

**ORDINANCE
NO. 2021 - 1214**

**ORDINANCE REGULATING THE USE OF
RECREATIONAL ALL-TERRAIN VEHICLES ON FILLMORE COUNTY ROADS**

Section 1: GENERAL PROVISIONS

1.1 **Authority.** Minnesota Statutes 84.928 Subd. 1(a) and 84.928 Subd. 1(k) authorize Fillmore County to enact an ordinance which provides for the operation of all-terrain vehicles on a public road or street under its jurisdiction, to access businesses and residences, and to make trail connections.

1.2 **Interpretation.** This Ordinance shall be interpreted consistently with Minnesota Statutes 84.92 thru 84.928, and 169.045, as amended.

1.3 **Purpose.** The purpose of this Ordinance is to control and regulate the use of recreational All- Terrain Vehicles (ATVs) on County roads and road shoulders under the jurisdiction of Fillmore County; to ensure the integrity of, and appropriate use of, said county roads and road shoulders; and to promote the general health, safety and welfare of the citizens of Fillmore County. This Ordinance does not apply to ATVs which are used for farm purposes, ATV use on state highways, ATV use within city limits, or ATV use outside of Fillmore County.

Section 2: DEFINITIONS

2.1 **“ATV” or “All-Terrain Vehicle”** has the meaning given in Minnesota Statutes Section 84.92 Subdivision 8, as amended.

2.2 **“Class 1 all-terrain vehicle”** has the meaning given in Minnesota Statutes Section 84.92, Subdivision 9, as amended.

2.3 **“Class 2 all-terrain vehicle”** has the meaning given in Minnesota Statutes Section 84.92, Subdivision 10, as amended.

2.4 **“County”** means Fillmore County, Minnesota.

2.5 **“Public Road Right-of-Way”** shall have the meaning defined by Minnesota Statute 84.92, Subdivision 6a. as amended.

2.6 **“Road Shoulder”** means the unpaved gravel strip between the traveled portion of a paved county road and the ditch. “Road shoulder” does not include any of the ditch supporting a county road.

2.7 **“County Road”** means that portion of a road or roadway that is used for vehicle travel and which is under the jurisdiction of Fillmore County. Said County Road may be classified as a “county state-aid highway”, “county highway”, or “county road”.

“County Road” does not include the ditch.

Section 3: OPERATION OF RECREATIONAL ATVs ON COUNTY ROADS IN FILLMORE COUNTY

3.1 Persons operating recreational ATVs on County roads may only operate the recreational ATV on the extreme right-hand side of the County road or on the right road shoulder.

3.2 Persons operating recreational ATVs on County roads may only make left turns across the County road if it is safe to do so under prevailing conditions.

3.3 No person shall operate a recreational ATV on County roads at speeds greater than the posted or statutory speed limit for the County road.

3.4 A recreational ATV shall not be operated on the road shoulder at a speed greater than reasonable or proper under the surrounding circumstances.

3.5 No person may operate a recreational ATV on County roads or road shoulders without liability insurance coverage for said recreational ATV.

3.6 Except as otherwise provided in this Ordinance, all recreational ATVs shall be operated and maintained in compliance with Minnesota Statutes 84.92-84.928, 169.045, or any other federal, state, or local statute, law, rule, regulation or ordinance.

3.7 In accordance with Minnesota Statutes Section 84.928 Subd. 1(j), “a person shall not operate an all-terrain vehicle at any time within the right-of-way of an interstate

highway or freeway within this state.” This ordinance only applies to Fillmore County roads and road shoulders. This ordinance does not change or modify any other law or ordinance which regulates use of ATVs on Minnesota state highways, within city limits, or on county roads in other counties.

3.8 ATV license plates, numbers, and decals must be clearly and legibly displayed in accordance with Minnesota law.

3.9 In accordance with Minnesota Statutes Section 169.045, persons may only operate recreational ATVs on County roads and road shoulders from sunrise to sunset unless the recreational ATV is equipped with headlights, taillights, and rear-facing brake light equipment.

3.10 Unless there is an emergency situation, recreational ATVs shall not be operated on a county road when there is inclement weather, smoke, fog, or similar conditions which limit the operator’s visibility and prevent the operator of the recreational ATV from clearly seeing persons or vehicles on the roadway at a distance of 500 feet.

Section 4: ENFORCEMENT

4.1 Primary responsibility for enforcement of this Ordinance shall rest with the Fillmore County Sheriff’s Office.

4.2 This Ordinance may be enforced by any other law enforcement officer if the officer is a member of a city, state, or county agency which has a reciprocal enforcement agreement with Fillmore County.

Section 5: PENALTIES

5.1 Any person or persons who violate any of the provisions of this Ordinance shall be guilty of a Petty Misdemeanor.

5.2 Any person who violates any provision of this Ordinance shall be liable for the cost of repairing any damage to property caused by said violation. The payment of the cost of repairing and restoring the property is in addition to any provision of Section 5.1.

Section 6: SEVERABILITY

6.1 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.

Section 7: EFFECTIVE DATE – 12/14/2021

7.1 This Ordinance shall be in effect from and after the date of its passage by the Fillmore County Board of Commissioners and publication according to Minnesota Statutes.