

PERCH LAKE TOWNSHIP
CARLTON COUNTY, MINNESOTA
Ordinance No. 2017-01

**AN ORDINANCE REGARDING THE USE OF
ALL-TERRAIN VEHICLES ON TOWN ROADS**

The Board of Supervisors of the Town of Perch Lake ordains:

- Section 1. **Title and Authority.** This ordinance shall be known as the “Perch Lake Township ATV Ordinance” and shall be referred to herein as this “Ordinance”. This Ordinance is adopted pursuant to the authority provided the Town Board of Perch Lake Township (“Town”) in Minnesota Statutes, section 84.928 and such other law as may apply.
- Section 2. **Legislative Findings and Intent.**
- Subd. 1. Legislative Findings. The Town Board has considered the matter of use of all-terrain vehicles (“ATV” or “ATVs”) on Town roads and hereby finds and determines as follows:
- (a) Minnesota Statutes, sections 84.92-84.928 regulates the operation of ATVs;
 - (b) Minnesota Statute, section 84.928, subdivision 1(k), authorizes the Town Board to enact an ordinance that provides for the operation of ATVs on a Town road to access businesses and residences and to make trail connections;
 - (c) The steep slopes, wetlands, and natural terrain in many Town road ditches make safe slope operation of all-terrain vehicles impossible at times;
 - (d) The Town’s roads are appropriate for mixed use and allow for safe operation of ATV on the right-of-way shoulder, with proper safety restrictions;
 - (e) The Town recognizes that Town residents, land owners, businesses and visitors are interested in allowing ATVs on Town roads; and
 - (f) Under Minnesota Statutes, section 466.03, subdivision 22, the Town is protected from liability arising from the use or operation of ATVs within the right-of-way of Town roads.
- Subd. 2. Purpose and Intent. The purpose of this Ordinance is to provide reasonable regulations regarding the use of ATVs within the Town in a

manner consistent with the Town's authority and Minnesota Statutes and Rules. This Ordinance is not intended to allow what state law prohibits or to prohibit what is expressly allowed by Minnesota Statutes. This Ordinance is intended to protect public safety and to clarify the allowed use of ATVs on Town roads. Express or implied references in this Ordinance to regulations contained in Minnesota Statutes or Rules are for the purpose of promoting consistency and such references are not intended, and shall not be construed as, the Town assuming responsibility for the administration or enforcement of such state regulations.

Section 3. **Scope.** This Ordinance regulates the use of ATVs within Town road right-of-ways, but does not regulate ATVs use within the right-of-ways of other road authorities or lands owned by the state or other political subdivisions.

Section 4. **Definitions.** For the purposes of this Ordinance, the following terms shall have the meaning given them in this Section. Any term not defined in this Ordinance shall have the meaning given it in the most applicable Minnesota Statute or Rule and, to the extent a term is not defined therein, the term shall have the meaning usually given it in the context in which it is used herein.

Subd. 1. All-Terrain Vehicle (ATV): Has the meaning given the term in Minnesota Statutes 84.92, subdivision 9 as amended.

Subd. 2. Operate: Means to ride in or on and control the operation of an ATV.

Subd. 3. Operator: Every person who operates or is in actual physical control of an ATV.

Subd. 4. Right-of-Way: The entire area on or above a public road, highway, street, or cartway in which the Town has an interest, including the travelled surface, shoulders, ditches, and all other areas between the outside edges of the public easement or fee interest.

Subd. 5. Roadway: All that portion of a traveled surface of any Town road limited to that part improved, designed or ordinarily used for vehicular travel and including the shoulder.

Subd. 6. Shoulder: That part of a highway which is contiguous to the regularly traveled portion of the road and is on the same level as the road. The shoulder may be pavement, gravel, or earth. Where the shoulder is not readily identifiable, the shoulder shall be the extreme right-hand side of the road (in the direction of travel of the roadway).

Subd. 7. Town: Perch Lake Township, Carlton County, Minnesota.

Section 5. **Operating restrictions.** Persons may operate ATVs on all Town roads consistent with the following regulations:

- Subd. 1. Persons operating ATVs on any Town road may operate the ATV on the right shoulder of the roadway unless otherwise restricted by this Ordinance, making left turns across the roadway only if it is safe to do so under prevailing conditions;
- Subd. 2. No person shall operate an ATV at a speed greater than reasonable or proper under surrounding circumstances, or at a speed exceeding the speed limit on Town roads for motor vehicle traffic;
- Subd. 3. No person shall operate an ATV on Town roads abreast of any other ATV or motor vehicle;
- Subd. 4. No person shall operate an ATV in violation of any posted ban or restriction imposed pursuant to Section 6 of this Ordinance.
- Subd. 5. No person shall operate an ATV in a way which causes damage to any portion of a public right-of-way; and
- Subd. 6. Except as otherwise provided in this Ordinance, all operation of ATVs shall be in compliance with Minnesota Statutes 84.92 – 84.928, as well as any other federal, state, or local statute, law, rule, regulation, or ordinance.

Section 6. **Restrictions of Use:** The Town may restrict ATV use on Town roads or within Town Right-of-Way by posting signage notifying the public of the restrictions at the direction of the Town Board.

Section 7. **Penalty:** Except as provided herein, any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and is subject to the penalties prescribed by Minnesota Statutes, section 609.02, subdivision 3. Any person who violates any provision that is expressly punishable as a petty misdemeanor under Minnesota Statute or Rule shall be guilty of a petty misdemeanor and is subject to penalties prescribed by Minnesota Statutes, section 609.02, subdivision 4a. In the event of a violation, or a threatened violation, of this Ordinance the Town may, in addition to pursuing any other civil remedies or criminal proceedings, institute appropriate actions or proceedings to prevent, restrain, correct, or abate such violations or threatened violations.

Section 8. **General Provisions.**

- Subd. 1. Severability. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of

competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Subd. 2. Effective Date. This Ordinance shall be in effect as of the first day of publication after adoption.

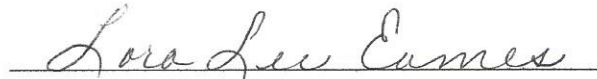
Adopted this 13th day of November, 2017:

BY THE TOWN BOARD



Gary Harms
Town Board Chair

Attest:



Lora Eames
Town Clerk

