

TOWN OF FAYAL
St. Louis County, Minnesota

ORDINANCE NO. 99-2

AN ORDINANCE RELATING TO SNOWMOBILES, REGULATING THE OPERATION AND USE THEREOF, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

The Board of Supervisors of the Town of Fayal hereby ordains as follows:

RECITALS

1. The Town of Fayal is an urban Town operating under the powers granted to it by Minn. Stat. Chapter 368. Any town acting by its town board, may regulate the operation of snowmobiles on public lands, waters, and property under their jurisdiction and on streets and highways within their boundaries by resolution or ordinance of the governing body and by giving appropriate notice, provided such regulations are not inconsistent with the provisions of Minn. Statutes sections 84.81 to 84.88 inclusive and rules promulgated thereunder.
2. The Town Board of the Town of Fayal did adopt Ordinance #1972-7 on 5 December 1972 to regulate the operation of snowmobiles within the Town. Ordinance 1972-7 has become obsolete.

ARTICLE I - DEFINITIONS

For the purposes of this Ordinance, the following definitions apply:

1. "Snowmobile" means a self-propelled vehicle designed for travel on snow or ice steered by skis or runners.
2. "Owner" means a person, other than a lien holder, having the property in or title to a snowmobile entitled to the use or possession thereof.
3. "Operate" means to ride in or on and control the operation of a snowmobile.
4. "Operator" means every person who operates or is in actual physical control of a snowmobile.
5. "Register" means the act of assigning a registration number to a snowmobile.
6. "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel.
7. "Public road right-of-way" means the entire right-of-way of a roadway that is not privately owned, including the traveled portions, banks, ditches, shoulders, and medians.
8. "Street or highway" means the entire width between boundary lines of any way or place when any part thereof is open to the use of the public, as a matter of right, for the purposes of vehicular traffic.
9. "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.
10. "Stop" means complete cessation from movement.

11. "Shoulder" means that part of a highway which is contiguous to the regularly traveled portion of the highway and is on the same level as the highway. The shoulder may be pavement, gravel, or earth.
12. "Daytime" means the time from one-half hour before sunrise to one-half hour after sunset.

ARTICLE II - OPERATION GENERALLY

1. It shall be unlawful for any person to drive or operate any snowmobile in the following unsafe or harassing ways:
 - a. On land that you have been told orally, in writing, or by posted signs, not to. On agricultural land, without the permission of the owner.
 - b. At a rate of speed greater than reasonable or proper under all the surrounding circumstances.
 - c. In a careless, reckless or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.
 - d. Without a lighted head and taillight when required for safety
 - e. On a trail that is posted for non-motorized use
 - f. In any tree nursery or planting in a manner which damages or destroys growing stock, or operating on any lands in a manner that causes erosion or rutting, or damages trees or growing crops.
 - g. Intentionally driving over open water, or water skipping, unless done as an authorized, permitted, organized, event.
 - h. Littering.
 - i. Entering or leaving lands by cutting wire or tearing down any fence.
 - j. Posting, damaging, or removing any signs on any lands or waters unless you are the landowner, occupant, or lessee of the property.
 - k. In a manner so as to create loud unnecessary and unusual noise. All snowmobiles will be equipped with snowmobile mufflers.

ARTICLE III - AREAS OF OPERATION

1. Operation on streets and highways.
 - a. No person shall operate a snowmobile upon the roadway, shoulder, or inside bank or slope of any trunk, county state aid, or county highway in the Township and, in the case of a divided trunk highway, on the right-of-way between the opposing lanes of traffic.
 - b. Operating in the bottom or outside slope of a ditch of a county or state highway is permissible provided travel is in the same direction as highway traffic from one-half hour after sunset to one-half hour before sunrise. Other than this time, either direction is permitted.
 - c. Operating on a bridge in order to avoid obstructions to travel when absolutely necessary is permitted. But, the snowmobile must be operated in the extreme right-hand lane, the entrance to the roadway must be made within 100 feet of the bridge, and crossing must be made as quickly as possible.
 - d. A snowmobile may be operated upon any public street or highway in an

emergency during the period of time when where snow upon the roadway renders travel by automobile impractical.

e. Operation on Fayal Township Roads is permitted provided all of the following are met:

- (1) The Township Road is not specifically posted by the Town Board as being closed to snowmobile use. The Town Board will, by resolution, name all Township roads that are to be closed to snowmobile traffic.
- (2) Maximum snowmobile speed in Minnesota is 50 MPH. Local speed limits on Township Roads will apply to snowmobiles.
- (3) Current snowmobile registration is displayed.
- (4) All youth operating snowmobiles will have a safety certificate in accordance with state regulation.
- (5) Snowmobile travel on township roads shall be on the extreme right-hand side.
- (6) Any sled, trailer, or other device being towed by a snowmobile must be equipped with reflective materials.

f. A snowmobile may make a direct crossing of any street or highway at any hour of the day provided:

- (1) The crossing is made at an angle of approximately 90 degrees to the direction of the roadway and at a place where no obstruction prevents a quick and safe crossing.
- (2) The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the roadway.
- (3) The driver yields the right-of-way to all oncoming traffic which constitutes an immediate hazard.
- (4) In crossing a divided highway, the crossing is made only at an intersection of such highway with another public street or highway.
- (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.

2. Operation of snowmobiles on the airport is prohibited. It is unlawful for any person to drive or operate any snowmobile on an airport defined in section 360.013, subdivision 5, or other applicable law.
3. Travel on iced-over waters of the Township is permissible, provide that there is legal access to said waters.
4. Operation of a snowmobile with metal traction devices on any paved township roadway or trail is prohibited, except when specifically designated by local government on trails under their jurisdiction; or any portion of a paved state trail designated for such use.

ARTICLE IV - PENALTIES

1. Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed \$ 700.00 or sixty (60) days in jail.

ARTICLE V - EFFECTUATION

1. Upon approval of this ordinance, Town of Fayal Ordinance 1972-7 dated 5 December 1972 is repealed.
2. This ordinance shall take full force and effect upon its passage and publication according to law.

Adoption of the foregoing Ordinance was moved by Turner seconded by Bratt and it was adopted this 19 day of October 1999 on the following vote:

AYES: Turner, Bratt, Kniefel, Tamaro, Ojanpa

NAYS: none

ABSENT: none

Steven J. Kniefel
Steven J. Kniefel, Chairman
TOWN OF FAYAL, MINNESOTA

Judy M. Sersha
Judy M. Sersha, Clerk
TOWN OF FAYAL, MINNESOTA

Ordinance 99-2 was published according to law on Oct 27, 1999

Judy M. Sersha
Judy M. Sersha, Clerk, Town of Fayal

Affidavit of Publication

STATE OF MINNESOTA)

)ss

COUNTY OF ST. LOUIS)

Eileen Rioux, being duly sworn, on oath says that he/she is the publisher or authorized agent and employee of the publisher of the newspaper known as Mesabi Daily News, and has full knowledge of the facts which are stated below:

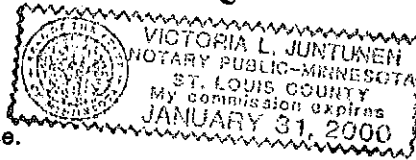
(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as amended.

(B) The printed Town of Fayal - Ordinance No. 99-2 which is attached was cut from the columns of said newspaper, and was printed and published one time; it was published on Wednesday, the 27th day of October, 1999; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice.

*abcdefghijklmnopqrstuvwxyz

BY: Eileen Rioux

Victoria L. Juntunen
Subscribed and sworn to before me on this 27th day of October, 1999.
Notary Public



*Alphabet should be in the same size and kind of type as the notice.

RATE INFORMATION

(1) Lowest classified rate paid by commercial users for comparable space

\$ \$11.55
(Line, word, or inch rate)

(2) Maximum rate allowed by law for the above matter

\$ \$11.55
(Line, word, or inch rate)

(3) Rate actually charged for the above matter

\$ \$9.90
(Line, word, or inch rate)

TOWN OF FAYAL
St. Louis County, Minnesota
ORDINANCE NO. 99-2

The following summary of the Snowmobile Ordinance for the Town of Fayal has been prepared for purposes of publication. The ordinance in its entirety can be reviewed at the office of the Fayal Township Clerk, 3600 Shady Lane, Eveleth, Minn. 55734, between the hours of 7:30 and 11:30 Monday through Friday.

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- 2. Existing Ordinance #1972-7 regulating snowmobiles has become obsolete.

ARTICLE I - DEFINITIONS

Terms defined for the purposes of this Ordinance.

ARTICLE II - OPERATION GENERALLY

- 1. It shall be unlawful for any person to drive or operate any snowmobile in unsafe or harassing ways.

ARTICLE III - AREAS OF OPERATION

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