

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

THE COUNTY OF MARSHALL DOES HEREBY ORDAIN:

Subdivision 1. Findings, purpose, and intent.

Minnesota statutes § 84.82-84.928 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 and ditches falling under the jurisdiction of Marshall County, this ordinance is enacted to regulate the use of all terrain vehicles on county state aid highways and county roads within certain portions of the County.

Pursuant to Minnesota Statute Section § 84.928, subdivision 6(c), the County of Marshall makes the following findings:

1. That all County Gravel Roads and all graveled County State Aid Highways in Marshall County are either in an agricultural zone or the safe operation in the ditch or outside slope of said roads is impossible.
2. That the County Gravel Roads and graveled portions of County State Aid Highways are in an area of the County that is generally flat and contains numerous and extensive lowlands.
3. That the terrain adjacent to the above roads is such that travel by all-terrain vehicles in the ditch or outside slopes for such roads is not possible.

Subdivision 2. Definitions.

The following definitions apply to this Ordinance.

1. **All-Terrain Vehicle** shall mean a motorized flotation-tired vehicle as defined in Minnesota Statute 84.92 Subd 8 or as subsequently amended.
2. **County** means the County of Marshall, State of Minnesota.

Subdivision 3. Permitted Operation of All-Terrain Vehicles on certain roads in Marshall County.

1. Except as provided below or as permitted by Minnesota Statute Section 84.928, Subd. 1(e), (f) and (g) or as otherwise permitted by this ordinance it shall be unlawful for any person to operate an all terrain on the road right of way, on the roadway shoulder or inside bank or slope of any County State Aid Highway or County Road within Marshall County.
2. Persons shall be permitted to operate all terrain vehicles on the road right-of- way shoulder or inside bank or slope of the following described County roads or County State Aid Highways:

All graveled County Roads and all graveled County State Aid Highways located in the County of Marshall and also that paved portion of County State Aid Highways 27 and 26 located in Section 2 and 11 of Nelson Park Township, Marshall County, Minnesota .

3. Except as otherwise provided by this ordinance, all operation of all terrain vehicles shall be in compliance with Minnesota Statutes Chapter 84 as said chapter pertains to all terrain vehicles.

Subdivision 4. Penalties

1. A person who violates the terms of this ordinance is guilty of a misdemeanor.

Subdivison 5. Adoption of Ordinance

Passed by the Marshall County Board of Commissioners this 9th day of November, 2006.

Passed: 11/9/06

Ayes: 5

Nays: 0

Absent:

MARSHALL COUNTY BOARD OF COMMISSIONERS

BY: Brent Boen
Brent Boen, Chairman

Attest: Scott Peters
Scott Peters, Auditor-Treasurer