



Aitkin  
County

# Board of County Commissioners Agenda Request

SA  
Agenda Item #

**Requested Meeting Date:** October 13, 2020

**Title of Item:** Proposed revision to the Aitkin County ATV Ordinance

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	<b>Action Requested:</b> <input type="checkbox"/> Approve/Deny Motion <input type="checkbox"/> Adopt Resolution (attach draft) <i>*provide copy of hearing notice that was published</i>	<input type="checkbox"/> Direction Requested <input checked="" type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*
<b>Submitted by:</b> Ross Wagner		<b>Department:</b> Economic Development & Forest Ind
<b>Presenter (Name and Title):</b> Ross Wagner, Economic Development & Forest Industry Coordinator		<b>Estimated Time Needed:</b> 30 Minutes
<b>Summary of Issue:</b> <p>The Aitkin County ATV Committee met recently to discuss revising the Aitkin County All-Terrain Vehicle Ordinance which regulates the use of All-Terrain Vehicles within the Right of Way of Aitkin County Highways. The last revision to the Ordinance allowed for Class 1 ATV's to operate on the right hand side of all gravel surfaced county highways. The current, proposed revision would allow for the legal use of Class 1 ATV's on the soft shoulder and inside slope of all paved county highways. Soft shoulder means the unpaved area at the side of a road consisting of aggregate or earth material. A Corridor Access Permit procedure would remain as would the general provisions such as a 30mph speed limit and ATV's would need to travel in the same direction as vehicular traffic.</p> <p>The revised ordinance is attached, underlined words are new from the current ordinance and strike through are removed from the current ordinance. The revised ordinance was drafted by John Welle, County Engineer. ATV Committee members are Bill Pratt, Laurie Westerlund, Dan Guida, John Welle, Rich Courtemance, Jim Ratz, Jessica Seibert and myself. The revision was a collaborative effort by the committee.</p> <p>At this point the committee is bringing the revised ordinance as a discussion item only. In addition to discussion on the use of soft shoulders for ATV's the committee discussed if the board would want to hold public or informational meetings or other similar actions.</p>		
<b>Alternatives, Options, Effects on Others/Comments:</b> Make no changes to the ATV Ordinance.		
<b>Recommended Action/Motion:</b> Since the agenda item is discussion only, discussion on the proposed revision to allow ATV's on the "soft shoulder" portion of Aitkin County paved roads and next steps should the Board choose to move forward with the revised ordinance.		
<b>Financial Impact:</b> Is there a cost associated with this request? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No What is the total cost, with tax and shipping? \$ Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>		

Legally binding agreements must have County Attorney approval prior to submission.

# Aitkin County

## All-Terrain Vehicle Ordinance

### Regulating the use of All-Terrain Vehicles within the Right of Way of Aitkin County Highways

#### **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 paved county highways for the purpose of accessing businesses that provide services such as food, fuel, and lodging.
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 84.928 Subdivision 6(c), to allow the legal use of class 1 all-terrain vehicles on the soft shoulder and inside slope of all paved county highways for the purpose of enhanced all-terrain vehicle operator safety and to prevent damage to road ditches and slopes.

4. Pursuant to Minnesota Statute 84.928 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/shoulders of specific paved county highways for the purpose of accessing established all-terrain vehicle trails.

### **Article 3 Definitions**

The following definitions apply to this ordinance:

1. **All-Terrain Vehicle Committee** means the committee appointed by the Aitkin County Board of Commissioners.

2. **County** means the County of Aitkin, Minnesota.

3. **County Highways** means county state-aid highways and county roads under the jurisdiction of Aitkin County.

4. **Gravel-surfaced County Highway** means those county highways whose full-width driving surface consists only of loose aggregate material.

5. **Paved County Highways** means those county highways ~~that consist of paved traffic lanes and paved and/or gravel surfaced shoulders.~~ whose driving lane surface consists of bituminous pavement.

6. **Soft Shoulder** means the unpaved area at the side of a road consisting of aggregate or earth material.

### **Article 4 Operation**

1. Class 1 all-terrain vehicles may be operated on the extreme right hand side of the traffic lane on the segments listed in Appendix A for the purpose of accessing businesses that provide services such as food, fuel, and lodging. Operation shall be in compliance with the regulations contained in Article 6 of this Ordinance.

2. Class 1 all-terrain vehicles may be operated on the extreme right hand side of all gravel-surfaced county highways except for any segment of county highway closed to all-terrain vehicle use. 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.~~ Class 1 all-terrain vehicles may be operated on the soft shoulder and inside slope of all paved county highways except for any segment of county highway closed to all-terrain vehicle use. Operation shall be in compliance with the regulations contained in Article 6 of this Ordinance.

4. The Aitkin County All-Terrain Vehicle Committee may close any segment of county highway authorized for all-terrain vehicle use under this article for non-compliance of the regulations listed in Article 6 and/or safety concerns created by the all-terrain vehicle use.

## **Article 5 Corridor Access Permit**

1. A Corridor Access Permit is available under this Ordinance to allow legal all-terrain vehicle operation on the ~~traffic lanes/shoulders of permitted paved county highways.~~ extreme right side of the traffic lanes where the soft shoulder and inside slope of the road are inadequate for safe ATV operation. Corridor Access Permits will only be allowed for the purpose of accessing established all-terrain vehicle trails

2. The applicant for this permit must be the city council and/or township board(s) in which the corridor is located. The permit application form is shown in Appendix B of this Ordinance.

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 All-Terrain Vehicle Committee shall make a recommendation to the Aitkin County Board of Commissioners for approval or denial of a permit application request based on factors including, but not limited to, the following: corridor length, vehicle traffic count, shoulder width, road design speed, and trail connectivity.

5. Signage shall be placed by the Aitkin County Highway Department to indicate the location of corridor access permit routes. All costs of signage are to be reimbursed to the Aitkin County Highway Department by the permit applicant.

6. Permits may be revoked by the Aitkin County Board of Commissioners for non-compliance with permit regulations and/or safety concerns created by the all-terrain vehicle use.

7. All existing corridor access permits granted prior to adoption of this Ordinance are hereby revoked effective one year after adoption of this Ordinance.

## **Article 6 General Provisions**

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

1. The maximum speed of operation shall be 30 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. Multiple 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 all-terrain vehicle, 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 \_\_\_\_\_, 2020, and shall be published in the official newspaper(s) of Aitkin County as provided by Minnesota Statutes.

Adopted: \_\_\_\_\_, 2020

\_\_\_\_\_  
Bill Pratt, Chairperson  
Aitkin County Board of Commissioners

Attest: \_\_\_\_\_  
Jessica Seibert  
Aitkin County Administrator

## Appendix A

1. County Highway 1 from Trunk Highway 210 to the Mississippi River bridge in Aitkin
2. County Highway 3 from the Soo Line Recreation Trail to 5<sup>th</sup> Avenue the north jct. of County Highway 5 in Palisade
3. County Highway 6 from Trunk Highway 210 to Marquette Avenue W in Tamarack
4. County Highway 7 from the intersection of the Hill City Connector Trail to US Highway 169
5. County Highway 8 from the Soo Line Recreation Trail to Trunk Highway 210 in McGregor
6. County Highway 9 from County Highway 79 to south jct. of Trunk Highway 65 in McGrath
7. County Highway 10 from the Soo Line Recreation Trail to 5<sup>th</sup> Avenue County Highway 3 in Palisade
8. County Highway 15 from County Highway 1 to 416<sup>th</sup> Place in Aitkin
9. County Highway 16 from the Soo Line Recreation Trail to 363<sup>rd</sup> Street in Lawler
10. County Highway 33 from US Highway 169 to Park Avenue in Hill City
11. County Highway 41 from east jct. of Trunk Highway 210 to 1<sup>st</sup> Street SW in Aitkin
12. County Highway 54 from County Highway 1 to 7<sup>th</sup> Avenue NE in Aitkin
13. County Highway 66 from south jct. of US Highway 169 to ~~Water Street~~ Park Avenue NE in Hill City
14. County Highway 70 from the south jct. of Trunk Highway 65 to the north jct. of Trunk Highway 65 in Jacobson
15. County Highway 74 from US Hwy 169 to Robert Street in Hill City
16. County Highway 79 from County Highway 9 to 4<sup>th</sup> Street in McGrath
17. County Highway 82 from Airport Road to east termini of County Highway 82

# Appendix B

## Corridor Access Permit Application

**Applicant Name(s)** – The City and/or Township(s) in which the segment is located must be listed as applicants. Permit application to be accompanied by authorizing resolution(s) from each applicant.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Roadway Segment** – Provide County Highway number and/or name with specific begin and ending point.

County Highway No. \_\_\_\_\_

From: \_\_\_\_\_

To: \_\_\_\_\_

**Applicant Signature(s)** – By signing this application, the applicant(s) acknowledge that they have read the Corridor Access Permit Requirements and Regulations in the Aitkin County All-Terrain Vehicle Ordinance. If approved, the applicants acknowledge that they will be responsible for cost of signage for the corridor access route.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### **Aitkin County All-Terrain Vehicle Committee Recommendation**

Approve \_\_\_\_\_ Deny \_\_\_\_\_ Date: \_\_\_\_\_

### **Aitkin County Board of Commissioners Action**

Approve \_\_\_\_\_ Deny \_\_\_\_\_ Date: \_\_\_\_\_

Additional Permit Provisions: \_\_\_\_\_

County Administrator Signature: \_\_\_\_\_ Date: \_\_\_\_\_