

## Itasca County Ordinance

### THE MANAGEMENT AND PERMITTING OF ALL-TERRAIN VEHICLES WITHIN THE PUBLIC RIGHT-OF-WAY OF ROADS UNDER THE COUNTY'S JURISDICTION

THE COUNTY OF ITASCA DOES ORDAIN:

#### **I. Purpose and Intent**

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

WHEREAS, Minnesota Statutes §§ 84.928 Subd. 1(a) and 84.928 Subd. 1(k) authorize 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

WHEREAS, 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; and

WHEREAS, Minnesota Statutes § 84.928 Subd. 1a(h) authorizes a road authority as defined in section 160.02, subdivision 25, to by permit designate corridor access trails on public road rights-of-way for the purposes of accessing established all-terrain vehicle trails; and

WHEREAS, Itasca County has a general interest in allowing expanded use by all-terrain vehicles of the public road right-of-way of roads under the county's jurisdiction to (1) make connections to businesses, residences and trail connections, and (2) because most ditches and outside slopes contain numerous and extensive lowlands with brush, trees and other vegetation rendering them impassible; and

WHEREAS, Itasca County has an interest in establishing a permit process which allows limited permissive operation of all-terrain vehicles on certain public road right-of-way of roads under the county's jurisdiction in a manner set forth in this ordinance.

#### **II. Definitions**

- A. All-terrain vehicle. An "All-terrain vehicle" shall be as defined in Minnesota Statutes § 84.92, as may be amended from time to time.
- B. ATV Club. "ATV Club" means an organization which meets the following criteria:
  - a. A Non-profit organization duly organized under the laws of the State of Minnesota and recognized by the Minnesota Secretary of State;

- b. Has adopted by-laws, including the election of officers, such as President, Vice President, Secretary, and Treasurer; and
  - c. Is a member, in good standing, of the ATV Association of Minnesota.  
Has a current County/Club Trail Agreement with Itasca County and current Certificate of Insurance on file as required by the agreement.
- C. City. "City" means a home rule charter or statutory city.
- D. Class 1 all-terrain vehicle. A "Class 1 all-terrain vehicle" shall be as defined in Minnesota Statutes § 84.92, as may be amended from time to time.
- E. Class 2 all-terrain vehicle. A "Class 2 all-terrain vehicle" shall be as defined in Minnesota Statutes § 84.92, as may be amended from time to time.
- F. Corridor access trail. "Corridor access trail" means:
- a. For Class 1 all-terrain vehicles, the outside slope, ditch bottom, inside slope, shoulder or where no shoulder exists, the extreme right-hand side of the driving surface, of a county road which connects two established all-terrain vehicle trails; Federal, state or county forest roads designated open to all-terrain vehicle use; designated Federal, state or county all-terrain vehicle trails or trails established and designated as all-terrain vehicle trails by another political subdivision, and which have been permitted pursuant to Minnesota Statutes 84.928 subdivision 1a(h).
  - b. For Class 2 all-terrain vehicles, the shoulder or where no shoulder exists, the extreme right-hand side of the driving surface, of a county road which connects two established all-terrain vehicle trails; Federal, state or county forest roads designated open to all-terrain vehicle use; designated Federal, state or county all-terrain vehicle trails or trails established and designated as all-terrain vehicle trails by another political subdivision, and which have been permitted pursuant to Minnesota Statute 84.928 subdivision 1a(h).
  - c. For Off-Highway Motorcycles, the shoulder or where no shoulder exists, the extreme right hand side of the driving surface of a county road which connects two established OHM trails; federal, state or county forest roads designated open to OHM use; designated federal, state, or county OHM trails or trails established and designated as OHM trails by another political subdivision and which have been permitted pursuant to Minnesota Statute 84.795 subdivision 1(2)(b).
- G. County. "County" means Itasca County, Minnesota.
- H. County road. "County road" means a road that is under the jurisdiction of Itasca County and is classified as a "county-state-aid-highway", "county road" or "unorganized township road".

- I. Established all-terrain vehicle trail. “Established All-Terrain Vehicle Trail” means an all-terrain vehicle trail that has been designated as a Federal, State, County or other political subdivision all-terrain vehicle trail.
- J. Executive ATV Permit Committee. “Executive ATV Permit Committee” means a committee that is composed of the Itasca County Highway Engineer (or their designee), the Itasca County Land Commissioner (or their designee), the Itasca County Sheriff (or their designee) and two (2) members of the Itasca County Board of Commissioners.
- K. Person. “Person” means an individual or an organization as defined in Minnesota Statutes § 336.1-201 (b)(27).
- L. Public road right-of-way. “Public road right-of-way” means the entire width of a public roadway, including the traveled lanes, banks, ditches, shoulders and medians of a roadway that is not privately owned.
- M. Official All-Terrain Vehicle Map. “Official All-Terrain Vehicle Map” means the map that identifies county roads on which all-terrain vehicles are allowed to operate on the right-hand shoulder or extreme right-hand side of a county road in accordance with this ordinance.

### **III. General Operation**

- A. A person may operate an all-terrain vehicle on all county roads within the County of Itasca, including on those within the limits of any city, except as otherwise prohibited under Minn. Stat. § 84.928, subd. 6(a) or other law. The all-terrain vehicle shall be operated on the right-hand shoulder, or the extreme right-hand side of a county road if no shoulder exists or the shoulder is otherwise obstructed.
- B. Except as provided in this Ordinance, all operation of all-terrain vehicles shall be in compliance with Minnesota Statutes §§ 84.92 – 84.928 and Minnesota Rules Chapter 6102, as well as any other applicable Federal, state or local statute, law, rule, regulation or ordinance.

### **IV. Permitting**

- A. The county may by permit, and upon application by an ATV Club, authorize a corridor access trail within the county road public right-of-way to allow for the operation of all-terrain vehicles on the right-hand shoulder or extreme right-hand side of a county road.
- B. The permit application is to be submitted to the Land Department. A review by the Executive ATV Permit Committee shall be completed and a recommendation brought forth to the county board for approval or denial of the permit application.
- C. Any permit issued under this subdivision may be suspended, modified, terminated or cancelled, by the Executive ATV Permit Committee, in its discretion if damage to the

roadway results, where public safety is adversely affected as a result of all-terrain vehicle use, or where other good cause to act is presented. Actions under this section may be reviewed by the County Board of Commissioners, upon written request of an affected party, within 30 days of receipt of notice of suspension, modification, termination, or cancellation of permit. The County Board's determination shall be final.

- D. Permit applications may be granted or denied with or without reason in the sole discretion of the County Board of Commissioners.

#### **V. Official All-Terrain Vehicle Map**

- A. The Official Itasca County All-Terrain Vehicle Map, which shall display all county roads and permitted trails under the jurisdiction of the county where all-terrain vehicle use is permitted, shall be maintained on the county website.
- B. The map shall be updated from time to time through action by the Executive ATV Permit Committee or as a result of changes approved by the County Board of Commissioners.

#### **VI. Executive ATV Permit Committee**

- A. Official All-Terrain Vehicle Map. The Committee shall be responsible for the development, maintenance and updating of the Official All-Terrain Vehicle Map.
- B. Existing permits which have been suspended, modified, terminated or cancelled by the Executive ATV Permit Committee may be appealed to the County Board of Commissioners, as described in Part IV (C).

#### **VII. Penalties**

- A. Any person who violates any provision of this ordinance is guilty of a misdemeanor.

**VIII. Effective Date**

A. This ordinance shall be and is hereby declared to be in full force upon, from and after its passage and publication according to law.

Passed by the Board of Commissioners of Itasca County, Minnesota this 27<sup>th</sup> day of June, 2017.

COUNTY BOARD CHAIR

[Signature]

Date July 11 2017

COUNTY AUDITOR

[Signature]

Date 7/12/17

COUNTY RECORDER

[Signature]

Date 7/14/17

COUNTY BOARD CLERK

[Signature]

Date 7/12/17

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**OFFICE OF THE COUNTY RECORDER**  
**ITASCA COUNTY, MINNESOTA**

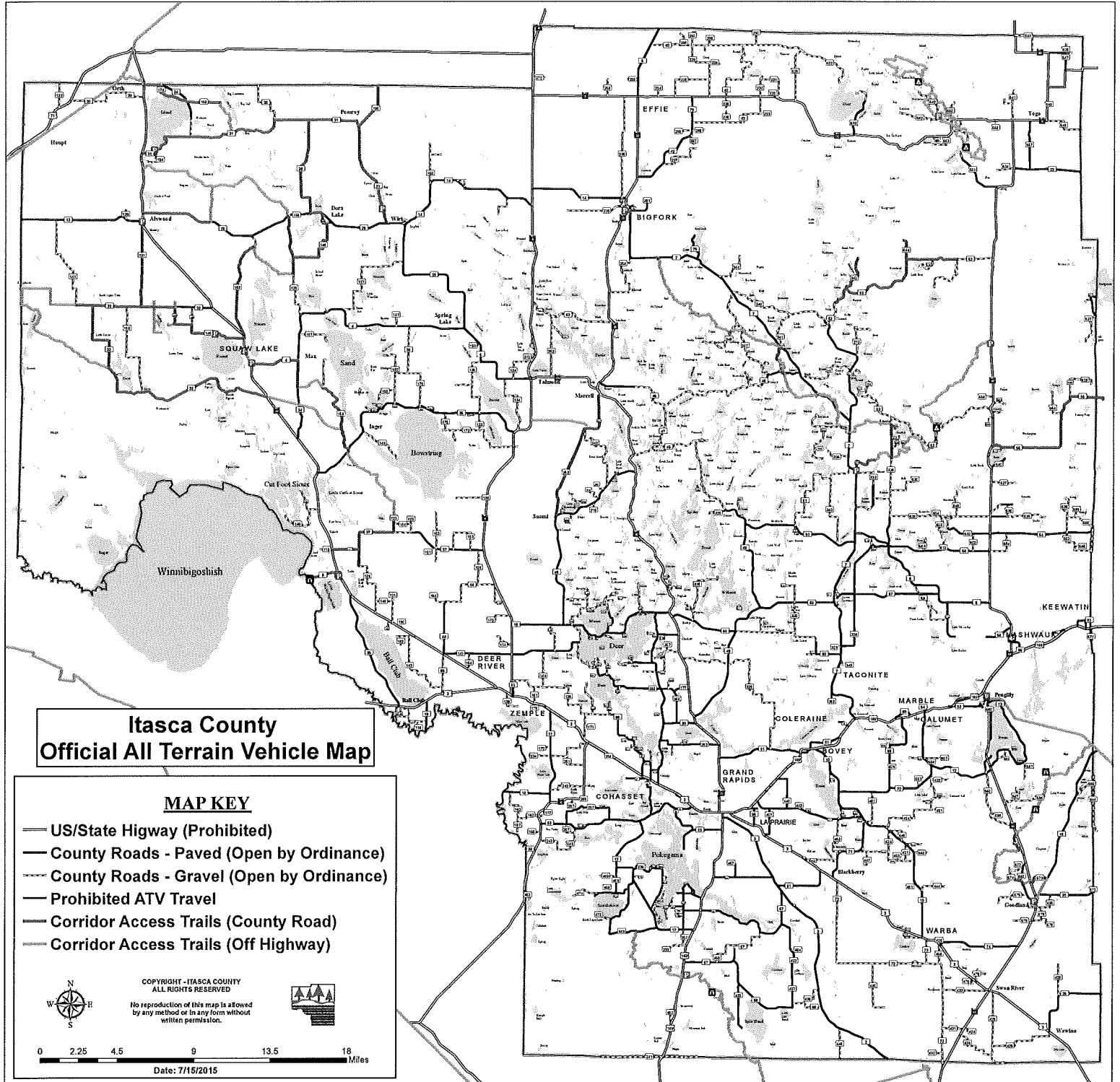
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**PAGES: 7**  
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**NICOLLE ZUEHLKE**  
**ITASCA COUNTY RECORDER**

BY NZ Dep





OFFICIAL PROCEEDINGS OF THE  
JUNE 27, 2017  
ITASCA COUNTY BOARD MEETING  
PERTAINING TO THE  
ITASCA COUNTY ATV ORDINANCE  
THE MANAGEMENT AND  
PERMITTING OF ALL-TERRAIN  
VEHICLES WITHIN THE PUBLIC  
RIGHT-OF-WAY OF ROADS UNDER  
THE COUNTY'S JURISDICTION

Notice is hereby given that pursuant to a Notice of Intent to Enact, published in the Scenic Range News Forum, on the 15th day of June, 2017, the Itasca County Board of Commissioners duly convened their public hearing on June 27th, 2017 to officially adopt the proposed ordinance, titled, The Management and Permitting of All-Terrain Vehicles within the Public Right-of-Way of Roads under the County's Jurisdiction, as presented at the June 27, 2017 public hearing.

**SUMMARY OF ORDINANCE:**

The following is only a summary of the Ordinance. The full text of the Ordinance is available for public inspection at the offices of the Itasca County Auditor/Treasurer and Transportation Department during regular office hours.

The purpose of the ordinance is to allow the expanded use of all-terrain vehicles on the public road right-of-way of roads under the county's jurisdiction to (1) make connections to businesses, residences and trail connections, and (2) because most ditches and outside slopes contain numerous and extensive lowlands with brush, trees and other vegetation rendering them impassible.

A person may operate an all-terrain vehicle on all county roads within the County of Itasca, including on those within the limits of any city, except as otherwise prohibited under Minn. Stat. § 84.928, subd. 6(a) or other law. The all-terrain vehicle shall be operated on the right-hand shoulder or the extreme right-hand side of a county road if no shoulder exists or the shoulder is otherwise obstructed.

Except as provided in this Ordinance, all operation of all-terrain vehicles shall be in compliance with Minnesota Statutes §§ 84.92 – 84.928 and Minnesota Rules Chapter 6102, as well as any other applicable federal, state or local statute, law, rule, regulation or ordinance.

Effective Date: July 15, 2017

ITASCA COUNTY  
BOARD OF COMMISSIONERS

By: Terry Snyder, Chairperson

Attest: Brett Skyles, Clerk to County Board  
SRNF July 6, 2017

314 2nd Street, Bovey, MN 55709  
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Phone: 218-245-1422 • Fax: 218-245-1698  
E-Mail: Copy@ScenicRangeNewsForum.com

## AFFIDAVIT OF PUBLICATION


STATE OF MINNESOTA }  
COUNTY OF ITASCA } ss.

Mary Beth Bily or Ronald A. Brochu, being first duly sworn, on oath states as follows:

1. I am the publisher of the Scenic Range NewsForum, or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.
2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.
3. The dates of the month and the year and day of the week upon which the public notice attached/copied was published in the newspaper are as follows:

Thursday, July 6, 2017

4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to § 331A.06, is as follows: \$10.00 per column inch.
5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in Itasca County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

  
Mary Beth Bily Publisher or  
Ronald A. Brochu, Business Manager

Subscribed and sworn to before me by Mary Beth Bily on this

5th Day of July, 2017.

  
(Notary Public)

