

ORDINANCE NO. 0601

**AN ORDINANCE REGULATING THE USE OF ALL-TERRAIN VEHICLES IN
COUNTY ROAD RIGHT-OF-WAYS OF CROW WING COUNTY**

Section 1: GENERAL PROVISIONS

1.1 Authority. Minnesota Statutes 84.928 Subd. 1(a) and 84.928 Subd. 1(k) authorizes counties to enact an ordinance which provides for the operation of all-terrain vehicles on a public road or street under its jurisdiction to access businesses and residences and to make trail connections; and Minnesota Statutes 84.928 Subd. 6(c)(2) authorizes county board action to enact an ordinance which provides for the operation of all-terrain vehicles on the road right-of-way shoulder, or inside bank or slope of a county highway or county state aid highway if safe operation in the ditch or outside slope is impossible and the county posts the appropriate notice, notwithstanding any law to the contrary.

1.2 Interpretation. This Ordinance shall be interpreted consistently with Minnesota Statutes 84.92 thru 84.928, as amended.

1.3 Purpose. The purpose of this Ordinance is to control and regulate the use of All-Terrain Vehicles (ATVs) in the right-of-way of roads under the jurisdiction of Crow Wing County, to ensure the integrity of, and appropriate use of, said right-of-ways, and to promote the general health, safety and welfare of the citizens of Crow Wing County.

Section 2: DEFINITIONS

2.1. "ATV" or "All-Terrain Vehicle" means a motorized vehicle with: (1) not less than three, but not more than six low pressure or non-pneumatic tires; (2) a total dry weight of 2,000 pounds or less, and (3) a total width from outside of tire rim to outside of tire rim that is 65 inches or less. All-terrain vehicle includes a class 1 all-terrain vehicle and class 2 all-terrain vehicle. All-terrain vehicle does not include a golf cart, mini-truck, dune buggy, or go-cart or a vehicle designated and used specifically for lawn maintenance, agriculture, logging, or mining purposes, as per Minnesota Statutes Section 84.92 Subdivision 8, as amended.

2.2. "Class 1 all-terrain vehicle" means an all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is 50 inches or less, as per Minnesota Statutes Section 84.92, Subdivision 9, as amended.

2.3. "Class 2 all-terrain vehicle" means an all-terrain vehicle that has a total width from outside of tire rim to outside of tire rim that is greater than 50 inches but not more than 65 inches, as per Minnesota Statutes Section 84.92, Subdivision 10, as amended.

2.4 "County" means the County of Crow Wing, Minnesota.

2.5 "Road Right-of-Way" shall have the meaning defined by Minnesota Statute 84.92, Subdivision 6a, as amended.

2.6 "County Road Right-of-Way" shall be the public road right-of-way for a road or highway under the jurisdiction of Crow Wing County where Crow Wing County is the road authority as defined by Minnesota Statute 160.02, Subdivision 25, as amended.

Section 3: OPERATION OF ATVs ON COUNTY ROADS IN CROW WING COUNTY

3.1 Persons operating ATVs on all County roadways may operate the ATV on the right shoulder or the extreme right-hand side of the road and make left turns across the road only if it is safe to do so under prevailing conditions.

3.2 No person shall operate an ATV at a speed greater than 20 miles per hour on County State Aid Highway 66 from the Junction of County State Aid Highway 3 in the City of Crosslake to the Junction of County State Aid Highway 1 in the City of Manhattan Beach.

3.3 Except as allowed in Section 3.2 of this ordinance, no person shall operate an ATV on County roads at speeds greater than 30 miles per hour.

3.4 Except as otherwise provided in this Ordinance, all operation of ATVs shall be in compliance with Minnesota Statutes 84.92-84.928, as well as any other federal, state, or local statute, law, rule, regulation or ordinance.

Section 4: ENFORCEMENT

4.1 The primary responsibility for enforcement of this Ordinance shall rest with the Crow Wing County Sheriff Department.

4.2 This Ordinance may be enforced by any other law enforcement officer if the officer is the member of a city, state or county agency which has a reciprocal enforcement agreement with Crow Wing County.

Section 5: PENALTIES

5.1 Any person or persons who shall violate any of the provisions of this Ordinance shall be guilty of a Misdemeanor and upon conviction, shall be punished as defined in Minnesota Statute 609.02 Subd.3.

5.2 Any person or persons who violate any of the provisions of this Ordinance shall be liable for the cost of any restoration of any damage to property caused by said violation. The payment of these costs is in addition to any provision of Section 5.1.

Section 6: SEVERABILITY

6.1 If any provision of this Ordinance or the application thereof is held invalid, said invalidity does not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and for this purpose, the provisions of the Ordinance are severable.

Section 7: EFFECTIVE DATE

7.1 This Ordinance shall be in effect from and after the date of its passage by the Crow Wing County Board of Commissioners and publication according to Minnesota Statutes.