

ORDINANCE NUMBER 18

(Amends & replaces Ordinance Number 1)

AN ORDINANCE TO REGULATE THE CONDUCT OF VEHICULAR ACTIVITY ON THE ICE OF WHITE BEAR LAKE.

PART I

Purpose and Intent

The Board of Directors of the White Bear Lake Conservation District enacts this ordinance regulating the conduct of vehicle activity on White Bear Lake to secure the safety of the public thereon and to provide for the most general use thereof.

Vehicles shall be operated in accordance with the Laws of the State of Minnesota and the local ordinances. It is the intent of this ordinance to supplement Minnesota Statutes 2005, Sections 84.81 to 84.915, and Minnesota Rules 2005, Chapter 6100. This ordinance is not intended to permit what state statues or local ordinances prohibit.

This ordinance repeals all provisions of previous Ordinance No. 1 adopted and approved on November 28, 1972, revised and approved on April 18, 2006.

PART II

Definitions

Section 2.01, Subdivision 1. For the purposes of this ordinance, the terms defined in this section shall have the meanings ascribed to them:

Subd. 2. "Person" means an individual, firm, partnership, association or corporation; the term may extend and be applied to bodies of corporate and politic, and to partnerships and other unincorporated associations.

Subd. 3. "Operate" means, in the case of snowmobiles, to ride in or on and control the operation of a snowmobile; and in the case of other vehicles, to drive and be in effective control of such vehicle.

Subd. 4. "Vehicle" means any vehicle that is self-propelled; the term includes, but is not limited to, motor vehicles, snowmobiles and aircraft, and all terrain vehicles defined in Minnesota Statutes 84.92, Subd.8.

Subd. 5. "Schedule A" means a sound level emission range as prescribed in SAE Recommended Practice J192(a) in accordance with Minn. Rules 6100.5700, Subp.5.

Subd. 6. "Owner" means a person other than a lien holder having the property in or title to a vehicle.

Subd. 7. "Administrative offense" Some violations of a provision of the District ordinances can be handled, by violator's choice, as an administrative offense that may be subject to an administrative citation and civil penalties.

Subd. 8. "Civil penalty" The Board of Directors has adopted by resolution a schedule of civil penalties for offenses initiated by administrative citation.

PART III

Equipment

Section 3.01, Subdivision 1. No person shall operate a motorized vehicle upon the ice-covered waters of White Bear Lake unless it is equipped with the following safety equipment:

Subd. 2. At least one head lamp, one red tail lamp, brakes, muffler and reflector material, all of which must conform to the standards prescribed by the Rules and Regulations of the Commissioner of Natural Resources pertaining to the same.

Subd. 2.1. A muffler that limits engine noise to not more than 78 decibels at Schedule A at 50 feet, in accordance with Minn. Rules 6100.5700, Subp.5.

Subd. 3. A safety or "deadman": throttle in operating condition is required for snowmobiles; a safety or "deadman" throttle is defined as a device which when pressure is removed from the accelerator or throttle, causes the motor to be disengaged from the driving track.

PART IV

Certification

Section 4.01, Subdivision 1. No operator born after December 31, 1976 at the time of operation shall operate a snowmobile on White Bear Lake unless the operator has a valid snowmobile safety certificate in immediate possession issued pursuant to Minnesota Statutes 84.862.

Subd. 2. It shall be unlawful for the owner of a snowmobile to permit the snowmobile to be operated on White Bear Lake by a person described in Subdivision 1 of this section unless such person has the certificate therein described and required.

Subd. 3. No person shall operate a motorized vehicle on White Bear Lake (except as previously provided) without a valid operator's permit, unless the vehicle does not require a permit.

PART V

Operation

Section 5.01, Subdivision 1. It shall be unlawful for any person to drive or operate any vehicle on White Bear Lake or its public accesses in the following ways:

Subd. 2 a. at a speed in excess of 15 mph within 150 feet of any person fishing, fish house, pedestrian, skier, skater, skating rink, sliding area, ski tow area, or any public access, or any other area on the lake where the operation would conflict with or endanger other persons or property, or where the operation would conflict with the lawful use of the property.

Subd. 2 b. travel within 250 feet of any shoreline except for the purposes of access to the lake or egress from the lake or for the purpose of parking, mooring or docking such vehicle near the shoreline or at a dock.

Subd. 2c. At a rate of speed greater than reasonable or proper under all the surrounding circumstances, and, in no instance, shall any vehicle's speed exceed 35mph;

Sub. 2c(1). Specifically excluded from speed limit restrictions are: iceboats, wind propelled/non-motorized recreation vehicles, and aircraft taking off and landing.

Subd. 3. In a careless, reckless, or negligent manner so as to endanger the person or property of another or to cause injury or damage thereto.

Subd. 4. Racing is prohibited, except when authorized in responsibly organized events after receiving a permit for the County Sheriff and the White Bear Lake Conservation District. Prima facia evidence of "racing" as herein used shall be the observation of two or more vehicles in close proximity to each other, traveling abreast for a distance of more than 25 yards at a speed in excess of thirty-five (35) miles per hour.

Section 5.02. Operating and lighted head and tail lights shall be required on all motorized vehicles from dusk to dawn and during inclement weather, and on snowmobiles at all times, when traveling on White Bear Lake. The head light on a snowmobile must be of sufficient intensity to reveal persons or vehicles at a distance of at least 100 feet.

Section 5.03. It shall be unlawful for the owner or operator of any motorized vehicle to leave or allow a vehicle to be or remain unattended on White Bear Lake while the motor is running or with the key to start said vehicle in the ignition switch or if said vehicle does not have an ignition switch which can be locked.

Section 5.04. It shall be unlawful for the operator of any vehicle on White Bear to deposit onto the surface of, or into the body of the lake, or at lake accesses any garbage, rubbish, or other litter.

Section 5.05. It shall be unlawful for the operator or the owner thereof to permit the operation of a vehicle in a specially prepared or marked skating rink.

Section 5.06. It shall be unlawful for the operator or the owner thereof to permit a vehicle to enter White Bear Lake other than via public easements or accesses, or the vehicle owner's property, or by written permission of the property owner. Such written permission shall be in the possession of the operator or owner.

Section 5.07. It shall be unlawful to operate a vehicle, except automobiles, on the ice of White Bear Lake during the following times:

Sunday 11:00 P.M. to Monday 7:00 A.M.

Monday 11:00 P.M. to Tuesday 7:00 A.M.

Tuesday 11:00 P.M. to Wednesday 7:00 A.M.

Wednesday 11:00 P.M. to Thursday 7:00 A.M.

Thursday 11:00 P.M. to Friday 7:00 A.M.

Saturday 1:00 A.M. to Saturday 7:00 A.M.

Sunday 1:00 A.M. to Sunday 7:00 A.M.

Section 5.08. No person shall operate or be in physical control of any vehicle while under the influence of an alcoholic beverage or prohibited drug. No owner or other person having charge or control of any vehicle shall knowingly authorize or permit any person who is under the influence of an alcoholic beverage or prohibited drug to operate such vehicle. The provisions of Minnesota State Statutes, Chapter 169A, Minnesota Impaired Driving Code are hereby incorporated in and made a

part of this ordinance as completely as if set out here in full to apply where applicable to motor vehicles on ice.

Section 5.09. The provisions of Minnesota Statutes, Chapter 169, Highway Traffic Regulations are hereby incorporated in and made a part of this ordinance as completely as if set out here in full to apply where applicable to motor vehicles on ice.

Section 5.10. No person shall have on White Bear Lake a receptacle or container of greater than 64 ounce capacity for the storage or transport of intoxicating liquors or non-intoxicating malt liquor without first receiving a permit from the Board of Directors of the White Bear Conservation District.

Section 5.11. Subdivision 1. It shall be unlawful for any person to operate a snowmobile or the owner thereof to permit the operation of a snowmobile on White Bear Lake inconsistent with the provisions of Minnesota Statutes, Section 84.81 to 84.915 inclusive and the rules and regulations promulgated thereunder.

Subd. 2. It shall be unlawful for any person to operate a vehicle or for the owner thereof to permit the operation of a vehicle on White Bear Lake contrary to this ordinance or the Rules and Regulations of the Commissioner of Natural Resources or any resolution or ordinance of any county, city, village or borough within the White Bear Lake Conservation District which regulates the operation of vehicles on White Bear Lake.

Subd. 3. It shall be unlawful for any person to operate a vehicle or for the owner thereof to permit the operation of a vehicle on White Bear Lake or the shoreland of White Bear Lake in a manner that causes harm to wildlife, wildlife habitat, or aquatic plants, as those terms are defined by the Department of Natural Resources.

PART VI

Violations

Section 6.01. Any person who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed \$1,000.00 and costs or imprisonment for not to exceed 90 days or both. Each day a violation continues shall constitute a separate offense.

Section 6.02. Any person who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof, shall be guilty of a misdemeanor but will, in lieu of the criminal track outlined above, have the alternative choice of having the hearing and disposition of the alleged conduct decided through the use of an administrative citation(s) and civil penalties.

Section 6.03. In case of a violation of the within ordinance, the Board, in addition to the foregoing penalties may institute any proper action or procedure in the name of the District to prevent such violation.

PART VII

Validity

Section 7.01. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

PART VIII

Effective Date

Section 8.01. This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by Law and is hereby declared by the Board to have the effect of an ordinance.

PART IX

Section 9.01. The foregoing rules and regulations were enacted by a majority vote of all the members of the Board.

Gary Cox, Chairman

Julie Yoho, Administrative Secretary