

BLUE EARTH COUNTY ORDINANCE
Chapter 18 Article IV Section 18-170
FOR THE MANAGEMENT OF ALL-TERRAIN VEHICLES AND MINI TRUCKS
IN THE PUBLIC RIGHT-OF-WAY ON CERTAIN ROADS
WITHIN THE COUNTY'S JURISDICTION

THE COUNTY OF BLUE EARTH DOES ORDAIN:

Subdivision 1. Findings, Purpose and Intent.

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, county roads and township roads. Consistent with these statutes, and to provide for the health, safety and welfare of its citizens and to ensure the integrity of roads falling under the jurisdiction of Blue Earth County, this ordinance is enacted to regulate the use of all-terrain vehicles and mini trucks on county state aid highways and county roads within the county.

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

1. That all of Blue Earth County is in a portion of the state which is designated as the "agricultural zone." The "agricultural zone" is that part of the state south of a line starting at the Minnesota-North Dakota Border and running east along U.S. Highway 10 to State Highway 23, then following Highway 23 east to State Highway 95 to the Wisconsin-Minnesota border.

Subdivision 2. Definitions.

The following definitions apply to this ordinance:

1. **"All-terrain vehicle" or "vehicle" or "ATV"** means a motorized floatation-tired vehicle of not less than three low-pressure tires, but not more than six tires, that is limited to engine displacement of less than 1,000 cubic centimeters and includes class 1 all-terrain vehicles and class 2 all-terrain vehicles. The definition of ATV does not include golf carts (as defined in Minnesota Statute §169.011 subd. 40a).
2. **"Mini Truck"** means a motor vehicle that has four wheels; is propelled by an electric motor with a rated power of 7,500 watts or less or an internal combustion engine with a piston displacement capacity of 1,000 cubic centimeters or less; has a total dry weight of 900 to 2,300 pounds, contains an enclosed cabin and a seat for the vehicle operator; commonly resembles a pickup truck or van, including a cargo area or bed located at the rear of the vehicle; and was not originally manufactured to meet federal motor vehicle safety standards required of motor vehicles in the Code of Federal Regulations, title 49, sections 571.101 to 571.404, and successor requirements. A mini truck does not include; a neighborhood electric vehicle or a medium-speed electric vehicle; or a motor vehicle that meets or exceeds the regulations in the Code of Federal Regulations, title 49, section 571.500, and successor requirements.

3. **County** means the County of Blue Earth, Minnesota.
4. **County State Aid Highway** or **CSAH** means all County State Aid Highways located in Blue Earth County and outside of cities and towns.

Subdivision 3. Permitted Operation of ATV's on Roads in Blue Earth County.

1. Except as provided below and in Minnesota Statute §84.928, Subd. 1(e), it shall be unlawful for any person to operate an all-terrain vehicle on the roadway, shoulder or inside bank or slope of any County State Aid Highway or county road within Blue Earth County.
2. It shall be permissible to operate an all-terrain vehicle or mini truck on the roadway and shoulders on County State Aid Highways and county roads within Blue Earth County.
3. Every person operating an ATV or mini truck on designated roadways has all the rights and duties applicable to the driver of any other vehicle under the provisions of Chapter 169 of the Minnesota Statutes, except when those provisions cannot reasonably be applied to ATV's and mini trucks or as defined or limited herein.
4. ATV's and mini trucks operating on designated roadways shall have a functioning headlight and taillight in use at all times. ATV's and mini trucks may be operated on designated roadways from sunrise to sunset only.
5. ATV's and mini trucks operating on designated roadways shall have a rearview mirror installed on the left hand side (driver's side).
6. Persons operating ATV's or mini trucks on designated roadways must operate the 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.
7. Persons operating ATV's or mini trucks on designated roadways shall not operate their vehicle on the inside slope, ditch bottom or outside slope of the right-of-way, between April 1 and August 1, unless such operation is otherwise permitted by an appropriate trail designation or signage.
8. Except as otherwise provided in this ordinance, all operation of ATV's shall be in compliance with Minnesota Statutes §84.92 through §84.928, as well as any other federal, state, or local rule or regulation. The same applies to mini truck operation. No provision of this ordinance shall be construed to negate any State law concerning the operation of ATV's or mini trucks. The regulation of roads and highways in this ordinance shall not serve to limit the use of ATV's licensed for agricultural use.

Subdivision 4. Violation, penalties and enforcement.

1. *Enforcement.* The enforcement of this article shall be the primary responsibility of the peace officers of the county sheriff's department. Other licensed peace officers, including conservation officers of the state department of natural resources, are also authorized to enforce this article.
3. *Penalties.* Any person who shall violate any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine or by imprisonment as provided by law.

Subdivision 5. Permit Establishment.

Requirements for a permit – M.S. § 169.045.

No ATV or mini truck shall be driven, operated or controlled on the roadways or shoulders of roadways under the jurisdiction of Blue Earth County unless the driver, operator or person in control has in possession a valid, current and unrevoked permit from Blue Earth County for such driving, operation or control of an ATV or mini truck.

Permits shall be issued by the Blue Earth County Sheriff's Office, or authorized designee, upon compliance with this section.

Application for a permit shall include the full name and address of the applicant; the applicant's date of birth; the state of issuance of the applicant's current driver's license, the number of the driver's license; the date of application and applicant's signature, the name of applicant's insurance company; the number of applicant's insurance policy; and the date of expiration of insurance coverage for the ATV or mini truck. The make, model number, registration number and year of the ATV or mini truck are also required. As a condition to obtaining an individual permit, the Sheriff may require an applicant to submit a certificate signed by a physician to the effect that the applicant is able to safely operate an ATV or mini truck on the roadways or shoulders under the jurisdiction of Blue Earth County.

A permit may be revoked by the Sheriff if there is any material misrepresentation made in the permit application, insurance is no longer in effect, if there is evidence that the permittee cannot safely operate the ATV or mini truck, or there is a violation of or noncompliance with any other federal, state, or local rule or regulation as required by this ordinance. The Sheriff shall issue a notice of revocation of a permit in writing and either personally serve the notice to the permit holder or send the notice by certified mail to the address on the application. The revocation shall be in effect immediately after personal service or 3 days after the mailing.

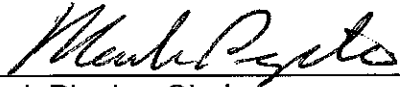
A permit fee shall be established by Board Resolution. Permits shall be renewed every three years.

Subdivision 6. Adoption of Ordinance.

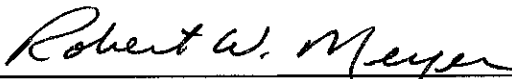
Passed by the County Board of Commissioners the 7th day of August, 2012.

Amended by the County Board of Commissioners this 25th day of September, 2012.

By:



Mark Piepho, Chair
Blue Earth County Board of Commissioners



Robert W. Meyer, County Administrator

Drafted by Blue Earth County Administration
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N/C

521CR070

CERTIFIED, FILED AND/OR RECORDED ON

10/05/2012 04:55:01PM

BLUE EARTH COUNTY, MN

PATTY O'CONNOR COUNTY RECORDER

TAXPAYER SERVICES DIRECTOR

REC FEE: 0.00 EXEMPT: N/A

DELINQ TX: N/A /TRANS ENTER: N/A

eCREV/CREV: N/A

eWELL/WELL CERT: N/A

SPLIT-CURRENT TX PD: N/A

PAGES: 4 ✓