



Board of County Commissioners Agenda Request

5A
Agenda Item #

Requested Meeting Date: December 19, 2017

Title of Item: Proposed Final ATV Ordinance/Set Public Hearing Date

<input checked="" type="checkbox"/> REGULAR AGENDA	Action Requested:	<input type="checkbox"/> Direction Requested
<input type="checkbox"/> CONSENT AGENDA	<input checked="" type="checkbox"/> Approve/Deny Motion	<input type="checkbox"/> Discussion Item
<input type="checkbox"/> INFORMATION ONLY	<input type="checkbox"/> Adopt Resolution (attach draft)	<input type="checkbox"/> Hold Public Hearing*

**provide copy of hearing notice that was published*

Submitted by: John Welle	Department: Highway Department
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Presenter (Name and Title): John Welle, Aitkin County Engineer	Estimated Time Needed: 15 minutes
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Summary of Issue:
Five public meetings were held throughout Aitkin County during September and October to inform the public of the draft ATV Ordinance and to receive public input . In addition, written forms were available for the public to show their support for or opposition to the ordinance. A summary of input received from the written forms is shown on a summary sheet in the attachment.

Based on input received, the ATV Committee has met to consider a number of revisions to the draft ordinance. These revisions are shown in the final proposed ordinance in the attachment. Note that there were also a number of formatting/language revisions that are shown in the attachment as well.

If the Board concurs with the final proposed ordinance, the next step is to schedule a public hearing, which is recommended to be held as part of the regular Board of Commissioners meeting on January 23, 2018.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:
County Board action is requested to establish a public hearing date for adoption of the the proposed ordinance.

Financial Impact:
Is there a cost associated with this request? Yes No
What is the total cost, with tax and shipping? \$
Is this budgeted? Yes No *Please Explain:*

ATV Ordinance Comments

	Support	Oppose	Oppose Opening Only Gravel Roads	Oppose Other Reason	No Clear Choice Made Comments Only
District 1	6	0	1	0	0
District 2	2	1	14	0	0
District 3	4	1	22	1	2
District 4	47	0	105	0	0
District 5 Out of County/Misc.	179	0	13	0	0
	98	1	104	0	3
Totals	336	3	259	1	5

Notes:

Most of District 5 and first batch of Misc. ballots had only Support or Oppose Options
There was one petition with 5 signatures supporting the ordinance with the wording
"gravel roads and selected paved roads."

There was one signed ballot from Isle, MN with no boxes selected

The second batch of ballots contained:

10 Support, 127 Oppose Opening Only Gravel Roads
and

A petition with over 150 signatures received from Pine Inn, with the wording
"gravel roads and selected paved roads."

The third batch of ballots contained:

1 support, 47 Oppose Opening Only Gravel Roads

There were 2 additional signed ballots with no address, indicating Oppose Opening
Only Gravel Roads. Those 2 ballots were not included in the tabulations.

Aitkin County Ordinance

All-Terrain Vehicle Ordinance

Regulating the use of All-Terrain Vehicles Within
the Right of Way of ~~Roads Under County Jurisdiction~~ 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 county highways for the purpose of accessing businesses that provide services such as food ~~and~~, 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 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 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.
12. **County** means the County of Aitkin, Minnesota.
23. **County Highways** means county state-aid highways and county roads under the jurisdiction of Aitkin County.
34. **Gravel-surfaced County Highway** means those county highways whose full-width driving surface consists only of loose aggregate material.
35. **Paved County Highways** means those county highways that consist of paved traffic lanes and paved and/or gravel surfaced shoulders.

Article 4 Operation

1. Class 1 all-terrain vehicles may be operated on the extreme right hand side of the traffic lane on the ~~following~~ segments listed in Appendix A for the purpose of accessing businesses that provide services such as food and, fuel, and lodging. Operation shall be in compliance with the regulations contained in Article 6 of this Ordinance.
 - a. ~~County Highway 3 from the Soo Line Recreation Trail to 5th Avenue in Palisade~~
 - b. ~~County Highway 7 from the Hill City Connector Trail to US Highway 169~~
 - e. ~~County Highway 8 from the Soo Line Recreation Trail to Country House Lane in McGregor~~
 - d. ~~County Highway 9 from County Highway 79 to south jet. Trunk Highway 65 in McGrath~~
 - e. ~~County Highway 10 from the Soo Line Recreation Trail to 5th Avenue in Palisade~~
 - f. ~~County Highway 16 from the Soo Line Recreation Trail to 363rd Street in Lawler~~
 - g. ~~County Highway 33 from US Highway 169 to Park Avenue in Hill City~~
 - h. ~~County Highway 66 from US Highway 169 to Water Street in Hill City~~

- i. ~~County Highway 70 from the north jet. Trunk Highway 65 to the south jet. Trunk Highway 65 in Jacobsen~~
- j. ~~County Highway 79 from County Highway 9 to 4th Street in McGrath~~
- k. ~~County Highway 82 from Airport Road to east termini of County Highway 82~~

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.

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.

2. The applicant for this permit must be the city council and/or township board(s) in which the corridor is located. The Ppermit application formsare available on the Aitkin County Website 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 requests 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 ~~areas~~ 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.

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 ~~20~~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. ~~Groups of~~ 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 _____, 2017, and shall be published in the official newspaper(s) of Aitkin County as provided by Minnesota Statutes.

Adopted: _____, 2017

Mark Wedel, Chairperson
Aitkin County Board of Commissioners

Attest: _____
Jessica Seibert
Aitkin County Administrator

Appendix A

1. County Highway 3 from the Soo Line Recreation Trail to 5th Avenue in Palisade
2. County Highway 7 from the Hill City Connector Trail to US Highway 169
3. County Highway 8 from the Soo Line Recreation Trail to Trunk Highway 210 in McGregor
4. County Highway 9 from County Highway 79 to south jct. Trunk Highway 65 in McGrath
5. County Highway 10 from the Soo Line Recreation Trail to 5th Avenue in Palisade
6. County Highway 16 from the Soo Line Recreation Trail to 363rd Street in Lawler
7. County Highway 33 from US Highway 169 to Park Avenue in Hill City
8. County Highway 66 from US Highway 169 to Water Street in Hill City
9. County Highway 70 from the north jct. Trunk Highway 65 to the south jct. Trunk Highway 65 in Jacobson
10. County Highway 79 from County Highway 9 to 4th Street in McGrath
11. 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: _____