an interstate highway or freeway provided:

- a. The crossing is made at an angle of approximately 90 degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing.
- b. The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way.

- c. The driver yields the right of way to all on-coming traffic which constitutes an immediate hazard.
- d. 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.
- e. If the crossing is made between the hours of one-half hour before sunrise to one-half hour after sunset or, in conditions of reduced visibility, only if both front and rear lights are on.

602.04. Traffic Ordinances Applicable. City traffic regulation shall apply to the operation of snowmobiles or ATV not licensed as a motor vehicle upon streets and highways, except from those relating to required equipment, those which by their nature have no application, and those inconsistent with the provisions herein.

602.05. Yielding Right of Way. No snowmobile 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.

602.06. Operation: Persons Under 18. No person under 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 streets as the operator of a snowmobile, A person 14 years of age or older, but less than 18 years of age may operate a snowmobile on streets and highways as permitted under this ordinance and make a direct crossing of such streets and highways only if the person has in his/her immediate possession a valid snowmobile safety certificated issued pursuant to Minn. Stat. 84.872.

602.07. Uses Specifically Prohibited. It is unlawful for any person to operate a snowmobile, ATV not licensed for highway use, or ATV licensed for highway use when operating on natural terrain within the limits of the city:

- a. At any place while under the influence of alcohol or drugs as defined in Minn. Stat. 169.121 which is hereby incorporated herein by reference.
- b. At a rate of speed greater than reasonable or proper under all surrounding circumstances.
- c. 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.
- d. During the hours from 11:00 p.m. to 7:00 a.m. of any day, closer than 100 feet to any dwelling which is usually occupied by one or more persons.

- e. So as to tow any person or thing except through use of a rigid tow bar attached to the rear of the snowmobile or ATV.
- f. Within 100 feet of any fisherman, pedestrian, skating rink, or sliding area where the operation would conflict with use or endanger other persons or property.

602.08. Equipment Required. It is unlawful for any person to operate a snowmobile or ATV any place within the limits of the city unless it is equipped with the following:

- a. Standard mufflers which are properly attached and which reduce the noise of operation of the motor to the minimum necessary for operation. No person shall use a muffler cutout, by-pass straight pipe or similar device on a snowmobile or ATV motor.
- b. Brakes adequate to control the movement of and to stop and hold the snowmobile or ATV under any condition or operation.
- c. A safety or so-called "dead man" throttle in operating condition.
- d. When operated between the hours of one-half hour after sunset and one-half hour before sunrise or at time of reduced visibility, at least one clear lamp attached to the front, with sufficient intensity to reveal persons and vehicles at a distance of at least 100 feet ahead during the hours of darkness and under normal atmospheric conditions. Such head lamp shall be so aimed that glaring rays are not projected into the eyes of an oncoming snowmobile or ATV operator. It shall also 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 500 feet to the rear during hours of darkness under normal atmospheric conditions.
- e. Snowmobiles shall fly a pennant flag of red or blaze material, of a size not less than 12 inches by 9 inches, at a height of not less than six feet from ground level at any time when the vehicle is operated on public streets.
- f. Reflective material at least 16 inches square on each side, forward of the handlebars or steering device of a snowmobile or ATV and at the highest practical point on any towed object, as to reflect light at a 90 degree angle.

602.09. Ignition Lock. Every person leaving a snowmobile or ATV on a public place or way shall lock the ignition, remove the key, and take the same.

602.10. Emergencies, Operation Permitted. Notwithstanding any prohibitions in this part of the ordinance, a snowmobile may be operated on a public thoroughfare in an emergency during the period of time and at locations where snow upon the roadway renders travel by automobile impractical.

~~602.11. **Uses Prohibited: Animals.** It is unlawful to intentionally drive, chase, run over, or kill any animal with a snowmobile or ATV.~~ ~~Repealed May 21, 2007~~

602.11B. Motorized Golf Carts and All-Terrain Vehicles.

Subd. 1. It is unlawful to operate an all-terrain vehicle (ATV) on any city street, alley, sidewalk, boulevard, or right-of-way and it is also unlawful to operate any ATV on any public or private property within the city limits of Hayfield. *It is unlawful to operate an ATV or golf cart on any bike path within the city limits of Hayfield. (05/21/18)*

Subd. 2. Motorized golf carts can be operated on the city streets of Hayfield by those that file for and are approved for a permit. The permit application shall be available from the City Clerk. Motorized golf carts shall not be operated on County Road T, also known as 6th Ave., and Highway 30, also known as 2nd St. NE and NW. The permit shall be for one year and each year the permit will require a new application. The fees shall be set forth by the City Council. Yearly license fee amount: Refer to Appendix 7A. The driver and additional driver will be designated for only one particular vehicle.

- a. Golf Carts will only be authorized for operation during daylight hours regardless of being fully electrically wired.
- b. Only persons with a valid automobile driver's license will be granted a permit to operate a golf cart.
- c. All Golf Cart authorized a permit to operate within City limits shall display a "Slow moving vehicle" sign on the back of the vehicle.

Subd. 3. Exceptions.

- a. Class 1 ATVs may be operated within the city limits by law enforcement personnel or by persons in direct supervision by law enforcement personnel while receiving ATV safety training.
- b. ATVs with steering wheels, flashers, brake lights and headlights may be operated if in compliance with Minnesota laws regarding registration, used solely for utility purposes and not recreational use, and only upon application for a permit. Permit forms and fee information shall be set by the council by resolution and available from the City Clerk.
- c. ATV and Golf Cart in compliance with all other sections of this ordinance may obtain a permit for snow removal.

602.12. Pedestrians.

Subd. 1. **Traffic Control Signals.** Pedestrians shall be subject to traffic control signals and signs at intersections as heretofore stated into this ordinance, but at all other places pedestrians shall be accorded the privileges and be subject to the restrictions herein provided.

Subd. 2. **Crossing Between Intersections.** Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

Notwithstanding the provisions of this section every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and give due warning by sounding the horn when necessary and exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

Subd. 3. **Use Right Half of Crosswalks.** Pedestrians shall move when practicable upon the right half of crosswalks.

Subd. 4. **Walk on Left Side of Roadway.** Pedestrians when walking along a roadway shall walk near the left side of the roadway giving way to oncoming traffic. Where sidewalks are provided and useable it shall be unlawful for any pedestrian to walk upon an adjacent roadway.

602.13. **Bicycles.**

Subd. 1. **Traffic Laws Apply.** Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance except as to special regulations in this ordinance and except as to those provisions thereof which by their nature can have no application.

Subd. 2. **Manner and Number Riding.**

- a. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.
- b. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

Subd. 3. **Hitching Rides.** No person riding upon any bicycle, coaster, roller skates, roller blades, sled, or toy vehicle shall attach the same or himself/herself to any vehicle upon a roadway.

Subd. 4. **Where to Ride.**

- a. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- b. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

- c. Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.
- d. Whenever a person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.

Subd. 5. **Carrying Articles.** No person operating a bicycle shall carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handle bars.

Subd. 6. **Lighting and Brake Equipment.**

- a. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear which is visible from all distances from 50 to 300 feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.
- b. Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

602.14. **Stop at Sidewalks.** The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway or private driveway.

602.15. **Prohibitions: Stopping, Parking.** No person shall stand, stop, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

- a. On a sidewalk
- b. In front of a public or private driveway
- c. Within an intersection
- d. Within ten feet of a fire hydrant
- e. On a crosswalk
- f. Within 20 feet of a crosswalk at an intersection
- g. Within 30 feet upon the approach to any flashing beacon stop sign or traffic-control signal located at the side of a roadway.
- h. Alongside or opposite any street excavation or obstruction when such stopping, standing, or parking would obstruct traffic.
- i. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.
- j. At any place where official stop signs prohibit parking or stopping.

No person shall move a vehicle not owned by such person into any prohibited area or

away from a curb such distance as is unlawful.

No person shall for camping purposes, leave or park a house trailer on or within the limits of any highway or street right of way within the limits of the city, except where signs are erected designating the place as a camp site.

No person shall stop or park a vehicle on a street or highway when directed to move or proceed by any peace officer invested by law with authority to direct, control, or regulate traffic.

602.16. **Parking.**

Subd. 1. **How to Park.**

- a. Parallel to curb. No person shall stand or park a vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of traffic, with the curb-side wheels of the vehicle within 12 inches of the edge of the roadway, and not closer than four feet to another vehicle parked at the curb.
- b. Where no curb. Upon streets and highways not having a curb each vehicle stopped or parked shall be stopped or parked parallel with and to the right of and; wherever possible, off of the paved or improved or main traveled part of the street or highway.
- c. One-way roadway. No person shall stand or park a vehicle on a one-way roadway except when such vehicle is so parked as to have the front part of such vehicle facing in the same direction on the one-way street as the traffic thereon is permitted to pass.
- d. Angle parking. Upon those streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such signs or marks.
- e. Manner of parking and right of way. The driver of a vehicle intending to park at the curb of any street or highway at a place about to be vacated by another vehicle shall stop back of said parking place and wait until said vehicle has vacated said parking space. The person so desiring to park shall thence move his/her vehicle to a place immediately in front of said parking space and back into it, and the driver of any vehicle approaching from the rear shall yield the right of way to such person for the purpose of parking at such parking space. Provided, that in case there is no one in position immediately in FRONT of said parking space prepared to back into it, and said parking space is large enough to permit it, the driver of an approaching vehicle may head into said parking space without backing.

Subd. 2. **Vehicles Back to Curb.** No vehicles shall be backed up to the curb to load or unload except when the weight or bulk of the load necessitates loading or unloading in this position, and only for the period of time necessary to so load or unload said vehicle.

Subd. 3. **Disabled Vehicles.** The provisions of this ordinance relating to stopping, standing and parking shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a street or highway in such manner and to such extent

that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.

Subd. 4. **Cars for Sale.** No person shall place any vehicle on a highway or street to display the same for sale or exchange. A vehicle shall be deemed to be displayed in violation of this section when found standing upon a street or highway, and bearing a sign indicating that it is for sale or exchange.

Subd. 5. **Washing, Greasing, Etc.** No person shall wash, grease, or repair such vehicle upon a street or highway, except such repairs as are necessitated by an emergency.

Subd. 6. **Brakes to be Set.** No person driving or in charge of a motor vehicle shall permit it to stand unattended without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.

Subd. 7. **Locking Automobile.** Every person parking a passenger vehicle on a public street or alley shall lock the ignition, remove the key, and take the same with him/her.

Subd. 8. **Prohibition Against Chaining Vehicle, Etc.** No person shall at any time leave any motor vehicle standing upon any street or highway with the wheels chained, locked, or fastened, in such a manner that such motor vehicle cannot be easily moved in case of an emergency. Locking of a motor vehicle so as to permit same to be moved by hand shall be allowed.

Subd. 9. **Prohibition Against Over-Night Parking of Over-the-Road Semi-Tractors and/or Trailers.** No person shall park any over-the-road semi-tractor or trailer of any weight or any vehicle of 20,000 pounds or more gross body weight on any street within or adjacent to any section of the city designated Residential (either zoned R-1 or R-2) between the hours of 10:00 p.m. and 7:00 a.m.

Subd. 10. **Penalty.** Any person convicted of violating a provision of this ordinance is guilty of a petty misdemeanor.

602.17. **Glass, Etc., on Street or Highway Prohibited.** Subdivision 1. No person shall throw or deposit upon any street or highway any glass bottle, glass, nails, tacks, wire, cans or any other subject likely to injure any person, animal, or vehicle upon such street or highway.

Subd. 2. Any person who drops, or permits to be dropped or thrown, upon any street or highway any injurious or destructive material shall immediately remove or cause same to be removed.

Subd. 3. Any person removing a wrecked or damaged vehicle from a street or highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

602.18. Obstructing View of Driver and Obstructing Traffic.

Subd. 1. No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

Subd. 2. No passenger in a vehicle shall ride in such a position as to INTERFERE with the driver's view ahead, or to the sides, or to interfere with his/her control over the driving mechanism of the vehicle.

Subd. 3. No person shall so drive and operate or park a vehicle upon the streets or highways as to needlessly, unnecessarily block, obstruct, or interfere with the orderly flow of traffic on said streets or highways. Proof that such traffic was blocked, obstructed or interfered with shall be prima facie evidence that same was needless and unnecessary.

602.19. Certain Passing Prohibited.

Subd. 1. **At Crosswalk.** When any vehicle is stopped, at a marked crosswalk or at any unmarked crosswalk at an intersection, to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

Subd. 2. **School Patrol.** No person shall drive a motor vehicle through a column of children crossing a street or highway or past a member of the school safety patrol, when such member of the school safety patrol is directing the movement of children across a street or highway, and while said school patrol member is holding his/her official signal in the stop position.

602.20. Following Fire Apparatus. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

602.21. Crossing Fire Hose. No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, or other track, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

602.22. Limited Parking.

- a. No person shall park any vehicle for a longer period of time than is designated by the city council, except on Sundays and legal holidays; provided that the council shall have authority to rescind the establishment of such a zone.
- b. ~~There shall be no parking of any vehicle on Main Street, between Second Avenue East and First Avenue West, between the hours of 2 a.m. and 6 a.m. Vehicles found parked on the above named streets will be ticketed.~~ (removed 4/18/22)

602.23. Tampering with Vehicles.

Subd. 1. No person shall molest any vehicle standing on any highway without the consent of the owner or driver of such vehicle, nor shall any such person set such vehicle in motion or otherwise damage or interfere with same.

Subd. 2. **Exception to Subdivision 1.** The superintendent of streets or anyone under him/her shall find it necessary for the purpose of facilitating street maintenance operations, such as the removal of snow, ice, or street wastes, to move any vehicle standing on any highway, said superintendent of streets or his/her assistants, or other emergency officials in the discharge of their duties, are hereby authorized to move such vehicle to the extent necessary for such purposes.

Subd. 3. **Removal of Illegally Stopped Vehicles.** Whenever any police officer, sheriff or sheriff's deputy finds a vehicle standing upon a street or highway in violation of any of the foregoing provisions of this section, such officer is hereby authorized to move such vehicle or require the driver or other person in charge of such vehicle to move same to a position off the paved or improved or main traveled part of such street or highway.

602.24. **Parties To and Effect of Violations.** Aiding and Abetting violations. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared in the Hayfield Code to be an offense, whether individually or in connection with one or more persons or as a principal, agent or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of any ordinance is likewise guilty of such offense.

a. Violation of any of part of Chapter 6 shall be considered a misdemeanor and shall be subject to those penalties as defined in Section 100 of this Code.

Adopted by the City Council this 15th day of **November, 2010**

David Santjer, Mayor
Lori Kindschy, City Clerk – Treasurer.