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LAKE COUNTY ORDINANCE NO. 22

LAKE COUNTY ORDINANCE FOR THE MANAGEMENT OF ALL TERRAIN VEHICLES IN THE PUBLIC RIGHT OF WAY ON CERTAIN ROADS WITHIN THE COUNTY'S JURISDICTION

SECTION I. PURPOSE AND INTENT.

WHEREAS, 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, and county 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 Lake County, this Ordinance is enacted to regulate the use of all terrain vehicles on C.S.A.H. 7 (Cramer Road), C.R. 705, C.S.A.H. 8 and C.R. 702 (Mitawan Lake Road) in Lake County.

WHEREAS, Minnesota Statutes § 84.928, Subd. 6 (c)(2) authorizes counties to enact an ordinance which provide for the operation of all-terrain vehicle on a road right of way shoulder, or inside bank or slope of a county highway or county state-aid highway if safe operation in the ditch or outside slope is impossible and the county posts the appropriate notice, notwithstanding any law to the contrary.

SECTION II. DEFINITIONS.

WHEREAS, These terms are defined as follows:

1. **ATV or All Terrain Vehicle** shall mean, Class I All Terrain Vehicle, as defined in M.S. § 84.92. Subd. 9.
2. **County** means the County of Lake, State of Minnesota.
3. **County Road(s)** means all State-Aid Highways, County Roads, and Unorganized Township Roads.
4. Definitions set forth in Minnesota Statute § 84.92 are incorporated herein.

SECTION III. RECITALS AND FINDINGS.

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

1. That a portion of the terrain adjacent to the roads listed in Section I is such that travel by ATV's in the ditch or outside slopes of such roads is not possible.
2. That a portion of the roads listed in Section I do not have ditches and that brush, trees and other vegetation exist immediately adjacent to the edge of the roadway.

SECTION IV. PERMITTED OPERATION OF ATVs ON CERTAIN ROADS IN LAKE COUNTY.

1. It shall be permissible to operate an all terrain vehicle on the following County Roads within Lake County: C.S.A.H. 7 (Cramer Road), C.R. 705, C.S.A.H. 8, and C.R. 702 (Mitawan Lake Road).

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2. No person shall operate an all terrain vehicle on County roads identified above, greater than 40 miles per hour.
3. Persons operating all terrain vehicles on County roads identified above must operate the all terrain vehicle on the extreme right hand side of the road.
4. No person shall operate an all terrain vehicle on County roads identified above, abreast of any all terrain vehicle or motor vehicle.
5. Except as otherwise provided in this Ordinance, all operation of all terrain vehicles 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 V. ADMINISTRATION.

1. The County Board may close or restrict any County Road to ATV use, with notice posted by the Highway Department.
2. The Sheriff shall provide, to the County Board, on an annual basis, incident case report data on ATV use on the roads listed in Section I.
3. In accordance with M.S. Chapter 169, the Highway Engineer, with input from the Sheriff, will place appropriate signage addressing ATV use on the County Roads.
4. Violation of the terms of this Ordinance constitutes a misdemeanor, per M.S. § 394.37 subd.2.
5. If any Ordinance provision, or the application thereof to any person or circumstance, is held to be invalid, that will not affect any other Ordinance provision or application that can be given effect without the invalid provision or application, and for such purpose the invalid provisions of the Ordinance are severable.

SECTION VI. EFFECTIVE DATE

This Ordinance shall be and is hereby declared to be in full force and effect upon from and after its passage and publication according to law.

Passed by the Board of Commissioners of Lake County, Minnesota this 24th day of September, 2013.

LAKE COUNTY BOARD OF COMMISSIONERS

By: *[Signature]*

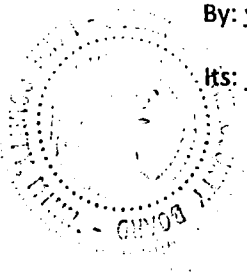
Its: Chairman

ATTEST:

By: *Jaune D Buchanan*

Its: Clerk of the Board

Drafted By:
Laura M. Auron
County Attorney
601 Third Avenue
Two Harbors, MN 55616



AFFIDAVIT OF PUBLICATION
STATE OF MINNESOTA)
)SS.
COUNTY OF LAKE)

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Christine Mallory, being duly sworn, on oath says that she is the Editor or authorized agent or employee of the publisher of the newspaper known as the North Shore Journal, and has full knowledge of the facts which are stated below.

North Shore Journal

LEGAL NOTICE

(A) The newspaper has complied with all the requirements constituting qualifications as a qualified newspaper, as provided by Minnesota Statute 331.A.02, 331.A.07, and other applicable laws, as amended.

(B) The printed Notice of a public hearing on a new proposed ordinance; Ordinance No. 22

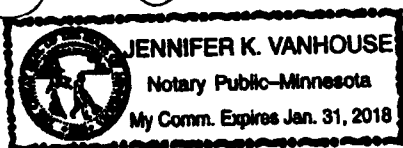
which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 2 successive weeks; it was first published on Saturday, the 14th day of September through Saturday the 21st day of September, 2013; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and type used in the composition and publication of the notice.

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abcdefghijklmnopqrstuvwxyz

BY: Editor *Christine Mallory*

Subscribed and sworn to before me on
This 20th day of
September, 2013

Jennifer K. Vanhouse
Notary Public



LEGAL NOTICE
NOTICE OF PUBLIC
HEARING ON A NEW
PROPOSED
ORDINANCE.

The Lake County Board of Commissioners will hold a public hearing on the proposed ordinance on September 24, 2013 at 6:00 p.m. in the Finland Community Center, 6866 Cramer Road (CR 7) Finland, MN 55603. Following the public hearing, the Board of Commissioners intends to reconvene their action meeting and consider action on this ordinance.

All interested persons are invited to attend the public hearing or submit comments in writing prior or during the hearing.

LAKE COUNTY
ORDINANCE NO. 22
LAKE COUNTY ORDINANCE FOR
THE MANAGEMENT OF ALL TERRAIN
VEHICLES IN THE PUBLIC RIGHT OF
WAY ON CERTAIN ROADS WITHIN
THE COUNTY'S JURISDICTION
SECTION I. PURPOSE AND
INTENT.

WHEREAS, 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, and county 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 Lake County, this Ordinance is enacted to regulate the use of all terrain vehicles on County Road 7, County Road 8, and County Road 702 (Mitawan Lake Road) in Lake County.

WHEREAS, Minnesota Statutes § 84.928, Subd. 6 (c)(2) authorizes counties to enact an ordinance which provide for the operation of all-terrain vehicle on a road right of way shoulder, or inside bank or slope of a county highway or county state-aid highway if safe operation in the ditch or outside slope is impossible and the county posts the appropriate notice.

SECTION V. ADMINISTRATION.

1. The County Board may close or restrict any County Road to ATV use, with notice posted by the Highway Department.
2. The Sheriff shall provide, to the County Board, on an annual basis, incident case report data on ATV use on the roads listed in Section I.
3. In accordance with M.S. Chapter 169, the Highway Engineer, with input from the Sheriff, will place appropriate signage addressing ATV use on the County Roads.
4. Violation of the terms of this Ordinance constitutes a misdemeanor, per M.S. § 394.37 subd.2.
5. If any Ordinance provision, or the application thereof to any person or circumstance, is held to be invalid, that will not affect any other Ordinance provision or application that can be given effect without the invalid provision or application, and for such purpose the invalid provisions of the Ordinance are severable.

SECTION VI. EFFECTIVE DATE.

This ordinance shall be in full force and effect upon adoption pursuant to Minnesota law.

The proposed draft ordinance can also be viewed online on the Lake County website: www.co.lake.mn.us. Copies are also available for public viewing in the Planning and Zoning Office and the Lake County Board of Commissioners Office, both located in the Lake County Courthouse, 601 Third Avenue, Two Harbors, MN 55616.

Northshore Journal: September 14 & 21, 2013

AFFIDAVIT OF PUBLICATION
STATE OF MINNESOTA)
)SS.
COUNTY OF LAKE)

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Christine Mallory, being duly sworn, on oath says that she is the Editor or authorized agent or employee of the publisher of the newspaper known as the North Shore Journal, and has full knowledge of the facts which are stated below.

(A) The newspaper has complied with all the requirements constituting qualifications as a qualified newspaper, as provided by Minnesota Statute 331.A.02, 331.A.07, and other applicable laws, as amended.

(B) The printed LAKE COUNTY ORDINANCE NO. 22 FOR THE MANAGEMENT OF ALL TERRAIN VEHICLES IN THE PUBLIC RIGHT OF WAY WITHIN THE COUNTY'S JURISDICTION

which is attached was cut from the columns of said newspaper, and was printed and published once each week, for 1 successive week; it was first published on Saturday, the 5th day of October, 2013; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and type used in the composition and publication of the notice.

abcdefghijklmnopqrstuvwxyz
abcdefghijklmnopqrstuvwxyz

BY: *Christine Mallory*
Editor

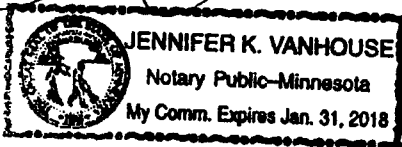
Subscribed and sworn to before me on

This 12th day of

November, 2013

Jennifer K. Vanhouse

Notary Public



North Shore Journal

LEGAL NOTICES

LAKE COUNTY
ORDINANCE NO. 22
LAKE COUNTY
ORDINANCE FOR THE
MANAGEMENT OF
ALL TERRAIN
VEHICLES
IN THE PUBLIC RIGHT
OF WAY ON CERTAIN
ROADS WITHIN THE
COUNTY'S
JURISDICTION

and effect upon from and after its passage and publication according to law.

Passed by the Board of Commissioners of Lake County, Minnesota this 24th day of September, 2013.

LAKE COUNTY BOARD OF COMMISSIONERS

By: _____

Its: _____

ATTEST:

By: _____

Its: _____

Northshore Journal: October 5, 2013

SECTION I. PURPOSE AND INTENT.

WHEREAS, 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, and county 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 Lake County, this Ordinance is enacted to regulate the use of all terrain vehicles on C.S.A.H. 7 (Cramer Road), C.R. 705, C.S.A.H. 8 and C.R. 702 (Mitawan Lake Road) in Lake County.

WHEREAS, Minnesota Statutes § 84.928, Subd. 6 (c)(2) authorizes counties to enact an ordinance which provide for the



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**OFFICE OF THE COUNTY RECORDER
LAKE COUNTY, MINNESOTA
CERTIFIED, FILED, AND
RECORDED ON**

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**PAGES: 5
REC FEES: 0.00**

**ERICA KOSKI
LAKE COUNTY RECORDER**

BY *Erica Koski* Dep



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**OFFICE OF THE REGISTRAR OF TITLES
LAKE COUNTY, MINNESOTA**

**PAGES: 5
REC FEES: 0.00
CERTIFICATE #: GENERAL
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**CERTIFIED AND FILED ON
11/15/2013 3:20 PM**

**ERICA KOSKI
REGISTRAR OF TITLES**

BY *Erica Koski* Dep

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