

**Washington County
Ordinance No. 168**

**for the
Management of All Terrain Vehicles
in
Washington County Rights of Way**



Ordinance No. 168
Effective: January 1, 2004

TABLE OF CONTENTS
WASHINGTON COUNTY RIGHT-OF-WAY ORDINANCE
FOR THE MANAGEMENT OF ALL TERRAIN VEHICLES IN THE PUBLIC RIGHT-OF-WAY

SECTION	PAGE
Sec. 1.01. Findings, Purpose, and Intent.....	1
Sec. 1.02. Election to Manage the Public Right of Way	1
Sec. 1.03. Definitions	2
Sec. 1.04. Prohibitions	2
Sec. 1.05 Violation.....	2
Sec. 1.06 General Provisions.....	2

**WASHINGTON COUNTY ORDINANCE
FOR THE MANAGEMENT OF ALL TERRAIN VEHICLES IN THE PUBLIC RIGHT-OF-WAY OF ROADS
UNDER THE COUNTY'S JURISDICTION**

An ordinance to administer and regulate use of all terrain vehicles in the public right-of-way in the public interest, pursuant to the powers granted under Minnesota Statutes 84.92 through 84.928.

Sec. 1.01. Findings, Purpose, and Intent.

To provide for health, safety and welfare of its citizens, and to ensure the integrity of its roads and streets and the appropriate use of the rights of way, the County strives to keep its public right of way in a state of good repair.

Accordingly, the County hereby enacts this ordinance relating to the use of its public right of way by all terrain vehicles.

This ordinance shall be interpreted consistently with Minnesota Statutes Sections 84.82 through 84.928 and the other laws governing applicable rights of the County and users of the right of way. This ordinance shall not be interpreted to limit the regulatory and police powers of the County to adopt and enforce general ordinances necessary to protect the health, safety, and welfare of the public.

Sec. 1.03. Definitions.

The following definitions apply in this ordinance. Defined terms remain defined terms whether or not capitalized.

1. "ATV" or "All Terrain Vehicle" shall mean a motorized flotation-tired vehicle of not less than three, but not more than six, low-pressure tires that is limited in engine displacement to less than 800 cubic centimeters and total dry weight less than 900 pounds.
2. "County" means the County of Washington, Minnesota.
3. "Public Road Right of Way" shall have the meaning given to it by Minnesota Statute 84.92, Subdivision 6a.
4. "County Public Road Right of Way" shall be public road right of way for which Washington County is the road authority, as defined in Minnesota Statute 160.02, Subdivision 25.

Sec. 1.04. Prohibitions.

1. Except as provided for in Minnesota Statute 84.928, Subdivision 1 (e) and in Sections 1.04.2, 1.04.3, and 1.04.4 of this ordinance, it shall be unlawful for any person to operate an All Terrain Vehicle in any County Public Road Right of Way.
2. This ordinance shall not apply to any agent or employee of any road authority, law enforcement or public safety agency, or any agent or employee of the Minnesota Department of Natural Resources when performing or exercising official duties or powers.

3. Nothing in this ordinance shall prohibit the agricultural use of ATVs in rights of way, as defined in Minnesota Statute 84.92, Subd. 1d, or the use of ATVs to maintain permitted accesses over Public Road Rights of Way.
4. Nothing in this ordinance is intended to prohibit the crossing of a County Public Road Right of Way, which is otherwise allowed by Minnesota Statute 84.928, Subdivision 1a, (1) through (5).

Section 1.05 Violation.

1. Anyone violating this ordinance shall be guilty as follows:
 - A) For the first offense, the person shall be guilty of a petty misdemeanor and shall be punished by a fine of \$120.00.
 - B) For a second offense, and for all subsequent offenses, the person shall be guilty of a misdemeanor and shall be punished according to law.

Section 1.06 General Provisions.

1. Severability: If any provision of this ordinance or the application thereof is held invalid, said invalidity does not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application and for this purpose, the provisions of the ordinance are severable.
2. Enforceability: Sheriff's deputies, State Troopers, Conservation officers, and any other peace officers are empowered to enforce this ordinance.
3. Effective Date: This ordinance shall be effective on January 1, 2004, after passage by the County Board and publication according to law.

**Board of County Commissioners
Washington County, Minnesota
Resolution No. 2003-189**

Date: November 18, 2003
Motion by Commissioner Stafford

Department: Transportation & Physical Development
Seconded by Commissioner Peterson

Resolution Adopting the
Washington County All Terrain Vehicle Ordinance

WHEREAS, MINN. STAT. § 84.92 allows Washington County to regulate the operation of all terrain vehicles (ATV's) in County public road right of ways; and

WHEREAS, Washington County is experiencing considerable damage in its public right of ways because of the operation of ATV's in its road right of ways, including but not limited to rutting, loss of vegetation and soil erosion; and

WHEREAS, on September 24, 2003, the Washington County Board of Commissioners held a public open house to solicit comments on the proposed ordinance and a County Board workshop on November 4, 2003 to hear further comments on the proposed ordinance; and

WHEREAS, on October 21, 2003, the Washington County Board of Commissioners conducted a public hearing to consider enacting an ordinance regulating the operation of ATV's in the County's public road right of ways and continued said hearing to November 18, 2003.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby adopts the Washington County Ordinance for the Management of All Terrain Vehicles in Washington County Rights of Way No. 168 as attached hereto.

BE IT FURTHER RESOLVED that the Ordinance shall become effective on January 1, 2004.

ATTEST:

James R. Schug, County Administrator

Dennis C. Hegberg, Chairman, County Board

	YES	NO
HEGBERG	X	
KRIESEL	X	
PETERSON	X	
PULKRABEK		X
STAFFORD	X	