

1 179-072019

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3 **AMENDED**

4 **ORDINANCE: Create Section 7.16 of the General Code of Winnebago County: All-Terrain**
5 **Vehicle/Utility Terrain Vehicle Routes and Regulations**
6

7 **TO THE WINNEBAGO COUNTY BOARD OF SUPERVISORS:**

8 **WHEREAS**, the Winnebago County Highway Committee has determined that the public interest is best
9 served by allowing All-Terrain Vehicles/Utility Terrain Vehicles, hereinafter referred to as "ATV/UTV," to utilize certain
10 roadways of the County Highway system in an orderly controlled fashion; and

11 **WHEREAS**, the Winnebago County Board supports recreational opportunities in Winnebago County; and

12 **WHEREAS**, §23.33, Wis Stats, authorizes Winnebago County to adopt an ordinance allowing ATV/UTV use
13 on the county highway system.

14
15 **NOW, THEREFORE, THE WINNEBAGO COUNTY BOARD OF SUPERVISORES DOES ORDAIN AS**
16 **FOLLOWS:** Section 7.16 of the General Code of Winnebago County is hereby adopted and shall read as follows:

17 **7.16 ALL-TERRAIN VEHICLE/UTILITY TERRAIN VEHICLE ROUTES AND REGULATIONS**

18 (1) The Winnebago County Board of Supervisors adopts the following All-Terrain Vehicle/Utility Terrain Vehicle
19 ("ATV/UTV") Routes and Regulations Ordinance for the operation of ATVs/UTVs upon certain Winnebago County
20 roadways, subject to the conditions listed in Section 4, below.

21 (2) **PURPOSE & INTENT:** Following due consideration of the recreational value to connect trail opportunities and
22 weighted against possible dangers, public health, liability aspects, terrain involved and traffic density, these routes have
23 been created.

24 (3) **AUTHORITY:** The provisions of this Ordinance are adopted by the Winnebago County Board of Supervisors
25 pursuant to the authority granted in §23.33(8)(b), Wis Stats. Operators shall follow all of the applicable provisions of
26 §23.33, Wis Stats, regulating ATV/UTV operations.

27 (4) **CONDITIONS:** As a condition for the use of certain roadways, the following conditions shall apply to all
28 operators (and passengers where applicable):

29 (a) ATV/UTV operators shall observe all posted speed limits and shall not exceed 35 miles per hour.
30 Violators shall be subject to enforcement.

31 (b) Routes must be signed in accordance with NR 64.12 and NR 64.12(7)c, Wisconsin Administrative
32 Code.

33 (c) Limit routes to county roadways with an Average Daily Traffic (ADT) count of 1,000 or less and a low
34 accident history.

35 (d) Potential county highway routes must connect existing routes / trails only.

36 (e) Municipalities with an ATV/UTV ordinance sponsor county routes.

37 (f) Municipalities request routes by sending a letter describing the roadway(s) and the limits to the
38 Highway Commissioner for conformance with the county ordinance. Highway Committee will approve
39 / deny requests.

40 (g) Sponsoring municipalities pay for sign installation and maintenance.

41 (h) Municipalities shall maintain a map of routes within their jurisdiction and provide copies to the
42 Highway Commissioner and Sheriff.

- 43 (i) Highway Department shall install signs to ensure proper placement according to MUTCD (Manual for
44 Uniform Traffic Control Devices) and DNR (Department of Natural Resources) standards.
45 (j) ATV/UTV operators must possess a valid motor vehicle driver's license.
46 (k) Routes shall remain open during daylight hours only.
47 (l) Routes may be closed or suspended by the Highway Commissioner after review with the Highway
48 Committee for reasons such as repeated complaints from residents, damage caused by ATV/UTVs,
49 an increase in ADT, or roadway accidents.
50 (m) Routes may be temporarily closed by either the Highway Commissioner or Sheriff for reasons such as
51 roadway construction, emergencies, parades, or events.
52 (n) ATV/UTV operators shall possess State of Wisconsin motor vehicle insurance coverage per Sec.
53 344.33, Wis Stats.

54 (5) **ENFORCEMENT:** This Ordinance shall be enforced by any law enforcement officer authorized to enforce
55 the laws of the State of Wisconsin.

56 (6) **PENALTIES:** All-Terrain Vehicle / Utility Terrain Vehicle penalties for the State of Wisconsin, as found in
57 §23.33(13)(a), Wis Stats, are adopted and incorporated herein by reference. Additionally, any person who violates
58 any provision of Section 7.16(4) Conditions, above, shall be subject to a forfeiture of \$50.00 plus any statutory
59 surcharges imposed by the State Legislature.

60 (7) **SEVERABILITY:** The provision of this Ordinance shall be deemed severable and it is expressly declared
61 that Winnebago County would have passed the other provisions of this Ordinance regardless of whether or not one
62 or more provisions may be declared invalid. If any provision of this Ordinance or the application to any individual or
63 circumstance is held invalid, the remainder of the Ordinance and the application of such provisions to other
64 individual circumstances shall not be deemed affected.

65 (8) **EFFECTIVE DATE:** This Ordinance becomes effective as of the date following the date of its publication.

66 **NOW, THEREFORE, THE WINNEBAGO COUNTY BOARD OF SUPERVISORES DOES ORDAIN AS**
67 **FOLLOWS:** This Ordinance shall be reviewed by the Highway Committee one year from the date of its adoption.

69
70 Respectfully submitted by:
71 **HIGHWAY COMMITTEE**

72 Committee Vote: 3-0

73 Vote Required for Passage: Majority of Those Present

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75 Approved by the Winnebago County Executive this 20th day of September, 2019.

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77 
78 Mark L Harris
79 Winnebago County Executive