

# Aitkin County

## Class 1 All-Terrain Vehicle Ordinance

### Regulating the use of Class 1 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 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 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.
2. Pursuant to Minnesota Statute 84.928 Subdivision 6(c), to allow the legal use of class 1 all-terrain vehicles on the 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, and
3. Pursuant to Minnesota Statute 84.928 Subdivision 1(k) and in compliance with Minnesota Statute 84.928 Subdivision 1a(b), to further allow legal use of class 1 all-terrain vehicles on the extreme right-hand side of the adjacent traffic lane within municipal city limits and in areas where obstructions or inadequate

shoulder width prohibits safe all-terrain vehicle use entirely on the shoulder and slope area.

### **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 Highway** 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 Highway** means those county highways with a bituminous or concrete driving lane surface.
6. **Shoulder** means that portion of a paved highway outside of the white line used to delineate the edge of the traffic lane.

### **Article 4 Operation**

1. 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 5 of this Ordinance.
2. Class 1 all-terrain vehicles may be operated on the shoulder and inside slope of all paved county highways except for any segment of county highway closed to all-terrain vehicle use. Within municipal city limits and in areas where obstructions or inadequate shoulder width prohibits safe all-terrain vehicle use entirely on the shoulder and slope area, class 1 all-terrain vehicles may be operated on the extreme right-hand side of the adjacent traffic lane. Operation shall be in compliance with the regulations contained in Article 5 of this Ordinance.
3. 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 5 and/or safety concerns created by ATV use.

**Article 5      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.      A person 12 years of age but less than 16 years of age may operate an all-terrain vehicle on the roadway, bank, slope, or ditch of a public road right-of-way as permitted under section 84.928 if the person:
  - a.      possesses a valid all-terrain vehicle safety certificate issued by the commissioner; and
  - b.      is accompanied by a parent or legal guardian on a separate all-terrain vehicle.

**Article 6      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 7 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 8 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 9 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 10 Effective Date**

This Ordinance shall be effective and enforceable on **August 10, 2021**, and shall be published in the official newspaper(s) of Aitkin County as provided by Minnesota Statutes.

Adopted: August 10 , 2021

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

Attest:   
Jessica Seibert  
Aitkin County Administrator