

CHAPTER 79

ALL-TERRAIN and UTILITY TERRAIN VEHICLE ROUTE ORDINANCE

79.01 AUTHORITY

This Chapter has been created pursuant to County Board authority under Wis. Stat. §§ 59.02, 23.33(4)(d)3.b., 23.33(11)(a) and (am), and 23.33(8)(b).

79.02 DEFINITIONS

The following definitions apply throughout this chapter:

- (A) All-Terrain Vehicle ("ATV") has the meaning specified within Wis. Stat. § 340.01(2)g.

- (B) ATV/UTV Route shall mean a highway designated for use by all-terrain and utility-terrain vehicle operators by the governmental entity having jurisdiction.

- (C) Utility-Terrain Vehicle ("UTV") has the meaning specified within Wis. Stat. § 23.33 (1), (ng).

79.03 PROCEDURE FOR DESIGNATION OF ROUTES

All requests for new or revised ATV/UTV route designations shall first be submitted to the St. Croix County Highway Department for review prior to the last Friday in January. St. Croix County shall review such requests for County Trunk Highway route designations and make a recommendation to the St. Croix County Transportation Committee. The Transportation Committee shall review designation of ATV/UTV routes, including appropriate criteria for making a designation and make a recommendation to the St. Croix County Board of Supervisors. County Highways designated as ATV/UTV routes shall be approved by the St. Croix County Board of Supervisors by amendment to this Chapter.

A copy of ATV/UTV routes, along with a map showing their location, shall be kept on file at the St. Croix County Highway Department. The St. Croix County Highway Department shall file ATV/UTV routes adopted under this Chapter with the Department of Natural Resources Conservation Warden for St. Croix County and with the Madison, Wisconsin, Office of the Wisconsin Department of Natural Resources. The St. Croix County Highway Commissioner shall have the authority to temporarily close or terminate any ATV/UTV route enacted under this Chapter for a period of ninety (90) days due to an emergency situation or condition. Closures for duration of greater than ninety (90) days shall be approved by the St. Croix County Transportation Committee.

79.04 RULES OF OPERATION

- (A) All ATV/UTVs shall operate only on the paved portion of the roadway. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way area is prohibited.
- (B) No ATV/UTV shall be operated at a speed greater than 35 miles per hour (MPH), or the posted speed limit, whichever is lower.
- (C) No ATV/UTV may be operated on any designated route between the hours of 1:00 AM and 5:00 AM daily.
- (D) All ATV/UTV operators shall ride in single file on the extreme right hand side of the paved portion of the highway except that left turns may be made from any part of the roadway which is safe given prevailing conditions.
- (E) All ATV/UTV operators shall have their head light and tail light illuminated, while operating on a County Highway.
- (F) Except as otherwise authorized by State law, all operators
 - (1) of ATVs who are at least 12 years of age and who are born on or after January 1, 1988 shall possess a valid state-issued ATV Safety Certification.
 - (2) of ATVs between the age of 12 and 15 must be accompanied by a parent or legal guardian or a person at least 18 years of age who is designated by the parent or guardian at all times when operating on a roadway designated as an ATV route or when operating on roadways of highways that are ATV trails.
 - (3) of UTVs must be 16 years of age or older.
 - (4) of UTVs who are at least 16 years of age and who are born on or after January 1, 1988 must possess a valid state-issued Safety Certificate.
 - (5) of ATV/UTVs and their passengers under 18 years old shall wear protective headgear while operating on route-designated County Highways.
- (G) Mandatory Use of seatbelts during Operation of a UTV. All occupants riding in, or operating a UTV, shall be required to wear a seatbelt when travelling on any trail or route within St. Croix County.
- (H) Possession of Open Intoxicants in an ATV or UTV while in Operation. It shall be unlawful for any person to possess 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 receptacle have been partially removed, while operating or as a passenger on an ATV or UTV on any road or road route in St. Croix County.
- (I) ATV/UTV operation shall be subject to all provisions of Wis. Stat. § 23.33, which is adopted as a part of this ordinance by reference.

79.05 SIGNAGE OF ATV ROUTES

- (A) Routes shall be marked with uniform all-terrain vehicle route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking ATV/UTV routes:

Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail sign.

Possess any uniform ATV/UTV route or trail sign or standard of the type established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform ATV/UTV route or trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.

- (B) All required designated route signs shall be paid for by the local Municipality, with approval, installation, and maintenance of the signs by the St. Croix County Highway Department.
- (C) The quantity and location of signage shall be reviewed and approved by the St. Croix County Highway Department, where appropriate, placed at the beginning of an all-terrain vehicle route within the county and at such locations and intervals deemed necessary to enable the ATV/UTV operators to follow the route.
- (D) No sign may be mounted on any existing County sign post or utility post/pole. Posts shall be suitably sized for mounting the necessary amount of signs at the location.
- (E) No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

79.06 APPROVED ATV/UTV ROUTES

The following routes are approved for ATV/UTV operation on St. Croix County Trunk Highways.

- (A) *CTH S, from 280th Street to 290th Street in the Town of Glenwood; a distance of 1.0 mile.*
- (B) *CTH C, from 90th Street to 93rd Street in the Town of Star Prairie; a distance of 0.02 miles*
- (C) *CTH H, from 100th Street to 100th Street in the Town of Star Prairie; a distance of 0.01 miles.*

79.07 ENFORCEMENT

This Chapter may be enforced by any officer employed by the St. Croix County Sheriff Department or any other law enforcement official as set forth in Wis. Stat. § 23.33(12).

79.08 PENALTIES

The penalty for violating any provision of this Chapter shall result in a forfeiture of not less than \$100.00 nor more than \$250.00.

79.09 SEVERABILITY

The provisions of this Chapter shall be deemed severable and it is expressly declared that St. Croix County would have passed the other provisions of this Chapter irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Chapter or the application to any person or circumstance is held invalid, the remainder of this Chapter and the application of such provisions to other persons and circumstances shall not be deemed affected.

79.10 SAVING CLAUSE

This Ordinance shall in no way be deemed to supplant or otherwise invalidate any provision of state statutes relating to the subject matter hereof. Any person entrusted with the enforcement of this Ordinance may, in the exercise of his or her discretion, proceed under applicable state statutes.

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