

**ORDINANCE NUMBER 2013-05**

**AN ORDINANCE AMENDING CHAPTER  
72 OF THE CITY OF HARRIS CITY CODE  
REGULATING SNOWMOBILES AND  
RECREATIONAL MOTOR VEHICLES**

**The City Council of the City of Harris City hereby ordains as follows:**

**That Title VII, Chapter 72 of the City Code is hereby amended to read in its entirety as follows:**

**TITLE VII: TRAFFIC CODE**

**CHAPTER 72: SNOWMOBILES AND RECREATIONAL MOTOR VEHICLES**

**§ 72.01 PURPOSE AND INTENT.**

The purpose and intent of this chapter is to provide rules, regulations and restrictions regarding the operation of snowmobiles and recreational motor vehicles within the limits of the city. This chapter is intended to protect private and public property and to provide rules and regulations, which will protect and promote the public health, safety and welfare of the residents of the city.

**§ 72.02 DEFINITIONS.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

***ARENA.*** Means any structure, either enclosed or open, or any open graded area, designed for the display, competition or judging of livestock, including horses, or other animals.

***DEADMAN THROTTLE*** or ***SAFETY THROTTLE*** . A device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the drive track.

***LIVESTOCK SHELTER.*** Means any structure in which livestock, including horses, are currently kept, or may be kept in the future, on a permanent, temporary or seasonal basis.

***NATURAL TERRAIN.*** An area other than roadways, driveways (private or public), parking lots and other areas, the surface of which has been intentionally modified for motor vehicle operation thereon.

***OPERATE.*** To ride in or on and have control of the operation of a snowmobile or recreational motor vehicle.

***OPERATOR.*** Every person who operates or is in actual physical control of a snowmobile or recreational motor vehicle.

**OWNER.** A person other than a lien holder having the property in or title to a snowmobile or recreational motor vehicle or entitled to its use or possession.

**RECREATIONAL MOTOR VEHICLE.** Any motor vehicle designed for, used, or capable of use on land for sport, amusement or recreation, other than motor homes, pickup campers or the like, whether or not eligible to be licensed for use upon streets, including but not limited to motorbikes, motor scooters, trail bikes, mini bikes, motorcycles, all-terrain vehicles, dune buggies, go-carts and hovercraft.

**RESIDENTIAL DWELLING.** Means any structure in which a human being currently resides, or may reside in the future, on a permanent, temporary or seasonal basis.

**SNOWMOBILE.** A self-propelled vehicle designed for travel on snow or ice, whether steered by wheels, skis or runners.

**TRACK.** A course built for the operation of recreational motor vehicles which operate in a repetitive, continuous manner in an area where the contour or landscape have been physically altered or changed thereby creating a clearly identifiable track.

## **§ 72.03 OPERATION GENERALLY.**

Except as otherwise specifically permitted and authorized, it is unlawful for any person to operate a snowmobile or recreational motor vehicle within the corporate limits of the city in the following manner, or in violation of M.S. §§ 84.787 through 84.929, or in violation of any rule of the state commissioner of natural resources and public safety promulgated thereto:

(A) No person shall operate a snowmobile or recreational motor vehicle on a public sidewalk, walkway or trail provided or used for pedestrian travel;

(B) No person shall operate a snowmobile or recreational motor vehicle on private property of another without lawful authority or consent of the owner or occupant;

(C) No person shall operate a snowmobile or recreational motor vehicle on any publicly owned lands, including, but not limited to, school grounds, park property, playgrounds, recreation areas and golf courses, except areas previously listed or authorized for such use by the proper public authority, in which case such use shall be lawful and snowmobile or recreational motor vehicles may be driven in and out of such areas by the shortest route;

(D) No person shall operate a snowmobile or recreational motor vehicle at a rate of speed greater than reasonable or proper under all the surrounding circumstances, but in no event in excess of the posted speed limits and/or not in excess of 15 miles per hour in the platted portion of the city;

(E) No person shall operate a snowmobile or recreational motor vehicle 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;

(F) No person shall operate a snowmobile or recreational motor vehicle in a manner so as to create loud, unnecessary or unusual noise which disturbs, annoys or interferes with the peace and quiet of another, or in violation of § [94.04](#)(D) of this code of ordinances;

(G) Except as provided below, no person shall operate a snowmobile or recreational motor vehicle between the hours of 10:00 p.m. and 7:00 a.m. on any day, except by the most direct route to their destination or on a groomed grant-in-aid snowmobile trail;

(H) No person shall operate a snowmobile or recreational motor vehicle in or on any portion of a municipal street or right-of-way, or upon or in the outside bank, slope, or ditch of any trunk, county state aid, or county highway except as permitted by law, such as, but not limited to, making a direct crossing of a street or traveling upon a snowmobile or recreational motor vehicle trail approved by the City Council;

(I) No person shall intentionally drive, chase, run over, kill or otherwise take or attempt to take any animal, wild or domestic, with a snowmobile or recreational motor vehicle;

(J) No person shall leave a snowmobile or recreational motor vehicle in a public place without locking the ignition, removing the key and taking the key; and

(K) No person shall operate a snowmobile or recreation motor vehicle in the R-1 zoned district within ten feet of the property line and in an R-2 zoned district within 30 feet of the property line, except as follows:

- (1) When unloading or loading the vehicle on the owner's property;
- (2) While traveling on streets adjoining the owner's property;
- (3) While plowing snow only for the purposes of road access to owner's property;
- (4) While engaging in lawn or property maintenance on property owned by the operator;  
or
- (5) When taking a direct route to and from the residential property.

## **§ 72.04 PERMITTED TRACK SITES**

Operation of snowmobiles and recreational vehicles is allowed on track sites that meet all of the following criteria in the City of Harris.

- (A) The parcel of land is not in a residential subdivision.
- (B) The track must be located a minimum of one mile, in all directions, from any residential dwelling, except that of the owner.
- (C) The track must be located a minimum of one mile, in all directions, from a livestock shelter and/or arena, except that of the owner.

(D) Landowners wishing to hold a single day or weekend motor sport event must apply for an interim use permit.

(E) There must be a 50-foot minimum setback from a track to the property line.

(F) The track will not be used between the hours of 10:00 pm and 7:00 am on any day.

**§ 72.99 PENALTY**

Any person who violates a provision of this article or the statues or rules adopted by reference in this article shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with Section 10.99 of the City Code. Such person shall also be liable for the recovery of damages and of expenses incurred in prosecution of a violation of this chapter. Such penalty may be imposed in addition to any other legal or equitable remedies available to the city.

This ordinance shall take effect and be in force from and after its publication in the official newspaper of the City of Harris.

\_\_\_\_\_  
Diane Miller  
Mayor

ATTEST:

\_\_\_\_\_  
Joanne Dargay  
City Clerk

Published in the \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2013