

## **Hubbard County Ordinance #36**

### **An Ordinance regulating the use of off highway vehicles on County Administered Tax-Forfeited Lands.**

#### **Purpose**

An ordinance is to regulate the use of off highway vehicles on county administered lands in order to protect the long term sustainability of these lands and provide management strategies that are consistent with those strategies adopted by the Minnesota Department of Natural Resources to minimize confusion on the part of the users of public lands.

#### **Definitions**

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give the Ordinance its most reasonable application. For the purpose of this Ordinance, the words "must" and "shall" are mandatory; the word "may" and "should" is permissive. Words used in the present tense shall include the future, and words used in the singular number shall include the plural number as well.

ATV - "All-terrain vehicle" means a motorized flotation-tired vehicle of not less than three low pressure but not more than six tires, that is limited in engine displacement to less than 800 cubic centimeters.

County Administered Tax Forfeited Lands: State owned lands held in trust for the taxing districts which are administered by the County

Designated trails. – Trails that are indicated on maps, and/or signed for specific uses.

DNR: Minnesota Department of Natural Resources

Forest Road: are not public roads like federal, state, county or local highways. Forest roads are typically open to use by both highway –licensed and off highway vehicles but are subject to closure to some or all types of vehicles at various times for safety or resource management reasons. Forest roads are classified as system or minimum maintenance depending on the frequency of use and intended maintenance standards

Highway Licensed vehicles: Any motor vehicle current and duly licensed for public highway/road travel.

Limited Forest – means motorized vehicles may operate only on forest roads and trails that are posted or designated as open.

Minimum Maintenance road – forest roads that are used for forest management access on an intermittent basis. These roads normally are not through roads and may be gated and opened only during certain times of the year. These roads are typically not maintained to the level where low clearance highway vehicle can routinely travel on them and will be signed for specific uses.

Motor Vehicle – Any self-propelled vehicle including, but not limited to , automobiles, trucks, dune buggies, minibikes, motorcycles, trail bikes, and all terrain vehicles (ATVs), but not including snowmobiles.

Non-designated trails – trails that are not designated and signed for a specific use and are therefore generally closed to motorized use in a limited forest.

Non Motorized trail: Trails that are designated and/or signed for recreational use including but not limited to walking, hiking, ski, horse and bicycling.

OHM - “Off-highway motorcycle” means a motorized, off-highway vehicle traveling on two wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control, including a vehicle that is registered under chapter 168 for highway use if it is also used for off-highway operation on trails or unimproved terrain.

OHV – Off Highway vehicle - a generic term used to refer to all terrain vehicles (ATV), off-Highway motorcycles (OHM), and off road vehicles (ORV).

ORV - “Off-road vehicle” means a motor-driven recreational vehicle capable of cross-county travel on natural terrain without benefit of a road or trail. Off-road vehicle does not include a snowmobile; an all-terrain vehicle; a motorcycle; a watercraft; a farm vehicle being used for farming; a vehicle used for military, fire, emergency, or law enforcement purposes; a construction or logging vehicle used in the performance of its common function; a motor vehicle owned by or operated under contract with a utility, whether publicly or privately owned, when used for work on utilities; a commercial vehicle being used for its intended purpose; snow-grooming equipment when used for its intended purpose; or an aircraft.

System Forest Road – are more frequently used and will typically be designed and maintained to a higher standard graveled with class five material that allows use by most highway – licensed vehicles

#### General Provisions and Responsibility :

The County Administered Tax-Forfeited Lands have been classified as limited which means a person may operate a motor vehicle only on forest roads and trails designated and or posted open. This ordinance does not apply to motor vehicles used to carry out silvicultural activities, including timber cruising, harvest and transport of forest products for commercial purposes.

Section I It is unlawful to construct unauthorized permanent trails on County Administered Tax-Forfeited Lands.

#### Section II OHV operation requirements on Forest Land

- (a) It is unlawful to use off highway vehicles for cross country travel off designated roads and trails except during big game and trapping seasons as provided in Mn Statute 84.926 subd. 2 & 4. The designated roads and trails are those included in the Forest Road and Trail Designation Plan for DNR and County Administered forest land in Hubbard County adopted on March 17, 2006, with modifications as warranted. The roads & trails are signed for specific uses.
- (b) No person shall operate a motor vehicle on forest lands on or over the beds of lakes, rivers, or streams when ice is not covering the water body, except on a bridge culvert, or similar structure or designated low water crossing.
- (c) No person shall operate a motor vehicle or snowmobile on forest lands on a designated nonmotorized trail, including ski, foot, horse, or bike trail, unless the trail is also posted open for a motorized use.

- (d) No person shall operate nor shall an owner permit the operation of a motor vehicle or snowmobile on forest lands in such a manner that causes damage, erosion or rutting or injures, damages roads and land, or destroys trees, growing crops or other natural resources.
- (e) No person shall operate motor vehicles or snowmobiles on forest lands within the boundaries of an area that is posted and designated as closed to the operation of motor vehicles or snowmobiles.
- (f) No person, passenger, or operator of a motor vehicle shall travel on or along a forest road that is designated as closed with signs, barricaded, or blocked with a gate.
- (g) A motor vehicle on a forest road shall travel at a speed that is reasonable and prudent. All posted parking and traffic signs and regulations, including but not limited to speed, stop, traffic flow –one way and do not enter shall be obeyed at all times on all forest roads and trails.

**Responsibility:** The Hubbard County Sheriff or his duly Authorized Representative shall have the right and duty to administer this ordinance. The Sheriff shall have the necessary authority to implement and carry out the provisions of this ordinance.

**Variance:** Variances to this ordinance may be requested and considered by the County Board of Commissioners for special circumstances.

**Enforcement:** In the event of violation of this Ordinance the County Board of Commissioners or their designees, in addition to other remedies, may take appropriate actions or proceedings to prevent, restrain, correct or abate such violations and it shall be the duty of the Hubbard County Attorney to institute such action. Whoever is guilty of violating this ordinance or any provisions of this ordinance is guilty of committing a misdemeanor.

**Effective Date:** This Ordinance shall be in full force and effect from and after its approval, passage, and publication as provided by law.

THIS ORDINANCE ORDAINED AND ENACTED by the Board of County Commissioners of the County of Hubbard, State of Minnesota, on this 21<sup>st</sup> day of March, 2007

BOARD OF COUNTY COMMISSIONERS

BY: /s/ Cal Johannsen

ATTEST /s/ Jack Paul,  
County Coordinator

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