

## **St. Louis County Ordinance Number 64**

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

#### **Subdivision 1. 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, St. Louis 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 are impassible; and

WHEREAS, St. Louis 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.

#### **Subdivision 2. Definitions**

All-terrain vehicle. An "All-terrain vehicle" shall be as defined in Minnesota Statutes § 84.92, as may be amended from time to time.

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.
- c. Is a member, in good standing, of the ATV Association of Minnesota.

City. "City" means a home rule charter or statutory city.

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.

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.

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).

County. "County" means St. Louis County, Minnesota.

County road. "County road" means a road that is under the jurisdiction of St. Louis County and is classified as a "county-state-aid-highway", "county road" or "unorganized township road".

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.

Executive ATV Permit Committee. "Executive ATV Permit Committee" means a committee that is composed of the St. Louis County Public Works Director (or their designee), the St. Louis County Land Commissioner (or their designee), the St. Louis County Sheriff (or their designee) and two (2) members of the St. Louis County Board of Commissioners.

Person. "Person" means an individual or an organization as defined in Minnesota Statutes § 336.1-201 (b)(27).

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.

Public Works Director. "Public Works Director" means the department head of the St. Louis County Public Works Department.

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.

### **Subdivision 3. General Operation**

- A. On certain county roads, as set forth in Subdivisions 3(B) and 3(C), all-terrain vehicles may operate on the on the right-hand shoulder or the extreme right-hand side of a county road in addition to where all-terrain vehicles are permissible to operate under § 84.928 Subdivision 1, and left-hand turns may be made from any part of the county road if it is safe to do so under the prevailing conditions.
- B. All-terrain vehicle operation as set forth in Subdivision 3(A) shall be allowed on all county roads not located within a city.
- C. All-terrain vehicle operation as set forth in Subdivision 3(A) shall not be allowed on the right-hand shoulder or the extreme right-hand side of a county road within a city, except as permitted with the county under Subdivision 4(B).
- D. After the enactment of this Ordinance, the County Board of Commissioners may by resolution close or restrict any specific county road to all-terrain vehicle use. In addition to the county's customary publication requirements, the county will designate such closure on the Official All-Terrain Vehicle Map which shall fulfill the legal requirements of appropriate public notice.
- E. The Public Works Director may in its sole discretion close roads to all-terrain vehicle use if damage to the roadway results or where public safety is adversely affected as a result of all-terrain vehicle use. Actions under this section may be reviewed by the County Board of Commissioners.
- F. 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.

#### **Subdivision 4. 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 county may by permit, and upon application from an ATV Club that includes a certified resolution of concurrence from the city, authorize all-terrain vehicle operation as set forth in Subdivision 3(A) on county roads within a city. The county shall confer with the city prior to the issuance of the permit. In the event that an ATV Club does not serve the geographical area in which a city is located, the city may apply for the permit.
- C. Any permit issued under this subdivision shall be approved by the Executive ATV Permit Committee.
- D. Any permit issued under this subdivision may be suspended, modified, terminated or cancelled, by the Public Works Director, in its sole discretion if damage to the roadway results or where public safety is adversely affected as a result of all-terrain vehicle use. Actions under this section may be reviewed by the Executive ATV Permit Committee and are subject to the appeals process set forth in Subdivision 6(A).

#### **Subdivision 5. Official All-Terrain Vehicle Map**

- A. The map 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.

#### **Subdivision 6. Executive ATV Permit Committee**

- A. Permit Policies and Procedures. The Committee shall develop policies and procedures for (1) the acceptance, review, approval and issuance of the permits discussed in Subdivision 4; and (2) the appeal of permit decisions.
- B. Official All-Terrain Vehicle Map. The Committee shall be responsible for the development, maintenance and updating of the Official All-Terrain Vehicle Map.

#### **Subdivision 7. 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 St. Louis County, Minnesota this 24th day of May, 2016.

COUNTY BOARD CHAIR

  
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Date 5-24-2016

COUNTY AUDITOR

  
\_\_\_\_\_

Date 5-24-2016

APPROVED AS TO FORM:

COUNTY ATTORNEY

  
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Date 5/24/16



*Resolution*  
*of the*  
**Board of County Commissioners**  
*St. Louis County, Minnesota*  
*Adopted on: May 24, 2016 Resolution No. 16-347*  
*Offered by Commissioner: Rukavina*

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**Approval of St. Louis County Ordinance Number 64,  
"The Management and Permitting of All-Terrain Vehicles within the Public  
Right-of-Way of Roads under the County's Jurisdiction"**

WHEREAS, Minn. Stat. §§ 84.92–84.928 regulate the operation of all-terrain vehicles (ATVs); and  
WHEREAS, Minn. Stat. §§ 84.928 Subd. 1(a) and 84.928 Subd. 1(k) authorize counties to enact an ordinance which provides for the operation of ATVs on a public road or street under its jurisdiction to access businesses and residences and to make trail connections; and

WHEREAS, In the fall of 2015, the St. Louis County Board voted that an ATV usage policy is needed, recognizing that there are many ATV trails within the county that would require use of county roads to travel from one trail to the next; and

WHEREAS, St. Louis County has a general interest in allowing expanded use by ATVs of the public road right-of-way of roads under the county's jurisdiction to make connections to businesses, residences and trail connections, and because most ditches and outside slopes are impassible; and

WHEREAS, The St. Louis County Board held a public hearing on May 10, 2016 at 9:45 a.m. in the County Board Room, St. Louis County Courthouse, 100 N. 5<sup>th</sup> Avenue West, Duluth, MN, and continued said hearing to May 24, 2016 at 9:40 a.m. in the City Council Chambers, Hibbing City Hall, 401 East 21<sup>st</sup> Street, Hibbing, MN, to consider testimony on proposed Ordinance Number 64;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board of Commissioners hereby adopts St. Louis County Ordinance Number 64, "The Management and Permitting of All-Terrain Vehicles within the Public Right-of-Way of Roads under the County's Jurisdiction", as found in County Board File No. 60351;

RESOLVED FURTHER, That the effective date for St. Louis County Ordinance Number 64 shall be May 24, 2016.

Commissioner Rukavina moved the adoption of the Resolution and it was declared adopted upon the following vote:  
Yeas – Commissioners Jewell, Boyle, Dahlberg, Rukavina, Stauber, Nelson and Chair Raukar - 7  
Nays – None

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STATE OF MINNESOTA  
Office of County Auditor, ss.  
County of St. Louis

I, DONALD DICKLICH, Auditor of the County of St. Louis, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 24<sup>th</sup> day of May, A.D. 2016, and that this is a true and correct copy.

WITNESS MY HAND AND SEAL OF OFFICE at Duluth, Minnesota, this 24<sup>th</sup> day of May, A.D., 2016.

DONALD DICKLICH, COUNTY AUDITOR

By

  
Deputy Auditor/Clerk of the County Board