

## Beltrami County Ordinance #41

### MANAGEMENT OF ALL TERRAIN VEHICLES IN PUBLIC RIGHT-OF-WAY OF ALL COUNTY ROADS WITHIN THE COUNTY'S JURISDICTION

#### **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 I (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 Ia(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 6(c), to allow the legal use of class I 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 I (k), to allow the legal use of class I all-terrain vehicles on the extreme right hand side of the traffic lanes of specific county highways for the purpose of accessing businesses such as food and fuel.
3. Pursuant to Minnesota Statute 82.928 Subdivision 1 a(h), to allow for a corridor access permit process to allow the legal use of class 1 all-terrain vehicles on the traffic lanes of specific county highways for the purpose of accessing established ATV trails.

#### **Article 3      Definitions**

The following definitions apply to this ordinance:

1. County means the County of Beltrami, Minnesota.
2. County Highways means county state aid highways, county roads and unorganized town roads under the jurisdiction of Beltrami County.
3. Gravel-surfaced County Highway means those that have a full-width driving surface consisting only of loose aggregate material.
4. Paved County Highways means those that consist of paved traffic lanes and paved and/or gravel surfaced shoulders.

5. Beltrami County ATV Committee shall mean a committee that is comprised of the Beltrami County Engineer, Natural Resource Management Division Director, and Sheriff (or their designees) and two members of the Beltrami County Board of Commissioners.
6. ATV Club shall mean 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.
  - d. Has a current Club Trail Agreement with Beltrami County and a current Certificate of Insurance on file as required by the agreement

#### **Article 4      Operation**

1. Class 1 all-terrain vehicles may be operated on the extreme right hand side of all gravel-surfaced county highways. 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 the traffic lane on the following segments of paved county highways for the purpose of avoiding wetlands or sensitive areas and for accessing businesses such as food and fuel. Operation shall be in compliance with the regulations contained in Article 6 of this Ordinance.
  - a. County Highway 39 from County Highway 12 to County Highway 20
  - b. County Highway 39 from Rabideau Lake Road NE to County Highway 55
3. Operation of class 1 all-terrain vehicles on all other paved county highways shall remain as restricted as in Minnesota Statute 84.928 Subdivision 1.

#### **Article 5      Corridor Access Permit**

A Corridor Access Permit Process is available under this Ordinance to allow legal all-terrain vehicle operation on the traffic lanes of specific paved county highways.

1. The applicant for this permit must be made by an ATV Club. Permit application forms are available at the Beltrami County Highway Department.
2. The city council or township board(s) in which the corridor is located must support all-terrain vehicles using the specific county highways. A resolution of support shall be included with the application.
3. Operation on approved corridor access routes shall be in compliance with the regulations contained in Article 6 of this Ordinance.
4. The Beltrami County ATV Committee shall make a recommendation to the Beltrami County Board of Commissioners for approval or denial of permit application requests.
5. Signage shall be placed by the Beltrami County Highway Department to indicate the location of corridor access permit areas.
6. Permits may be revoked by the Beltrami County Board of Commissioners for non-compliance with permit regulations.

## **Article 6          Operation Regulations**

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

1. The maximum speed of operation shall be 25 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 riders shall be in single-file formation.
6. Hours of operation shall be limited to 1/2 hour before sunrise to 1/2 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 ATV, 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 Beltrami 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 replace Ordinance #41 adopted on July 5, 2005; revised April 11, 2014, and be effective and enforceable on April 4, 2018, and shall be published in the official newspaper(s) of Beltrami County as provided by Minnesota Statutes.

**Article 12 Adoption of Ordinance**

Passed by the County Board of Commissioners this 3<sup>rd</sup> day of April, 2018.

Chairman: Richard D. Anderson  
Beltrami County Board Chair

Attest: Kyle Mack  
County Administrator

Approved as to form and execution:

Attorney: David Stemon  
Beltrami County Attorney

# AFFIDAVIT OF PUBLICATION

[FORM Rev. 6/15]

STATE OF MINNESOTA }  
COUNTY OF BELTRAMI } SS

**-LEGAL ADVERTISEMENT-  
Ordinance Adoption  
Replacement of ATV  
County Ordinance #41**

At the County Board meeting on April 3, 2018 and after holding a Public Hearing that same day, the Beltrami County Board adopted the ATV (All-Terrain Vehicle) Ordinance to replace County Ordinance #41.

The purpose of the Ordinance is to allow ATV's on all County gravel roads, allow for ATV's on two sections of paved CSAH 39, and to set up a process to allow ATV Clubs to apply for a Corridor Access Permit on other paved county roads.

A complete copy of the ATV Ordinance is available at the County Administrator's Office, Second Floor, Beltrami County Administration Building, 701 Minnesota Ave NW, Bemidji, MN 56601 or may be seen on the Document Center page of the Beltrami County website: [www.co.beltrami.mn.us](http://www.co.beltrami.mn.us).

Dated this day, 4 of April, 2018.

Kay L. Mack  
County Administrator

1da:4/8

DENNIS DOEDEN, being duly sworn, on oath states as follows:

1. I am the publisher of THE PIONEER or the publisher's designated agent. I have personal knowledge of the facts stated in this Affidavit, which is made pursuant to Minnesota Statutes §331A.07.

2. The newspaper has complied with all of the requirements to constitute a qualified newspaper under Minnesota law, including those requirements found in Minnesota Statutes §331A.02.

3. The dates of the month and the year and day of the week upon which the attached Beltrami Co Auditor

Ordinance Adoption

was published in the newspaper are as follows:

Sun. 4/8

4. The publisher's lowest classified rate paid by commercial users for comparable space, as determined pursuant to §331A.06, is as follows: \$11.10. The rate actually charged in this matter: \$8.80

5. Mortgage Foreclosure Notices. Pursuant to Minnesota Statutes §580.033 relating to the publication of mortgage foreclosure notices: The newspaper's known office of issue is located in BELTRAMI County. The newspaper complies with the conditions described in §580.033, subd. 1, clause (1) or (2). If the newspaper's known office of issue is located in a county adjoining the county where the mortgaged premises or some part of the mortgaged premises described in the notice are located, a substantial portion of the newspaper's circulation is in the latter county.

FURTHER YOUR AFFIANT SAITH NOT.

*Dennis Doeden*

[Signature]

Subscribed and sworn to before me on

This 9th day of March, 2018.

*Larisa Severson*

Notary Public

