

**DRAFT**

**KOOCHICHING COUNTY ORDINANCE  
FOR THE MANAGEMENT OF ALL TERRAIN VEHICLES  
IN THE PUBLIC RIGHT OF WAY ON ROADS  
WITHIN THE COUNTY'S JURISDICTION**

**THE COUNTY BOARD OF KOOCHICHING COUNTY DOES ORDAIN:**

**Subdivision 1. Purpose and intent.**

WHEREAS, Minnesota Statutes §84.92-84.928 generally regulate the use of all terrain vehicles within the right of way for trunk highways, county state aid highways, and county roads. Pursuant to Minnesota Statute §84.928, subd. 6 (c)(2) and, consistent with this ordinance, and to provide for the health, safety and welfare of its citizens, and to ensure the integrity of roads falling under the jurisdiction of Koochiching County, this Ordinance is enacted to regulate the use of all-terrain vehicles on county state aid highways, county roads, and unorganized township roads within Koochiching County.

WHEREAS, Minnesota Statutes § 84.928, subd. 6 (c)(2) authorizes counties to enact an ordinance which provide for the operation of all-terrain vehicle on a 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.

WHEREAS, the Koochiching County Board of Commissioners has been requested to allow ATV users to access municipalities off the Blue Ox Trail to promote economic development.

WHEREAS, Koochiching County recognizes that county residents are also interested in using their ATV's on county maintained roads to access other areas without having to trailer their ATV's.

WHEREAS, Koochiching County will allow a trial period for the enactment of this ordinance permitting operation of all-terrain vehicles on the extreme right shoulder of all roads under county jurisdiction in the manner set forth in this ordinance until November 1, 2010. During said trial program, Incident Case Report information will be collected and collated by the Koochiching County Sheriff's Department regarding the operation of all-terrain vehicles on county maintained roads as identified in this ordinance. In addition, complaints received by County Board members will be received and recorded. Excessive complaints or problems as determined by the Koochiching County Board of Commissioners shall result in the termination of this ordinance.

**Subdivision 2. Definitions.**

The following definitions apply to this Ordinance:

- **ATV or All Terrain Vehicle** shall mean, a Class 1 All-Terrain Vehicle, as defined in Minn. Stat. §84.92, subd. 9.
- **County** means the County of Koochiching, Minnesota.
- **County Maintained Roads** means all County State-Aid Highways, County Roads, and Unorganized Township Roads outside of an incorporated municipality located in Koochiching County. State highways and city streets are not included in this ordinance.

**Subdivision 3. Findings.**

WHEREAS, Pursuant to Minnesota Statute §84.928, subd. 6(c), the County makes the following findings:

- That most of the county maintained roads are in an area of the County that is generally flat and contains numerous and extensive lowlands.
- That a portion of the terrain adjacent to these roads is such that travel by ATV's in the ditch or outside slopes of such roads is not possible.
- That a portion of County maintained roads do not have ditches and that brush, trees and other vegetation exist immediately adjacent to the edge of the roadway.
- That reconstructed roads have well vegetated slopes and ditch bottoms costing several thousand dollars per mile to establish and should not be damaged or destroyed.

**Subdivision 4 Regulations for Operation on County Maintained Roads**

- Persons operating all terrain vehicles on any County maintained roadways, outside incorporated municipalities, must operate the all terrain vehicle on the extreme right hand side of the road, making left turns across the road only if it is safe to do so under prevailing conditions.
- Persons operating all terrain vehicles within the right of way of any of the county maintained roadways shall not operate their ATV on the inside slope, ditch bottom or outside slope of the right of way.
- Except as otherwise provided in this Ordinance, operation of all terrain vehicles shall be in compliance with Minnesota Statutes §84.92 - 84.928, as well as any other federal, state, or local rule or regulation as it applies to sections in this ordinance.
- No person shall operate an ATV, or other motorized vehicle, on the bike trail between International Falls and Ranier or any other trail where motorized vehicles are prohibited.
- No person shall operate an ATV on Koochiching County maintained roads at a speed greater than 20 miles per hour.

**Subdivision 5, Information gathering for trial program**

The Koochiching Sheriff's Office shall collect and compile Incident Case Report data reported to the Sheriff's Office from the public regarding ATV use on county maintained roads.

**Subdivision 6. Penalties**

Any person who violates any provision of this ordinance is guilty of a misdemeanor.

**Subdivision 7. ~~Effective Date and Ending Date.~~ Effectuation**

Formatted: Strikethrough

This ~~e~~Ordinance, ~~as amended,~~ shall ~~take effect and be in full force October 12, 2010 upon its adoption by the Koochiching County Board of Commissioners, and its publication in the official newspaper of Koochiching County as provided by Minnesota Statutes; unless otherwise terminated by further resolution of the Koochiching County Board,~~ be in effect from November 1, 2009 through November 1, 2010, at which time it shall expire, unless terminated by further resolution of the Koochiching County Board at an earlier date.

Formatted: Font: (Default) Arial, 11 pt

Formatted: Strikethrough

Dated this ~~27th~~ day of October, 2009.

Formatted: Strikethrough

KOOCHICHING COUNTY BOARD OF COMMISSIONERS

By \_\_\_\_\_

~~Mike Hanson~~ Kevin Adee

Formatted: Strikethrough

Formatted: Not Strikethrough

Chairman, Koochiching County Board of Commissioners

ATTEST:

By \_\_\_\_\_

Teresa Jaksa  
Koochiching County Administration Director

County Board Resolution: ~~2009/10-51~~

Formatted: Strikethrough