

## **ORDINANCE 0601**

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

#### **Section 1: GENERAL PROVISIONS**

- 1.1 Authority. This Ordinance is adopted pursuant to Minnesota Statutes 375.51 and Minnesota Statutes 84.928 Subdivision 1.(b).
- 1.2 Interpretation. This Ordinance shall be interpreted consistently with Minnesota Statutes 84.92 thru 84.928.
- 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 any vehicle as defined in Minnesota Statute Section 84.92 subdivision (8) as amended.
- 2.2 “County” means the County of Crow Wing, Minnesota.
- 2.3 “Road Right-of-Way” shall have the meaning defined by Minnesota Statute 84.92, Subdivision 6a.
- 2.4 “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.

#### **Section 3: RESTRICTIONS**

- 3.1 Except as provided for in Minnesota Statutes 84.928, Subdivision 1(e) and in Section 4 of this Ordinance, it shall be unlawful for any person to operate an All Terrain Vehicle (ATV) in any County Road Right-of-Way which is closed to use by ATVs as set forth herein:

A. 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.

3.2 Additional County Road Right-of-Ways may be restricted and closed, and previously closed segments of County Road Right-of-Ways may be reopened, to use by All Terrain Vehicles by the Crow Wing County Board of Commissioners amending this Ordinance after a public hearing.

#### **Section 4: EXEMPTIONS**

4.1 Nothing in this Ordinance is intended to prohibit the crossing of a county road or highway which is otherwise allowed by Minnesota Statutes 84.928, Subdivision 1a, (1) thru (5).

4.2 Nothing in this Ordinance shall prohibit the agricultural use of ATVs in County Road Right-of-Ways as defined in Minnesota Statutes 84.92, Subdivision 1d., or the use of ATVs to maintain private and/or public accesses, private driveways, public roadways, and other lawful ways over and across County Road Right-of-Ways.

4.3. This Ordinance shall not apply to any agent or employee of Crow Wing County while performing any authorized work within a County Road Right-of-Way.

4.4 This Ordinance shall not apply to authorized Emergency Response and Law Enforcement personnel in the performance of their duties, or to any agent or employee of the State or Federal Government in the performance of authorized activities within a County Road Right-of-Way.

4.5 This Ordinance shall not apply to any agent or employee of Public Utility Companies while performing any authorized work within a County Road Right-of-Way.

4.6 Nothing in this Ordinance is intended to prohibit or restrict the operation of ATVs as otherwise allowed and provided for by Minnesota Statutes.

#### **Section 5: NOTIFICATION**

5.1 Crow Wing County shall provide for physical notice to the public by the placement of appropriate signs in accordance with the Minnesota Manual for Uniform Traffic Control Devices (MMUTCD) at the termini of a restricted segment of County Road Right-of-Way and locations in-between for reasonable notice to the public.

5.2 Publication of a list of all segments of County Road Right-of-Ways restricted and closed to use by ATVs shall be made in the County's legal newspaper and will be made available to the public at the Crow Wing Country Auditors Office, the Crow Wing County Sheriffs Office and other locations as determined by the County Board.

#### **Section 6: ENFORCEMENT**

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

6.2 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 7: PENALTIES**

7.1 Any person or persons who shall violate any of the provisions of this Ordinance shall be guilty of a Petty Misdemeanor, and upon conviction, shall be punished by a fine of not more than \$300.00 plus applicable fees and surcharges.

7.2 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 7.1

#### **Section 8: SEVERABILITY**

8.1 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 9: EFFECTIVE DATE**

9.1 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.

passed at 4/24/18  
board meeting