



Board of County Commissioners Agenda Request

5A
Agenda Item #

Requested Meeting Date: August 8, 2017

Title of Item: Draft ATV Ordinance

<input checked="" type="checkbox"/> REGULAR AGENDA	Action Requested:	<input type="checkbox"/> Direction Requested
<input type="checkbox"/> CONSENT AGENDA	<input checked="" type="checkbox"/> Approve/Deny Motion	<input checked="" type="checkbox"/> Discussion Item
<input type="checkbox"/> INFORMATION ONLY	<input type="checkbox"/> Adopt Resolution (attach draft)	<input type="checkbox"/> Hold Public Hearing*

**provide copy of hearing notice that was published*

Submitted by: John Welle	Department: Highway Department
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Presenter (Name and Title): John Welle, Aitkin County Engineer	Estimated Time Needed: 15 minutes
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Summary of Issue:
The ATV Committee has met several times over the past year to discuss an ATV Ordinance that would allow expanded legal use of ATVs on County Highways.

As a result of this effort, the Committee is recommending the attached draft ordinance for public input. The ordinance, if adopted, would have the following effects:

1. Allow ATVs to ride on gravel-surfaced county highways with operation regulations as listed in the ordinance. Note that expanded use of ATVs on paved county highways is not allowed under the draft ordinance.
2. Allow ATV use on eleven segments of paved county highways for the purpose of accessing local businesses from adjacent ATV trails and use areas. With the exception of the segment of CSAH 16 in Lawler, these segments were previously authorized for ATV use under the Corridor Access Permit Process. The Committee agreed that authorizing ATV use on these segments by ordinance was preferable to the Corridor Access Permit Process based on statute language.
3. Continues the Corridor Access Permit Process with minor modifications to allow ATV on segments of county highways for the purpose of trail connections.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:
County Board action is requested to establish a public input meeting date for this draft ordinance.

Financial Impact:
 Is there a cost associated with this request? Yes No
 What is the total cost, with tax and shipping? \$
 Is this budgeted? Yes No *Please Explain:*

Aitkin County Ordinance

Regulating the use of All-terrain Vehicles Within the Right of Way of Roads under County Jurisdiction

Article 1 Statutory Authority

1. Minnesota Statutes 84.92 – 84.928 regulate the operation of all-terrain vehicles, including the operation of all-terrain vehicles within public road rights of way.
2. Minnesota Statute 84.928 Subdivision 1 generally restricts Class 1 all-terrain vehicles from using the roadway, shoulder, and inside bank or slope of a county state-aid or county highway.
3. Minnesota Statute 84.928 Subdivision 1(k) authorizes a County Board by ordinance to allow the operation of all-terrain vehicles on a public road or street to access businesses and residences and to make trail connections.
4. Minnesota Statute 84.928 Subdivision 1a(h) authorizes a road authority by permit to designate corridor access trails on public road right of way for purposes of accessing established all-terrain vehicle trails.
5. Minnesota Statute 84.928 Subdivision 6(c) authorizes a County Board by ordinance to allow the operation of all-terrain vehicles on the road shoulder and inside bank or slope of the county state-aid or county highway if safe operation in the ditch or outside slope is impossible.

Article 2 Purpose and Intent

The purpose and intent of this ordinance is as follows:

1. Pursuant to Minnesota Statute 84.928 Subdivision 1(k), to allow the legal use of class 1 all terrain vehicles on the extreme right hand side of the traffic lanes of specific county highways for the purpose of accessing businesses such as food and fuel.
2. Pursuant to Minnesota Statute 84.928 Subdivision 6(c), to allow the legal use of class 1 all-terrain vehicles on the extreme right hand side of all gravel-surfaced county highways for the purpose of enhanced all-terrain vehicle operator safety and to prevent damage to road ditches and slopes.

3. Pursuant to Minnesota Statute 82.928 Subdivision 1a(h), to allow for a corridor access permit process to allow the legal use of class 1 all-terrain vehicles on the traffic lanes of specific county highways for the purpose of accessing established ATV trails.

Article 3 Definitions

The following definitions apply to this ordinance:

1. **County** means the County of Aitkin, Minnesota.
2. **County Highways** means county state-aid highways and county roads under the jurisdiction of Aitkin County.
3. **Gravel-surfaced County Highway** means those county highways whose full-width driving surface consists only of loose aggregate material.
4. **Paved County Highways** means those county highways that consist of paved traffic lanes and paved and/or gravel surfaced shoulders.

Article 4 Operation

1. Class 1 all-terrain vehicles may be operated on the extreme right hand side of the traffic lane on the following segments of county highways for the purpose of accessing businesses such as food and fuel. Operation shall be in compliance with the regulations contained in Article 6 of this Ordinance.
 - a. County Highway 3 from Soo Line Recreation Trail to 5th Avenue in Palisade
 - b. County Highway 7 from Hill City Connector Trail to US Highway 169
 - c. County Highway 8 from Soo Line Recreation Trail to Country House Lane in McGregor
 - d. County Highway 9 from County Highway 79 to south jct. Trunk Highway 65 in McGrath
 - e. County Highway 10 from Soo Line Recreation Trail to 5th Avenue in Palisade
 - f. County Highway 16 from Soo Line Recreation Trail to 363rd Street in Lawler
 - g. County Highway 33 from US Highway 169 to Park Avenue in Hill City
 - h. County Highway 66 from US Highway 169 to Water Street in Hill City
 - i. County Highway 70 from north jct. Trunk Highway 65 to south jct. Trunk Highway 65 in Jacobson
 - j. County Highway 79 from County Highway 9 to 4th Street in McGrath
 - k. County Highway 82 from Airport Road to east termini of County Highway 82

2. Class 1 all-terrain vehicles may be operated on the extreme right hand side of all gravel-surfaced county highways. Operation shall be in compliance with the regulations contained in Article 6 of this Ordinance.

3. Operation of class 1 all-terrain vehicles on paved county highways shall remain as restricted in Minnesota Statute 84.928 Subdivision 1.

Article 5 Corridor Access Permit

1. A Corridor Access Permit Process is available under this Ordinance to allow legal all-terrain vehicle operation on the traffic lanes of specific paved county highways.

2. The applicant for this permit must be the city council or township board(s) in which the corridor is located. Permit application forms are available on the Aitkin County Website.

3. Operation on approved corridor access routes shall be in compliance with the regulations contained in Article 6 of this Ordinance.

4. The Aitkin County ATV Committee shall make a recommendation to the Aitkin County Board of Commissioners for approval or denial of permit application requests.

5. Signage shall be placed by the Aitkin County Highway Department to indicate the location of corridor access permit areas.

6. Permits may be revoked by the Aitkin County Board of Commissioners for non-compliance with permit regulations.

Article 6 For operation of Class 1 all-terrain vehicles under this Ordinance, the following regulations shall apply:

1. The maximum speed of operation shall be 20 miles per hour.

2. Direction of travel shall be in the same direction as vehicular traffic.

3. Left turns may be made from any part of the road if it is safe to do so under the prevailing conditions.

4. Operation shall not result in the spinning of tires or displacement of aggregate or soil material

5. Groups of riders shall be in single-file formation.

6. Hours of operation shall be limited to ½ hour before sunrise to ½ hour after sunset.

7. A person 12 years of age but less than 16 years must possess a valid all-terrain safety certificate issued by the commissioner of natural resources and must be accompanied by a person 18 year of age or older who is in possession of a valid driver's license.

Article 7 Prohibitions and Enforcement

1. It shall be unlawful for any person to violate any of the provisions of this Ordinance, or to fail, resist, or refuse to comply with the provisions of this Ordinance.

2. It shall be unlawful for the owner of an ATV, or any person, to allow, permit, or require the operation of such vehicle by another in any manner that would be in violation of this Ordinance.

3. Penalty.

a. Any person found to have violated this Ordinance, is guilty of a misdemeanor, punishable by up to a \$1,000 fine and/or 90 days in jail.

b. Any person who refuses or fails to comply with the Order of the County Sheriff is guilty of a misdemeanor, punishable by up to a \$1,000 fine and/or 90 days in jail.

c. Any person who violates, disobeys, omits, neglects, or refuses to comply with, or resists the enforcement of any provisions of this Ordinance shall be guilty of a misdemeanor, punishable by up to a \$1000 fine and/or 90 days in jail.

4. The Aitkin County Attorney's Office shall have the authority to prosecute any and all violations of this Ordinance.

Article 8 Interpretation

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by Minnesota Statutes.

Article 9 Incorporation

This Ordinance expressly adopts and incorporates the provisions of Minnesota Statutes sections 84.92 to 84.928. When the provisions of this Ordinance impose greater restrictions than those of any other statute, ordinance, rule, or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any other statute, ordinance, rule, or regulation impose greater restrictions than this Ordinance, the provision of such statute, ordinance, rule, or regulation shall be controlling.

Article 10 Severability

If any article, section, clause, provision, or portion of this Ordinance is adjudged unconstitutional, void, unenforceable, or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected hereby.

Article 11 Effective Date

This Ordinance shall be effective and enforceable on _____, 2017, and shall be published in the official newspaper(s) of Aitkin County as provided by Minnesota Statutes.

Adopted: _____, 2017

Mark Wedel, Chairperson
Aitkin County Board of Commissioners

Attest: _____
Jessica Seibert
Aitkin County Administrator