

**ORDINANCE FOR THE MANAGEMENT AND CONTROL OF MOTOR VEHICLES
ON COUNTY OWNED OR COUNTY MANAGED LANDS,
COUNTY FOREST ROADS AND COUNTY TRAILS OF ITASCA COUNTY**

1. GENERAL PROVISIONS

1.1 Statutory Authorization.

This recreational motor vehicle management and control ordinance is adopted pursuant to authorization contained in Minnesota Statutes 84.90, 375.51, 398.34 and 282.01 - 282.38.

1.2 Definitions

"County" shall mean the County of Itasca.

"County Attorney" shall mean the Itasca County Attorney or his authorized representatives.

"County Board" shall mean the Itasca County Board of Commissioners or their duly authorized representatives.

"County Forest Road" shall mean a road constructed for the sole purpose of managing and harvesting timber and/or timber products.

"County Managed Tax Forfeited Lands" shall mean those lands managed by the County under Minnesota Statutes 282.01 - 282.38.

"County Owned Land" shall mean lands owned by the County under Minnesota Statute 373.01 or easements granted to the County and land acquired under Minnesota Statute 398.32, which the County Board deems suitable for use by the residents and visitors of the County for public park purposes and related outdoor recreational purposes.

"County Trail" shall mean a trail designated for an express purpose such as, but not limited to, snowmobiling, cross country skiing and hunter walking.

"Land Commissioner" shall mean the Itasca County Land Commissioner or his authorized representative.

"Park and Recreation Director" shall mean the Itasca County Park and Recreation Director or his authorized representatives.

"Sheriff" shall mean the Sheriff of Itasca County or his authorized representatives.

"Recreational Motor vehicle" shall mean any self-propelled vehicle and any vehicle propelled or drawn by a self-propelled vehicle used for recreational purposes including, but not limited to, a snowmobile, trail bike or other all-terrain vehicle, hovercraft or motor vehicle licensed for

ORDINANCE FOR THE MANAGEMENT AND CONTROL OF MOTOR VEHICLES

highway operation which is being used for off-road recreational purposes.

"Snowmobile" shall be defined by Section 84.81, Subd. 3 of Minnesota Statutes.

1.3 Policy

The County believes that County managed land, forest roads and trails should be open to the public. However, the uncontrolled use of County owned land. County managed tax forfeited lands, County forest roads and County trails by recreational vehicles effects the general welfare of the residents of the County. Therefore, it is in the best interest of the public welfare to provide management of the use of County owned lands. County managed tax forfeited lands, roads and trails.

1.4 Intent

Itasca County intends that all County lands, trails and roads are open to the public unless the County, through its officials, determines that the public welfare requires management of these lands, roads and trails. It is the intent of those officials to then post those lands, roads and trails in compliance with this Ordinance. Absent posting, County lands remain open to the public.

1.5 Interpretation

In the interpretation and application of this Ordinance, these provisions shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any provision of rights granted by Minnesota Statutes

1.6 Jurisdiction

The jurisdiction of this Ordinance shall include all county owned lands under the management of the Park and Recreation Director; County tax forfeited lands under the management of the Itasca County Land Department and County forest roads and County trails which may be under the management of each Department.

1.7 Severability

The provisions of this Ordinance shall be severable and the

ORDINANCE FOR THE MANAGEMENT AND CONTROL OF MOTOR VEHICLES

invalidity of any paragraph, subparagraph or subdivision thereof shall not make void any other paragraph, subparagraph, subdivision or any part.

1.8 Handicap

There shall be exceptions to the provisions of this Ordinance in the case of a handicapped person by permit.

2. ADMINISTRATION AND ENFORCEMENT

2.1 Land Commissioner

The office of the Itasca County Land Department and its employees:

- a) shall manage County tax forfeited lands;
- b) may construct and maintain County forest roads and County trails over County managed tax forfeited lands;
- c) shall work in cooperation with the Itasca County Sheriff's Department and County Attorney to enforce the provisions of this Ordinance.

2.2 Park and Recreation Director

The office of the Park and Recreation Director and its employees:

- a) shall manage all County owned lands;
- b) may construct and maintain County trails over County owned lands;
- c) shall work in cooperation with the Itasca County Sheriff's Department and County Attorney to enforce the provisions of this Ordinance.

2.3 Penalty

Any person, firm or corporation who shall violate any of the provisions of this Ordinance, or who shall fail to comply with any of the provisions, thereof, shall be guilty of a misdemeanor pursuant to Minn. Stat. 609.02, Subd. 3.

ORDINANCE FOR THE MANAGEMENT AND CONTROL OF MOTOR VEHICLES

2.4 Continuing Violation

Each day that a violation continues shall constitute a separate offense.

2.5 Posting

The Land Commissioner or Park Director or County Board may post County managed tax forfeited lands. County owned lands, County forest roads and County trails as designated in Section 3 when conditions are as follows:

- a) when conditions are conducive to forest fire hazards and the presence of persons in these areas tends to aggravated forest fire hazards;
- b) when conditions render such roads and trails impassible by driving thereon during wet seasons and spring breakup;
- c) when use of County forest roads for timber management and harvesting makes other recreational uses hazardous;
- d) when the present use of County lands, roads and trails makes the uncontrolled use of these by recreational vehicles impassible and contrary to the general welfare.

The Land Commissioner or Park Director or County Board upon authorizing posting shall place, either on the barrier or near the barrier, a sign explaining the basis such as, but not limited to, seedlings, vegetation damage, plantation, etc., for the posting, and what type or types of recreational motor vehicles are being prohibited.

2.6 Appeal

The final decision on posting rests with the County Board. Any person aggrieved with the posting of County managed tax forfeited lands, County owned lands, County forest roads and County trails may appeal pursuant to the following procedure:

- A. Step 1

ORDINANCE FOR THE MANAGEMENT AND CONTROL OF MOTOR VEHICLES

- (1) any person aggrieved may appeal postings on County managed tax forfeited lands to the County Land Commissioner orally, followed by a written request;
- (2) any person aggrieved may appeal postings on County owned lands to the Park and Recreation Director orally, followed by a written request.

Within one week, the Department Head shall review the posting and notify, in writing, the aggrieved person. Upon review, the Department Head may, in writing, alter the posting, order its removal or affirm the action of posting.

If no response is received within the time limit set, the grievance shall be deemed denied and the aggrieved party may proceed to the next step.

B. Step 2

If settlement has not been resolved in Step 1, any aggrieved person may appeal to the Park and Recreation Commission. The Park and Recreation Commission must meet within thirty (30) days of receipt of the grievance to renew the grievance. The Park and Recreation Commission may, upon review, recommend to the County Board that it alter the posting, order its removal or affirm the actions of the officials in writing. The recommendation of the Park and Recreation Commission shall be sent to the Coordinator's office for placement on the next available agenda for a Board of Commissioners' Meeting.

If no response is received in the time limit above stated, the grievance shall be deemed denied and the aggrieved party may proceed to the next step.

C. Step 3

If settlement has not been resolved in Step 2, any aggrieved person may appeal to the County Board of Commissioners. The Commissioners, pursuant to their agenda process, may, upon review, alter the posting, order its removal or affirm the actions of the

ORDINANCE FOR THE MANAGEMENT AND CONTROL OF MOTOR VEHICLES

officials in the posting.

3. RULES AND REGULATIONS

The following rules shall govern the use of County owned lands, County managed tax forfeited lands, County forest roads and County trails by recreational vehicles.

3.1 County Owned Lands and County Managed Tax Forfeited Lands

- a) no person shall enter upon and operate a recreational motor vehicle on Itasca County owned lands which have been posted by appropriate Itasca County officials;
- b) a persons, upon written permission in the form of a permit authorized by the Land Commissioner or Park and Recreation Director, where appropriate, or his designee, may enter such posted lands, but only according to the terms of that permit as set forth;
- c) the posting of a notice shall state the type of vehicles not allowed. Such signs shall bear letters not less than 2 inches high and shall state one of the following:
 - "Recreational Vehicles Prohibited",
 - "Snowmobiles Prohibited",
 - "Trail Bikes Prohibited"
 - "All-Terrain Vehicles Prohibited" or any combination of the above, or words substantially similar, which may include international signs and symbols
- d) the notice or sign shall be posted at the corners and ordinary ingress and egress to the land;
- e) such posting shall so serve as to raise a conclusive presumption that a person operating a recreational motor vehicle has knowledge that he had entered upon such posted land;
- f) further, the Land Commissioner or Park and Recreation Director may place gates or alter barriers at corners and ordinary ingress and egress

ORDINANCE FOR THE MANAGEMENT AND CONTROL OF MOTOR VEHICLES

to the land. The gates or barriers shall be signed in accordance with number 3 above and shall, once posted, serve as a conclusive presumption that a person operating a recreational motor vehicle had knowledge that he had entered upon such lands without the permission of the owner;

- g) failure to post the notice shall not deprive Itasca County from bringing a civil action for damages to the County or its property as otherwise provided by law;
- h) it is unlawful for a person to mutilate, destroy, damage, or remove any sign or other barrier placed upon lands by the Itasca County Land Commissioner or Park and Recreation Director or their designee;
- i) no person shall enter or leave lands with a motorized vehicle by tearing down or destroying any gate or other barrier;
- j) it shall be unlawful for any person other than the Land Commissioner or his designee, or the Park and Recreation Director or his designee, to post any County owned or County managed tax forfeited lands with the signs above described;
- k) no person or persons shall erect any cables, chains or wire barrier across County owned lands and County managed tax forfeited lands.

3.2 County Forest Roads and County Trails

- a) no person shall enter upon and operate a recreational motor vehicle on County forest roads and County trails which have been posted or gated by appropriate Itasca County officials;
- b) a person, upon written permission in the form of a permit authorized by the Land Commissioner or Park and Recreation Direction as appropriate, may enter such posted or gated County forest road or County trail, but only according to the terms of that permit as set forth;
- c) the posting or a notice shall state the type of vehicles not allowed. Such signs shall bear letters

ORDINANCE FOR THE MANAGEMENT AND CONTROL OF MOTOR VEHICLES

not less than 2 inches high and shall state one of the following:

"Recreational Vehicles Prohibited",
"Snowmobiles Prohibited",
"Trail Bikes Prohibited",
"All-Terrain Vehicles Prohibited", or any combination of the above, or words substantially similar, which may include international signs and symbols

- d) the notice or sign shall be posted at the ordinary ingress and egress to the road or trail;
- e) such posting shall so serve as to raise a conclusive presumption that a person operating a recreational motor vehicle has knowledge that he had entered upon such posted road or trail;
- f) further, the Land Commissioner or Park and Recreation Director may place gates or other barriers at the ordinary ingress and egress to the road or trail. These gates or barriers shall be signed in accordance with number 3 above and shall, once posted, serve as a conclusive presumption that a person operating a recreational motor vehicle had knowledge that he had entered upon such roads or trails without the permission of the owner;
- g) failure to post the notice shall not deprive Itasca County from bringing a civil action for damages to the County or its property as otherwise provided by law;
- h) it is unlawful for a person to mutilate, destroy, damage or remove any sign or gate or other barrier placed upon County forest roads or County trails by the Itasca County Land Commissioner or Park and Recreation Director or their designee;
- i) no person shall enter or leave a County forest road or trail with a motorized vehicle by tearing down or destroying any gate or other barrier;
- j) it shall be unlawful for any person other than the Land Commissioner or his designee, or the Park and Recreation Director or his designee, to post any County forest road or County trail with the signs above described;
- k) no person or persons shall erect any cables, chain or wire barrier across any County forest roads and County trails.

ORDINANCE FOR THE MANAGEMENT AND CONTROL OF MOTOR VEHICLES

4. AMENDMENT

4.1 General Provision

This Ordinance may be amended whenever the public necessity and the general welfare requires such amendment by following the procedures specified in this Section.

4.2 Parties

Requests for amendment of this Ordinance shall be by the public, Land Commissioner, Park and Recreation Director, Sheriff or by action of the County Board of Commissioners.

4.3 Amendments' Effective Date

All amendments to this Ordinance shall become effective only after a public hearing by the Board of County Commissioners. Notice of said hearing shall be in compliance with Minnesota Statutes 375.51, Subd. 2.

5. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after the [1st] day of [July], 1985.

CERTIFIED:

_____[Robert Loscheider]_____
Robert Loscheider
Itasca County Auditor