

## CHAPTER 15

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

15.01	Authorization and purpose.	15.05	Regulations on operation and maintenance of crossings and routes.
15.02	State laws adopted.	15.06	Penalties, remedies, and review of permit denial.
15.03	Designating ATV/UTV routes.		
15.04	Permit process.		

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**15.01 Authorization and purpose.** The county board has considered the recreational and economic value of all-terrain vehicle (ATV) and utility-terrain vehicle (UTV) trail opportunities weighed against protecting the safety of motorists 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. After due consideration, this ordinance is created pursuant to county board authority under Wis. Stat. §§ 59.02, 23.33(8) and 23.33(11)(a) and (am).

**15.02 State laws adopted.** 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 incorporated herein are made a part of this chapter in order to secure uniform statewide regulation of ATVs and UTVs.

**15.03 Designating ATV/UTV routes. (1)** The county board has delegated its authority to designate ATV/UTV routes on county trunk

highways and state trunk highway bridges to the highway and parks committee. Any modification to a designated ATV/UTV route must be approved by the highway and parks committee. 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. The highway commissioner shall have the authority to close or terminate any ATV/UTV route on the county trunk highway system or state trunk highway bridge and shall advise the highway and parks committee at its next regular meeting of any closure or termination. The highway and parks committee may reverse the decision of the highway commissioner, but the decision of the highway and parks committee on closure or termination shall be final.

**(2)** ATVs and UTVs operated on designated routes on county trunk highways shall operate on the roadway and not on the shoulder, ditch, or other parts of the highway right-of-way. ATVs and UTVs operated on designated ATV/UTV routes on a state trunk highway bridge shall:

(a) Cross the bridge in the most direct manner practicable and at a place where no obstruction prevents a quick and safe crossing.

(b) Stay as far to the right of the roadway or shoulder as practicable.

(c) Stop the vehicle prior to the crossing.

(d) Yield the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway or shoulder.

(e) Exit the highway as quickly and safely as practicable after crossing the bridge.

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

(3) ATV/UTV routes and proposed routes on or across a highway shall be investigated and monitored to insure that they have been authorized and that they do not adversely affect the use of the highway or unreasonably interfere with the peaceful enjoyment of private or public property.

(4) In addition to establishing ATV/UTV routes to connect ATV/UTV trails as defined in Wis. Stat. § 23.33(1)(d), the highway and parks 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.

**15.04 Permit process.** (1) Any municipality or organization that desires a route along, or a crossing over, a county trunk highway or on a state trunk highway bridge may request a route or crossing permit. Anyone requesting a permit shall complete an application in compliance with this ordinance and the Wisconsin Statutes and file the application with the highway department. The highway department and highway and parks committee will review the application using the process in this ordinance. No person shall commence or continue using a county trunk highway or state trunk highway bridge, or request or allow others to commence or continue use a county trunk highway or state trunk highway bridge, unless a permit has been issued and remains in effect pursuant to this chapter.

(2) The following procedure shall be followed in considering a permit for an ATV/UTV route or crossing:

(a) A municipality or organization applying for a permit shall submit an application to the highway department, on the designated form provided by the highway department, and providing all information required by the highway department. The application must be signed by the applicant or the applicant's authorized representative. The permit application will be reviewed by the highway department for conformance with its policies,

this ordinance, and with all applicable state, federal, and local laws, regulations, and policies. The application must include the following at minimum:

1. A map showing the portion of the highway where the route is being requested.

2. A map showing the trails which lead up to the proposed roadway route.

3. A statement that the applicant has a lease or some other permission from landowners to use the trails shown on the map.

4. A statement as to why the highway route is needed and efforts made to establish off-road alternatives, including the names of landowners contacted for that purpose.

5. If the application is for the use of a road to connect private trails, then include the name of the organization applying, the names and addresses of its officers, the date when the organization was established or incorporated, and the number of members.

(b) Before a highway segment can be considered for designation as an ATV/UTV route, the applicant shall demonstrate to the highway department and highway and parks committee that no other practical option for a trail exists. The most important consideration in determining whether to approve or deny an application is the safety of all users including ATV/UTV riders, pedestrians, bicyclists, motorcyclists, automobile operators, truck operators, and other transportation users. The highway and parks committee shall establish a fee for each permit application which shall apply to all applications, and the applicant shall pay to the highway department the required application fee according to the fee schedule established by the highway and parks committee. The following conditions apply to any permit issued:

1. A permit is valid for construction of a route or crossing within one year of issuance. After one year has expired, the permit will no longer be valid and a new permit must be applied for and issued before construction may be commenced or continued.

2. Permits are good only for one year from the date in which they are issued. In order to seek a subsequent permit, a renewal application must be submitted and must include any revised list of organization officers or other changes.

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

3. If the application is approved, the applicant shall provide a bond or other form of monetary security required pursuant to county policy, prior to the issuance of the permit. The bond, or the like, shall be in the amount of \$100.00 for each sign required for the route and in the amount of \$250.00 for each roadway approach. The bond, or the like, shall be used and available to pay for any replacement signage along with any labor, staff-time and installation costs and shall be used and available for any and all repair and maintenance of roadway approaches along with any labor and staff time when the applicant fails to properly maintain or repair roadway approaches pursuant to this ordinance.

4. The applicant shall construct any roadway approach or crossing utilizing a pre-approved plan and traffic control procedure explained by an authorized highway department employee. Each permit will be valid for one route or crossing location only. The highway department shall inspect the site of each route and each crossing before and during construction to ensure compliance with requirements.

5. If the application is denied, the highway department shall notify the applicant in writing and explain the reason for denial.

6. If the highway and parks committee recommends approval of a route or crossing, an ordinance approving the decision shall be prepared for consideration by the county board. No route or crossing is approved until action of the county board except that permits for existing routes or crossings may be renewed by the highway and parks committee without further action by the county board.

**15.05 Regulations on operation and maintenance of crossings and routes.** (1) The following restrictions shall apply to operation of ATVs and UTVs on designated routes:

(a) ATVs and UTVs shall not be operated on an approved route other than between 7:00 a.m. and 9:00 p.m.

(b) 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.

(c) The highway and parks committee may impose other restrictions on operation of ATVs and UTVs on designated routes.

(2) Required maintenance of crossings and routes shall be performed as follows:

(a) The permittee 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.

(b) Maintenance of approaches or crossings is the responsibility of the organization or person signing the permit 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 permittee will have 10 days to complete the necessary maintenance or repairs. Failure of the permittee to timely complete the necessary maintenance or repairs shall result in the revocation of the permit. Upon the revocation of the permit, the highway department shall complete the necessary maintenance or repairs, and the costs of such work; including but not limited to labor, materials, and staff-time; shall be paid out of the bond, or the like, submitted pursuant to this chapter.

(c) 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 highway committee.

(d) The permit shall contain a statement, and be subject to the condition, that 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.

(3) Signage of routes and crossings shall be required as follows:

(a) During the highway department review of the route or crossing application, the department will determine the necessary signage on the route or crossing. The projected

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

costs for signage and installation shall be determined, and upon approval of the application, such costs shall be paid by the permittee prior to commencing construction on the approach or crossing. A route is not open to use until signs are installed.

(b) The highway department will maintain the signage necessary for the route or crossing and bill the permittee for that maintenance. Should the permittee fail to pay for the maintenance, the costs associated with the signage maintenance shall be paid out of the bond, or the like, submitted under this chapter.

**15.06 Penalties, remedies and review of permit denial.** (1) Any person who violates any section of this ordinance or statutes adopted by reference, other than a violation under s. 15.06(3) of this ordinance, shall pay a forfeiture of not less than \$50.00 nor more than \$500.00 for each offense. In case of a continuing violation, each day that the violation continues may be considered a separate violation. Said forfeiture is exclusive of mandatory assessments and costs.

(2) If it cannot be readily determined which individual is directly responsible for a violation of a construction, maintenance, or other permit 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 off the roadway of a designated ATV 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 \$25.00 or more than \$250.00. 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.

(5) The provisions of Sauk Co. Code ch. 33 shall apply to any denial or revocation of a permit granted pursuant to this chapter.

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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.