CHAPTER 15

ALL-TERRAIN VEHICLE (ATV) AND UTILITY-TERRAIN VEHICLE (UTV) TRAIL CROSSINGS AND ROUTES ON HIGHWAYS IN SAUK COUNTY

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15.001 Authority and purpose. The Sauk County Board has considered the recreational and economic value of all-terrain vehicle (ATV) and utility-terrain vehicle (UTV) trail opportunities while also considering protecting the safety of all motorists and users of the roadway by maintaining the road edge, surface and integrity of the right-of-way, public safety, liability aspects, terrain involved, traffic density, and history of automobile traffic. The establishment of this ordinance is for the recreational and economic value to the ATV/UTV public and Sauk County makes no warranty expressed or implied that the routes, crossings, or trails are safe for the operation of these motorized vehicles. After due consideration, this ordinance is created pursuant to county board authority under Wis. Stat. §§ 59.02, 23.33(8)(b) and 23.33(11).

15.002 State laws and definitions adopted. (1) Except as otherwise provided in this chapter, the statutory provisions in Wis. Stat. chs. 23, 340 to 348, and 350 establishing definitions and regulations with respect to ATVs and UTVs, and Wis. Adm. Code. ch. NR 64, All-Terrain Vehicles, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Unless otherwise provided in this chapter, any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the statutes or administrative codes incorporated herein are made a part of this chapter in order to secure uniform statewide regulation of ATVs and UTVs, except to the extent that the provisions of this chapter are more restrictive.

(2) As used in this chapter, the following term shall have the following meaning:

"Sponsor" means an individual, organization, ATV or UTV club, or municipality that submits an application to the Sauk County Highway and Parks Department for the designation of a county trunk highway or state bridge crossing as an ATV/UTV route and agrees to pay for the costs to make, install, and maintain ATV/UTV route signs.

15.003 Delegation to highway and parks committee. The Sauk County Highway and Parks Committee (Committee) is authorized to recommend segments of Sauk County trunk highways and state bridge crossings as ATV/UTV routes, in accordance with the provisions of Wis. Stat. § 23.33, Wis. Admin. Code Ch. NR § 64, and this chapter. Final approval shall require adoption of an ordinance by the Sauk County Board of Supervisors.

15.004 Designation, modification, suspension and termination of ATV/UTV routes. (1) The Sauk County Highway Department and Sheriff's Department shall monitor existing and review proposed ATV/UTV routes for compliance with this ordinance and to prevent unauthorized or

adverse use of county trunk highways or unreasonable interference with other private or public property uses.

(2) Any individual, municipality, ATV or UTV club or organization may apply for an ATV/UTV route designation along, or a trail crossing over, a county trunk highway if they agree to sponsor the ATV/UTV route as required under Sauk Co. Code ss. 15.007 and 15.008.

(3) The highway commissioner shall apply the criteria listed in Sauk Co. Code s. 15.006 when evaluating a proposed ATV/UTV route designation for the Committee.

(4) The Sauk County Board of Supervisors may rescind or modify the designation of an ATV/UTV route by ordinance.

(5) The Committee may temporarily modify or suspend any ATV/UTV route designation upon recommendation of the highway commissioner or Sauk County Sheriff and shall immediately report such modification or suspension to the Sauk County Board of Supervisors for final approval or disapproval.

(6) The highway commissioner may, without prior approval of the Committee, modify or suspend any ATV/UTV route designation for up to 120 days whenever conditions require closure, upon failure of sponsor to pay for repairs and maintenance as provided in Sauk Co. Code ss. 15.007 and 15.008 or upon recommendation of the Sauk County Sheriff.

(7) The Sauk County Sheriff may temporarily close any ATV/UTV route whenever conditions require closure and shall immediately notify the highway commissioner of such closure.

(8) Upon county board adoption of a designated ATV/UTV route ordinance:

(a) The county clerk shall immediately send a copy of the ordinance to the Sauk County Highway Department, Wisconsin Department of Natural Resources, the state traffic patrol, the Sauk County Sheriff, and to the law enforcement agency and clerk of each municipality having jurisdiction over any of the county trunk highways to which the ordinance designating ATV/UTV route applies.

(b) A copy of designated ATV/UTV routes, along with a map showing their location, shall be kept on file at the highway department, provided to the sheriff's department, and posted on the Sauk County website.

(9) Designation of segments of the Sauk County Highway System as ATV/UTV routes shall not imply and does not impose upon the Sauk County Highway Department a greater duty of care or responsibility for maintenance of those segments than for any other segment of county highway, nor does it guarantee the safety of the routes. Operators of ATVs/UTVs on county highways designated as an ATV/UTV route assume all the usual and normal risks of ATV/UTV operation.

(10) In addition to establishing ATV/UTV routes to connect ATV/UTV routes and trails as defined in Wis. Stat. § 23.33(1)(d), the Committee may establish routes for the purpose of connecting off-road trails established by private entities for the exclusive use of their members, their invitees, or other persons paying a fee for use of the trail. However, the use of the route along the roadway may not be limited to those persons approved by or paying a fee to the private entity.

15.005 Application process for ATV/UTV routes. (1) Anyone requesting an ATV/UTV route designation shall complete an application on a form prescribed by the highway commissioner in compliance with this ordinance, the Wisconsin Statute and Administrative Code, and file the complete application with the highway department.

(2) A complete application must include the following:

(a) A map showing the proposed ATV/UTV route including all segments on a county trunk highway.

(b) A map showing any ATV/UTV routes and trails which intersect with the proposed ATV/UTV route.

(c) A sworn statement that the sponsor has legally enforceable permission from all affected landowners to use their property for the proposed ATV/UTV trail.

(d) A statement of reasons explaining why the county trunk highway segment or segments should be designated as an ATV/UTV route.

(e) If the sponsor is an organization, the names and addresses of its officers, the date when the organization was established or incorporated,

the number of members, and a copy of the organization bylaws.

(f) A statement that the sponsor will execute a support and maintenance agreement with Sauk County for financial and maintenance support of the proposed route including payments for the procurement, installation, and maintenance of the required ATV/UTV route signs and approaches in right-of-way required by applicable state statutes and administrative codes and the provisions of this ordinance.

(g) A copy of a supporting resolution or ordinance of the municipality in which the ATV or UTV route is located.

(3) Upon receipt by the Highway Department of an application for an ATV/UTV route designation, the highway department shall notify any municipality in which the proposed ATV/UTV route designation is located of the application.

(4) The highway commissioner shall review a complete application for conformance with the criteria set forth in Sauk Co. Code s. 15.006, and with all applicable state, federal and local laws and regulations.

(5) The highway commissioner shall make a report and recommendation to the Committee on each complete application for a designation of a segment of county trunk highway segment or state bridge crossing as an ATV/UTV route.

(6) The Committee will consider the highway commissioner report and the criteria in Sauk Co. Code s. 15.006 in determining whether to approve or deny an application for ATV/UTV route designation.

15.006 Criteria. The following shall be considered in examining an ATV/UTV route designation application:

(1) Is the application sufficiently complete, detailed and documented.

(2) Does the proposed route conform with all applicable state, federal, and local laws and regulations.

(3) Does each affected municipality support the proposed ATV/UTV routes within their jurisdiction, and was each affected municipality notified of the application.

(4) Is there a need for the ATV/UTV route designation of the county trunk highway.

(5) Does the requested segment connect segments of ATV/UTV trail or route networks.

(6) Length of segment requested.

(7) The safety of all users, including ATV/UTV riders, pedestrians, bicyclists, motorcyclists, motor vehicle operators, and other transportation users.

(8) Posted speed limit of the roadway.

(9) Traffic volume on requested segment.

(10) Pavement condition (PASER Rating).

(11) Pavement width.

(12) Vertical or horizontal alignment safety concerns.

(13) Crossings free from obstructions.

(14) Report and recommendation of the Sauk County Highway Commissioner.

(15) Sauk County Sheriff review and recommendation.

(16) Hours of operation on connected local routes.

(17) Public input.

15.007 Signage of ATV/UTV routes. (1) The sponsor for an ATV/UTV route designation shall pay for the projected cost of procurement and installation of signs relating to the ATV/UTV route, as determined by the highway commissioner. The highway commissioner shall prepare an estimate of the cost of procurement and installation of the signage and furnish the estimate to the sponsor.

(2) Upon passage of an ordinance designating an ATV/UTV route on a county trunk highway, the sponsor shall provide the highway department payment of the full cost for procurement and installation of signs for the approved ATV/UTV route. Failure to make payment in full may result in the highway commissioner suspending the designated ATV/UTV route until payment in full is received by the Sauk County Highway Department.

(3) The Sauk County Highway Department is solely responsible for ATV/UTV route signage installation and no person may install any sign on a designated ATV/UTV route without written authorization of the highway commissioner.

(4) All required signs shall be in accordance with state statutes and administrative codes applicable to ATV/UTV routes on county trunk highways and bridge crossings.

(5) No person may erect, remove, obscure, or deface any authorized ATV/UTV route sign without written authorization of the highway commissioner.

(6) A sponsor is solely responsible for all ATV/UTV route sign maintenance and repair costs. Upon determining need for repair or maintenance, the highway commissioner shall provide to the sponsor of an approved ATV/UTV route a statement of the cost for repair and maintenance. Full payment for cost of repair and maintenance must be paid to the highway department within 30 days receipt of statement. Failure to make payment in full may result in temporary suspension of the designated ATV/UTV route until payment is made in full.

15.008 Construction and maintenance of ATV/UTV routes, approaches or crossings. Required construction and maintenance of crossings and routes shall be performed as follows:

(1) A sponsor shall furnish all materials, do all work, and pay all costs in connection with the construction or maintenance of the approach or crossing and its appurtenances within the right-of-way to the standards required by the county. The county shall not give, sell, or otherwise provide any equipment, labor, or materials for the project.

(2) A sponsor shall construct any roadway approach or crossing utilizing a pre-approved plan and traffic control procedure explained by an authorized highway department employee. The highway department shall inspect the site of each route and each crossing before and during construction to ensure compliance with requirements.

(3) Maintenance of approaches or crossings is the responsibility of the organization or person signing the application. The highway department may monitor approaches and crossings on a periodic basis. The results of these reviews may indicate a need for maintenance. In such case, the highway department will notify the person signing the application of those needs and the person or organization will have 10 days to complete the necessary maintenance or repairs. Failure to timely complete the necessary maintenance or repairs may result in the suspension or closure of the approved ATV/UTV route.

(4) No revisions or additions shall be made to the route or crossing or its appurtenances on the right-of-way without the written permission of the Committee.

(5) All construction and maintenance shall be done subject to the rules and regulations prescribed by the highway department and be performed and completed to the highway department's satisfaction.

(6) All trails, approaches, and crossings must meet and comply with all local regulations and ordinances.

15.009 Operation on ATV/UTV routes and crossings. (1) No person shall operate an ATV or UTV on a county trunk highway unless the county trunk highway has been designated as an ATV/UTV route by the Committee and the Sauk County Board of Supervisors, except for operation that is allowed under state statute or administrative code.

(2) No person shall operate an ATV or UTV on a county trunk highway designated as an ATV/UTV route if the county trunk highway is closed for any reason.

(3) The following restrictions apply to operation of ATVs and UTVs on all county trunk highways designated as ATV/UTV routes:

(a) Operators shall abide by all traffic laws, including the rules of operation and equipment requirements contained in Wis. Stat. § 23.33 and Wis. Adm. Code. ch. NR 64, unless further restricted by this chapter.

(b) ATVs and UTVs may only be operated on an approved ATV/UTV route between ½ hour before sunrise and ½ hour after sunset.

(c) ATVs and UTVs shall be operated on a route at a safe speed not to exceed 35 miles per hour unless a reduced speed is otherwise required by law or roadway conditions.

(d) All ATV and UTV operators shall slow to a safe and prudent speed when there are animals on or near the roadway.

(e) All ATVs and UTVs must operate with fully functional headlights, taillights, and brake lights.

(f) All ATV or UTV operators shall ride in single file on the extreme right-hand side of the paved portion of the highway. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way is prohibited. Left turns may be made from any part of the highway when it is safe given prevailing conditions.

(g) Crossing should be made only at a place where no obstruction prevents a quick and safe crossing. "Obstruction" includes, but is not limited to, impairment of view and potentially hazardous roadway conditions.

(h) No person under the age of 16 may operate an ATV or UTV on any segment of a county trunk highway that is a designated ATV/UTV route.

(i) Every person who operates an ATV or UTV on any segment of a county trunk highway which is designated as an ATV/UTV route shall have in his or her immediate possession a valid motor vehicle operator's license, and shall display the license document upon demand from any law enforcement officer, state patrol officer, inspector under Wis. Stat. § 110.07(1), conservation warden, or municipal peace officer.

(j) No person may ride in or on any part of an ATV or UTV that is not designated or intended to be used by passengers.

(k) No operator or passenger of an ATV or UTV may possess, in or on an ATV or UTV on any county trunk highway, any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken or the contents of the bottle or receptacle have been partially removed or released.

(l) All ATV and UTV equipment is required to have applicable liability insurance and have proof of insurance.

15.010 Enforcement. (1) This chapter shall be enforced by any law enforcement official as set forth in Wis. Stat. § 23.33(12).

(2) Adoption of this chapter shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter under this chapter.

15.011 Penalties and remedies. (1) Any person who violates any section of this ordinance or statutes adopted by reference, other than a violation under s. 15.011(3) of this ordinance, shall pay a forfeiture of not less than $50.00 nor more than $500.00 for each offense, as established in Sauk Co. Code ch. 20. Said forfeiture is exclusive of mandatory assessments and costs.

(2) If it cannot be readily determined which individual is directly responsible for damage to or destruction of a route designation requirement, the person having signed the permit application shall be deemed responsible and cited for violations. A statement to that effect shall appear on the application above the signature line. A failure to pay such forfeiture may form a basis for revocation of a permit.

(3) The penalty for operating an ATV/UTV off the roadway of a designated ATV/UTV route to include the grassy in-slope, ditches, or other highway right-of-way; other than for direct access from a trail to a roadway on a designated trail, or operating outside of permitted times for route use, or operating in excess of permitted speed; shall result in a forfeiture of not less than $100.00 nor more than $250.00, as established in Sauk Co. Code ch. 20. Said forfeiture is exclusive of mandatory assessments and costs.

(4) In addition to any forfeiture, a court may order restitution to repair any damage caused by violation of this chapter.

15.012 Severability. Should any portion of this chapter be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the chapter as a whole or any part thereof, other than the part declared invalid.

Chapter 15 was created and adopted by the Sauk County Board of Supervisors on April 16, 2013 - Ordinance No. 06-13. Amended by the Sauk County Board of Supervisors on December 16, 2014 - Ordinance No. 13-14. Amended by the Sauk County Board of Supervisors on August 18, 2015 - Ordinance No. 11-15. Amended by the Sauk County Board of Supervisors on May 17, 2016 – Ordinance No. 3-16. Clarifying that all ATV & UTV routes shall be approved by the Sauk County Board of Supervisors – adopted by the Sauk County Board of Supervisors on April 18, 2017 – Ordinance No. 5-17. Amended by the Sauk County Board of Supervisors on April 18, 2017 – Ordinance No. 6-17. Maps amended by the Sauk County Board of Supervisors on September 19, 2017 – Ordinance No. 11-17. Repealed and recreated by the Sauk County Board of Supervisors on October 16, 2018 – Ordinance No. 17-18. Maps amended by the Sauk County

Board of Supervisors on April 16, 2019 – Ordinance No. 5- 19.