

ORDINANCE NO. 2024-01

ORDINANCE REGULATING THE USE OF
ALL-TERRAIN VEHICLES ON COUNTY
HIGHWAYS AND PUBLIC RIGHT OF WAYS

EFFECTIVE DATE: 04/05/2024



Cass County Ordinance No. 2024-01

AN ORDINANCE REGULATING THE USE OF ALL-TERRAIN VEHICLES ON COUNTY HIGHWAYS AND PUBLIC RIGHT OF WAYS

I. Statutory Authority

Minnesota Statute § 84.928 Subd. 1(k) authorizes a County to enact an ordinance to allow the operation of all-terrain vehicles on public roads or streets under the County's jurisdiction to access businesses and residences and to make trail connections.

II. Purpose

The purpose of this ordinance is to increase safety for users and lower the cost of maintenance for county-maintained highways.

III. Definitions

County means Cass County, Minnesota.

County Highways means county state aid highways, county roads, and unorganized town roads under the jurisdiction of the County.

Public road right-of-way means the entire right-of-way of a public road including the traveled portions, banks, ditches, shoulders, and medians that are not privately owned.

All-terrain vehicle means a motorized vehicle with:

- (1) Not less than three, but not more than six low-pressure or non-pneumatic tires;
- (2) A total dry weight of 2,000 pounds or less; and
- (3) A total width from outside of the tire rim to outside of the tire rim that is 65 inches or less.

All-terrain vehicles include class 1 all-terrain vehicle and class 2 all-terrain vehicle. It does not include an electric-assisted bicycle as defined in Minnesota Statute § 169.011 Subd. 27, golf cart, mini-truck, dune buggy, go-cart, or a vehicle used specifically for lawn maintenance, agriculture, logging, and silviculture, or mining purposes.

Class 1 all-terrain vehicle means an all-terrain vehicle that has a total width from the outside of the tire rim to the outside of the tire rim that is 50 inches or less.

Class 2 all-terrain vehicle means an all-terrain vehicle that has a total width from the outside of the tire rim to the outside of the tire rim that is greater than 50 inches but not more than 65 inches.

IV. Operation of All-Terrain Vehicles on County Roads in Cass County

1. An all-terrain vehicle may be operated on any County Highway in the same direction of travel as other vehicular traffic.
2. An all-terrain vehicle shall not be operated outside of the traveled portions of the County Highway and must stay within the driving lane.
3. Except as otherwise provided in this ordinance, an all-terrain vehicle operated on a County Highway shall comply with applicable federal, state, and local laws or rules.

4. Every driver of an all-terrain vehicle on a County Highway is responsible for becoming and remaining aware of the actual and potential hazards existing on the County Highway and must use due care in operating an all-terrain vehicle.
5. No person shall operate an all-terrain vehicle on a County Highway at speeds greater than reasonable under the conditions. Class 1 all-terrain vehicles shall not exceed a speed of 30 miles per hour and Class 2 all-terrain vehicles shall not exceed the posted speed limit of the County Highway.
6. When multiple all-terrain vehicles are operated on a County Highway in the same direction of travel, the vehicles shall be operated one in front of the other in a single-file manner.
7. Operation of an all-terrain vehicle on a County Highway shall not result in the spinning of tires.
8. To operate an all-terrain vehicle on a County Highway, a person born after July 1, 1987, must possess a valid all-terrain safety certificate issued by the commissioner of natural resources and must have a valid driver's license or be accompanied by a person 18 years of age or older who is in possession of a valid driver's license.
9. The Cass County Board of Commissioners may close any segment of County Highway authorized through this ordinance for all-terrain vehicle use.
10. Unless otherwise noted in this ordinance, an all-terrain vehicle operated on a County Highway shall obey all Minnesota Statutes related to all-terrain vehicles and shall comply with all driving rules found in Minnesota Statutes Chapter 169.

V. Enforcement

1. A person who violates any provision of this ordinance shall be guilty of a misdemeanor, punishable by up to 90 days in jail and a \$1,000 fine.
2. A person who permits another to operate an all-terrain vehicle in violation of this ordinance shall be guilty of a misdemeanor, punishable by up to 90 days in jail and a \$1,000 fine.
3. A person found guilty of violating this ordinance shall be financially liable for any damage caused to private or public property as a result of the violation.
4. This ordinance may be enforced by the Cass County Sheriff and Cass County Attorney. It may also be enforced by any other law enforcement agency having a cooperative law enforcement agreement with the Cass County Sheriff.

VI. Effective Date

This Ordinance shall be effective 30 days after the day it is adopted by the Cass County Board.

ADOPTED by the Cass County Board of Commissioners this _____ day of _____, 2024.

Cass County Board Chair

Attest: _____
Cass County Administrator