

Ordinance No. 8-19

To modify Ordinance No. 5-16 concerning the use of All-Terrain Vehicles (ATV) and Utility Terrain Vehicles (UTV) on the County Trunk Highway System

Whereas, the Shawano County Board of Supervisors approved Ordinance No. 5-16 which allowed for the use of ATVs and UTVs on certain segments of the county highway system consistent with Wisconsin Statute Section 23.33; and

Whereas, recently, the Shawano County Highway Committee worked in conjunction with the local Wisconsin Towns Association and the Shawano County Sheriff's Office to make the regulation of the ATV and UTV use more uniform and more readily enforceable; and

Whereas, after collaboration and gathering input from interested parties, the Shawano County Highway Committee recommends modifying the existing Ordinance No. 5-16 by removing the restrictions concerning the time of day and time of year as set forth in Sections 3(b)3 & 5 below, and to add a restriction concerning the use of off-road auxiliary lighting to new Section 3(b)4 below.

Now, therefore, be it ordained by the Shawano County Board of Supervisors, in session this 22nd day of May, 2019, that the following is adopted:

Ordinance for All-Terrain Vehicles (ATV) and Utility Terrain Vehicles (UTV) Routes on the County Trunk Highway System

Section 1: Purpose. Following due consideration of the recreational value to connect trail opportunities and weighed against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, Shawano County enacts this ordinance for the purpose of designating routes for the operation of ATVs and UTVs on Shawano County highways and regulating the operation of ATVs and UTVs on designated routes.

Section 2: Statutory Authority. This ordinance is enacted under the authority of §§ 23.33(8)(b), 23.33(11) and 59.02, Wis. Stats. The provisions of § 23.33, Wis. Stats., and the provisions of Wisconsin Administrative Code NR 64 regulating ATV and UTV operations and containing applicable definitions are hereby adopted and incorporated into this Ordinance as though set forth in full herein.

Section 3: Operation of All-Terrain Vehicles and Utility Terrain Vehicles.

(a) Pursuant to § 23.33(4)(b), Wis. Stats., except as provided in § 23.33, Wis. Stats., no person may operate an ATV or UTV on any part of Shawano County ("County") highways except those portions of County highways that are designated as ATV and/or UTV routes in Section 5.

(b) The operation of ATVs and UTVs on any portion of a County highway designated as an ATV route and/or UTV route shall be subject to the following:

1. ATVs and UTVs shall be operated on the extreme right side of the roadway on the paved surface.
2. ATVs and UTVs shall be operated in compliance with all applicable Wisconsin laws, orders, regulations, restrictions and rules, including § 23.33, Wis. Stats., and Chapter NR 64, Wis. Admin. Code.
3. All operators shall ride in single file.
4. Operators are required to have headlamps (white light) and tail-lamps (red light) turned on at all times. However, no off-road auxiliary lighting on ATVs or UTVs shall be used on county segments approved for ATV/UTV use.
5. No person under twelve (12) years of age shall operate an ATV or UTV under any circumstances.
6. All operators who were born after January 1, 1988 and are over the age of 12 are required to complete an approved ATV/UTV Safety Course, and carry the safety certificate with them while riding on public lands.
7. All operators and passengers under the age of 18 shall wear a helmet approved by the Wisconsin Department of Transportation.

Section 4: Speed Limits. The maximum speed limit on all designated routes shall be thirty five (35) miles per hour. Operators shall reduce speed whenever the posted limited is less, or as required by Wisconsin Statutes, or as conditions warrant.

Section 5: Routes. Prior to a highway segment being considered for designation as an ATV/UTV route, the petitioner(s) shall demonstrate to the Highway Committee and the Highway Commissioner that no other practical option for a trail exists. The single most important route consideration is the safety of all users: ATV/UTV riders, pedestrians, bicyclists, motorcyclists, automobile drivers, truck drivers, and others.

When considering designations for an ATV/UTV route, the following criteria shall be followed:

- (a) Requests for ATV/UTV routes must be made by a recognized ATV Association/ Club or a City, Town, or Village.
- (b) An evaluation of establishing a trail versus a route shall be completed and submitted to the Highway Committee for review.
- (c) Requests for routes must be for one of the following:

1. To connect a route to a route. Need must be demonstrated by attaching statements from landowners denying access for trails.
2. To address valid safety concerns.

The following described County highways are designated as ATV/UTV routes:

(Future routes to be determined by Highway Committee.)

Section 6: Signage. The County, as a unit of government that designates the routes, may be responsible by state statute to maintain the proper route signs.

(a) Routes shall be marked with uniform ATV and/or UTV route signs in accordance with § NR 64.12(7), Wis. Admin. Code.

(b) The Shawano County Highway Department, as the maintaining authority of the highways designated as routes, shall install appropriate signs.

(c) Costs for the signs and installation shall be borne by the ATV Association/Club, City, Town or Village making the designated request. Excessive maintenance costs, due to ATV/UTV traffic, shall be charged to the requesting ATV Association/Club.

Section 7: Annual Reviews of ATV/UTV Routes. All ATV/UTV routes established pursuant to this ordinance shall be reviewed annually by the Shawano County Highway Commissioner or his designee to consider the continued value, efficacy or need for the ATV/UTV routes or the inclusion of additional ATV/UTV routes, all pursuant to the intent of this ordinance. The Shawano County Highway Commissioner is vested with the authority to close or terminate any designated ATV/UTV route set forth on Exhibit A as needed.

Section 8: Enforcement. This ordinance shall be enforced by the Shawano County Sheriff's Department.

Section 9: Penalties. The penalties set forth in § 23.33(13)(a) Wis. Stats., are adopted by reference.

Section 10: Severability. The provisions of this ordinance shall be deemed severable and it is expressly declared that Shawano County would have passed the provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.

Section 11: Effective Date. This Ordinance shall be effective upon passage and publication as required by law.

Section 12: Forwarding. The County Highway Department shall forward a copy of this Ordinance to the entities set forth in Section 23.33(11)(b) of the Wisconsin Statutes.

Submitted by, John Ainsworth
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HIGHWAY & PARKS COMMITTEE

This ordinance is effective upon publication in the Shawano Leader being Saturday, May 25, 2019.