

SHEBOYGAN COUNTY ORDINANCE NO. 04 (2019/20)

Re: **Designating All-terrain Vehicle Routes and Regulating the Operation of All-terrain Vehicles**

WHEREAS, pursuant to Wis. Stat. § 23.33, a county may designate certain highways as all-terrain vehicle routes, and

WHEREAS, following due consideration of the recreational value to connect trail opportunities as weighed against possible danger, public health, liability aspects, terrain involved, traffic density, and history of automobile traffic and as authorized by Wis. Stat. § 23.33(8)(b), the Sheboygan County Board has determined that portions of certain County highways may be designated as all-terrain vehicle routes as connectors between town, city, or village roads designated for ATV/UTV operation;

NOW, THEREFORE, the County Board of Supervisors of the County of Sheboygan does ordain as follows:

Section 1. **Creating All-Terrain Vehicle Routes and Regulations.** Section 26.07 of the Sheboygan County Code of Ordinances is hereby created to read as follows, and the present Section 26.07 (Enforcement and Penalties) is renumbered 26.08:

26.07 ALL-TERRAIN VEHICLE ROUTES AND REGULATION

- (1) **STATUTORY AUTHORITY.** Open usage of County roads designated in Subsection (3) below, is done pursuant to Wis. Stat. § 23.33(8)(b) and Wis. Admin. Code § NR 64.12 and the provisions of Wis. Stat. § 23.33 and Wis. Admin. Code Ch. NR 64, including amendments, regulating all-terrain vehicle/utility-terrain vehicle (ATV/UTV) operation are adopted and incorporated herein by reference.

- (2) **REQUIREMENTS FOR REQUESTING ATV/UTV ROUTE.**
 - (a) Any request for an ATV/UTV route must be submitted to the Sheboygan County Transportation Department in writing and must be accompanied by a supporting resolution of the municipality in which the ATV/UTV route is located. The submittal letter must contain the County highway(s) involved and the beginning and end location. A copy of said request for any new route shall also be provided to the Planning, Resources, Agriculture, and Extension Committee.

 - (b) The request must indicate the need for the route.

 - (c) The request must indicate who will be responsible for purchasing signs, the maintenance of signs, and name the contact person who will be responsible for this activity.

 - (d) The group requesting the County road use shall be responsible for installing and maintaining appropriate signage subject to the approval of the Sheboygan County Transportation Director. Signage designating such roads shall be placed in accordance with Wis. Admin. Code § NR 64.12. Signs shall be inspected annually and be maintained by the group which requested route designation or its

successor. The County shall be notified immediately of any change in responsibility for maintenance of signage.

- (e) Any requested route must connect two ATV/UTV routes and shall be minimized to the extent possible and use lower classification highways whenever possible.
 - (f) Any request must be accompanied by a highlighted map illustrating the connecting route.
 - (g) A right-of-way permit application and the associated fee must be submitted at the time of the request.
- (3) ROUTES. County roads, as designated by the Transportation Committee, will be open to all-terrain vehicle/utility-terrain vehicle (ATV/UTV) usage. The Transportation Director shall have authority to suspend operation on designated routes due to hazard, construction, or emergency conditions.
- (4) CONDITIONS. The following conditions shall apply to all operators and passengers operating ATV/UTVs on County highways:
- (a) All ATV/UTV operators shall observe posted speed limits or maximum speed of 35 miles per hour, whichever is less.
 - (b) No person under 18 years of age may operate or be a passenger on an ATV/UTV without wearing protective headgear of the type required under Wis. Stat. § 347.485(1)(a) and with the chin strap properly fastened except as specifically exempted under Wis. Stat. §§ 23.33(3g)(b),(c), and (d).
 - (c) Operation of ATVs and UTVs on roadways designated as ATV/UTV routes are authorized only for the extreme right side of the roadway on the paved surface (if the roadway is paved), except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
 - (d) All ATV/UTV operators shall ride single file.
 - (e) The operator of an ATV/UTV shall obey all traffic laws, local ordinances, and Department of Natural Resources regulations.
 - (f) The operator of an ATV/UTV shall display a lighted headlamp, tail lamps, and brake lights on the ATV/UTV and display the registration or license plate at all times.
 - (g) ATV/UTV operation is at the risk of the operator. Sheboygan County has no liability for any damage or injury to persons, real property, or personal property arising out of the operation of ATVs and UTVs on designated ATV/UTV routes.
 - (h) The operator of an ATV/UTV shall operate an ATV/UTV only on such highways approved for ATV/UTV operation.

- (i) Except as otherwise allowed by Wis. Stat. § 23.33(5), no person under age 16 may operate an ATV/UTV on a designated route unless accompanied by his or her parent or guardian or person who is at least 18 years of age.

- (5) PENALTIES. Wisconsin State ATV and UTV penalties as found in Wis. Stat. § 23.33(13) are adopted by reference, and any law enforcement officer may issue citations for violation of this Section 26.07 as authorized by Chapter 90 of this Code. Issuance of the citation and payment does not preclude compliance with the terms and conditions of this Ordinance.

Section 2. **Effective Date.** The herein Ordinance shall take effect upon enactment and publication.

Respectfully submitted this 16th day of July, 2019.

TRANSPORTATION COMMITTEE

Roger Te Stroete Chairperson

James P. Glavan, Vice-Chairperson

Al Bosman, Secretary

Richard C. Bemis

Curt A. Brauer

Opposed to Introduction:

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Adopted 09/17/2019