

The matter of the proposed recreational moter vehicle ordinance was brought up for final action. After listening to various interested parties, motion was made by George Walter, seconded by Andy Leitch and unanimously carried, to adopt the following ordinance:

The County Board of Otter Tail County ordains:

I. General Provisions.

A. Title. This ordinance from date of passage shall be entitled:

RECREATIONAL MOTOR VEHICLE CONTROL ORDINANCE
OTTER TAIL COUNTY MINNESOTA

B. Purpose. The purpose of this ordinance is to regulate the operation of recreational motor vehicles in Otter Tail County lying outside of any city or borough and limits of towns having the powers of cities pursuant to law.

C. Legal Authority. This ordinance is enacted pursuant to authority delegated pursuant to MINN. STATS. §§ 375.51, 84.90 and 84.87.

II. Definitions. For purposes of this ordinance, the terms and words shall be defined as follows:

A. Words used in the present tense shall include the future, words used in the singular include the plural, words used in the plural include the singular and words used in the masculine gender include the feminine gender.

B. "Person" includes an individual, partnership, corporation, the state and its agencies and subdivisions and any body of persons whether incorporated or not.

C. "Operate" means to drive, operate or be in actual physical control of a recreational motor vehicle.

D. "Operator" means every person who drives, operates or is in actual physical control of a recreational motor vehicle.

E. "Owner" means a person, other than a lien holder, having the property in or title to a recreational motor vehicle entitled to the use or possession thereof.

F. "Recreational Motor Vehicle" means any self-propelled vehicle used for recreational purposes, including but not limited to, snowmobiles, trail bike or other all-terrain vehicles, hovercraft, or motor vehicle licensed for highway operation which is being used for off-road recreational purposes.

III. Unlawful Acts.

A. (1) No person shall enter on any land not his own for the purpose of operating a recreational motor vehicle after being notified, either orally or by written notice, by the owner, occupant or lessee, not to do so, provided that where printed notices are used, such notice shall state one of the following:

"Recreational Vehicles Prohibited", "Snowmobiles Prohibited", "Trail Bikes Prohibited", "All-Terrain Vehicles Prohibited" or any sign which has been adopted prohibiting recreational motor vehicles by the Minnesota Commissioner of Natural Resources pursuant to rule or regulation, in letters not less than two (2) inches high and signed by the landowner, occupant or lessee, and posted at intervals of not more than 30 rods, at corners and ordinary ingress and egress of the land so protected.

(2) Failure to post notice as provided shall not deprive a person of the right to bring a civil action for damage as otherwise provided by law.

B. It is unlawful for a person to post, mutilate or remove any notice or sign provided in this ordinance upon any lands or waters over which he has no right, title, interest or license.

C. It is unlawful for a person, other than a duly constituted legal authority, to post any public lands, including but not limited to tax forfeited lands, as above described.

D. No person shall enter or leave lands of another with a recreational motor vehicle, or pass from one portion of such lands to another portion, through a closed gate, without returning the gate to its original position.

- E. No person shall enter or leave the lands of another with a recreational motor vehicle by cutting any wire or tearing down or destroying any fence.
- F. It is unlawful for any person registered as the owner of a recreational vehicle to permit or allow his recreational motor vehicle to be operated contrary to this ordinance provided the foregoing shall not apply if (1) the recreational motor vehicle was reported as stolen to a law enforcement agency, or if (2) the owner demonstrates that the recreational motor vehicle was stolen or not in use at the time of the unlawful act, or if (3) the owner furnishes to law enforcement officers, upon request, the identity of the operator at the time of the unlawful act.
- G. Violations of this ordinance shall be punishable as a misdemeanor. . .

IV. Exceptions.

The provisions of this ordinance shall not apply to any person who is a member of a law enforcement agency engaged in the performance of that person's official duties.

V. Severability.

If any section, subsection, sentence, clause or phrase is for any reason held to be invalid, this shall not affect the validity of the remaining portions of this ordinance.

VI. Effective Date.

This ordinance shall become effective when published in the official newspaper of Otter Tail County as a part of the proceedings of the meeting at which the ordinance was enacted.

Adopted at Fergus Falls, Minnesota this 8th day of April, 1975.

ATTEST

Bob Hanson

Clerk

Chairman

John Stowberg