

Carlton County Ordinance No. 33

Ordinance for the Management of All-Terrain Vehicles In the Public Right-of-Way of Roads Within the Jurisdiction of Carlton County

Article 1. Purpose and Intent

WHEREAS, Minnesota Statutes 84.92 – 84.928 regulate the operation of all-terrain vehicles; and

WHEREAS, Minnesota Statutes 84.928, subdivision 1(a), and subdivision 1(k), authorize the County Board to enact an ordinance that 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

WHEREAS, Minnesota Statutes 84.928, subdivision 6(c)(2), authorizes the County Board to enact an ordinance that 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; and

WHEREAS, the steep slopes, wetlands, and natural terrain in many County Road ditches make safe slope operation of all-terrain vehicles impossible at times; and

WHEREAS, regulating all-terrain vehicle use in the ditches and outside slopes of County Highways and County State-Aid Highways will help protect the environment by decreasing sedimentation in County surface waters, protecting wetlands and preserving County Road ditches; and

WHEREAS, most County Roads are appropriate for mixed use and allow for safe operation of all-terrain vehicles on the right-of-way shoulder, with proper safety restrictions; and

WHEREAS, Carlton County recognizes that County residents, land owners, businesses and visitors are interested in allowing all-terrain vehicles on County Roads.

Article 2. Definitions

The following definitions apply to this Ordinance:

2.01 ATV or all-terrain vehicle means a Class 1 all-terrain vehicle as defined in Minnesota Statutes 84.92, subdivision 9.

2.02 County means the County of Carlton, Minnesota

2.03 County Roads means all County Highways and County State-Aid Highways. Other roads, such as interstates, state highways, township roads, and city streets, are not included in this ordinance.

2.04 Right-of-way means the entire right-of-way of a County Road, including the traveled portions, banks, ditches, shoulders, and medians of a roadway.

2.05 Shoulder is defined by Minnesota Statutes 169.011, subdivision 74. On County Roads where the shoulder is not readily identifiable, the shoulder shall be the extreme right-hand side of the road. **(In the direction of travel of the one-way, one lane, two lane, or multi lane roadway.)**

Article 3. Regulations for Operation on County Roads

3.01 Persons operating all-terrain vehicles on any County Road right-of-way may operate the all-terrain vehicle on the **right** shoulder of the road unless otherwise restricted by this Ordinance, making left turns across the road only if it is safe to do so under prevailing conditions.

3.02 No person shall operate an all-terrain vehicle at a speed greater than reasonable or proper under surrounding circumstances, or at a speed exceeding the posted speed limit on County Roads for motor vehicle traffic.

3.03 No person shall operate an all-terrain vehicle on County Roads abreast of any all-terrain vehicle or motor vehicle.

3.04 No person shall operate an all-terrain vehicle in violation of any posted ban or restriction imposed pursuant to sections 4.01 or 4.02 of this Ordinance.

3.05 Except as otherwise provided in this Ordinance, all operation of all-terrain motor vehicles 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.

Article 4. Administration

4.01 The County Board may restrict all-terrain vehicle use in any County Road right-of-way with signage posted by the Carlton County Transportation Department.

4.02 The County Engineer, with input from the County Sheriff, may ban or restrict all-terrain vehicle use in any County Road ditch with signage posted by the Carlton County Transportation Department.

4.03 The Sheriff shall provide incident case report data on all-terrain vehicle use on the County Roads on an annual basis.

4.04 Violation of the terms of this Ordinance constitutes a misdemeanor, as defined under the criminal penalties in Minnesota Statutes.

4.05 If any Ordinance provision, or the application thereof to any person or circumstance, is held to be invalid, that will not affect any other Ordinance provision or application that can be given effect without the invalid provision or application, and for such purpose the invalid provisions of the Ordinance are severable.

Article 5. Effective Date

This Ordinance shall be and is hereby declared to be in full force upon passage, and to be published according to law.

Passed by the Carlton County Board of Commissioners this _____ day of _____, 2017.

