



**Ordinance No. 880 (2019)**  
**ORDINANCE CREATING CHAPTER 79 OF THE ST. CROIX COUNTY**  
**CODE OF ORDINANCES, ALL-TERRAIN AND UTILITY TERRAIN**  
**VEHICLE ROUTES**

1 TO CREATE CHAPTER 79 of the St. Croix County Code of Ordinances:  
2 The St. Croix County Board of Supervisors does ordain as follows:

3  
4 SECTION 1. That Chapter 79 of the St. Croix County Code of Ordinances is hereby  
5 created to read as follows:

6 style="text-align: center;">**CHAPTER 79**  
7 style="text-align: center;">**ALL-TERRAIN and UTILITY TERRAIN VEHICLE ROUTES ORDINANCE**

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9 **79.01 AUTHORITY**

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

12 **79.02 DEFINITIONS**

13 The following definitions apply throughout this chapter:

- 14 (A) All-Terrain Vehicle ("ATV") has the meaning specified within Wis. Stat.  
15 § 340.01(2)g.  
16  
17 (B) ATV/UTV Route shall mean a highway designated for use by all-terrain  
18 and utility-terrain vehicle operators by the governmental entity having  
19 jurisdiction.  
20  
21 (C) Utility-Terrain Vehicle ("UTV") has the meaning specified within Wis. Stat. §  
22 23.33 (1), (ng).

22  
23 **79.03 PROCEDURE FOR DESIGNATION OF ROUTES**

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

32 A copy of ATV/UTV routes, along with a map showing their location, shall be kept on file  
33 at the St. Croix County Highway Department. The St. Croix County Highway Department  
34 shall file ATV/UTV routes adopted under this Chapter with the Department of Natural  
35 Resources Conservation Warden for St. Croix County and with the Madison, Wisconsin,  
36 Office of the Wisconsin Department of Natural Resources. The St. Croix County Highway

37 Commissioner shall have the authority to temporarily close or terminate any ATV/UTV  
38 route enacted under this Chapter for a period of ninety (90) days due to an emergency  
39 situation or condition. Closures for duration of greater than ninety (90) days shall be  
40 approved by the St. Croix County Transportation Committee.

41 **79.04 RULES OF OPERATION**

42 (A) All ATV/UTVs shall operate only on the paved portion of the roadway. Operation  
43 on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way  
44 area is prohibited.

45 (B) No ATV/UTV shall be operated at a speed greater than 35 miles per hour (MPH),  
46 or the posted speed limit, whichever is lower.

47 (C) No ATV/UTV may be operated on any designated route between the hours of  
48 1:00 AM and 5:00 AM daily.

49 (D) All ATV/UTV operators shall ride in single file on the extreme right hand side of  
50 the paved portion of the highway except that left turns may be made from any part  
51 of the roadway which is safe given prevailing conditions.

52 (E) All ATV/UTV operators shall have their head light and tail light illuminated,  
53 while operating on a County Highway.

54 (F) Except as otherwise authorized by State law, all operators

55  
56 (1) of ATVs who are at least 12 years of age and who are born on or after  
57 January 1, 1988 shall possess a valid state-issued ATV Safety  
58 Certification.

59 (2) of ATVs between the age of 12 and 15 must be accompanied by a  
60 parent or legal guardian or a person at least 18 years of age who is  
61 designated by the parent or guardian at all times when operating on a  
62 roadway designated as an ATV route or when operating on roadways  
63 of highways that are ATV trails.

64 (3) of UTVs must be 16 years of age or older.

65 (4) of UTVs who are at least 16 years of age and who are born on or after  
66 January 1, 1988 must possess a valid state-issued Safety Certificate.

67 (5) of ATV/UTVs and their passengers under 18 years old shall wear  
68 protective headgear while operating on route-designated County  
69 Highways.

70 (G) Mandatory Use of seatbelts during Operation of a UTV. All occupants riding  
71 in, or operating a UTV, shall be required to wear a seatbelt when travelling on  
72 any trail or route within St. Croix County.

- 73 (H) Possession of Open Intoxicants in an ATV or UTV while in Operation. It shall  
74 be unlawful for any person to possess any bottle or receptacle containing  
75 alcohol beverages if the bottle or receptacle has been opened, the seal has been  
76 broken, or the contents of the receptacle have been partially removed, while  
77 operating or as a passenger on an ATV or UTV on any road or road route in St.  
78 Croix County.
- 79 (I) ATV/UTV operation shall be subject to all provisions of Wis. Stat. § 23.33, which  
80 is adopted as a part of this ordinance by reference.

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82  
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#### **79.05 SIGNAGE OF ATV ROUTES**

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

87

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

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

- 97 (B) All required designated route signs shall be paid for by the local  
98 Municipality, with approval, installation, and maintenance of the signs by the  
99 St. Croix County Highway Department.

- 100 (C) The quantity and location of signage shall be reviewed and approved by the St.  
101 Croix County Highway Department, where appropriate, placed at the beginning of  
102 an all-terrain vehicle route within the county and at such locations and intervals  
103 deemed necessary to enable the ATV/UTV operators to follow the route.

- 104 (D) No sign may be mounted on any existing County sign post or utility post/pole.  
105 Posts shall be suitably sized for mounting the necessary amount of signs at the  
106 location.

- 107 (E) No person shall operate an ATV/UTV contrary to any authorized and official  
108 posted sign.

#### **79.06 APPROVED ATV/UTV ROUTES**

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

- 112
- 113 (A) *CTH S, from 280<sup>th</sup> Street to 290<sup>th</sup> Street in the Town of Glenwood; a distance of*  
114 *1.0 mile.*
  - 115 (B) *CTH C, from 90<sup>th</sup> Street to 93<sup>rd</sup> Street in the Town of Star Prairie; a distance of*  
116 *0.02 miles*
  - 117
  - 118 (C) *CTH H, from 100<sup>th</sup> Street to 100<sup>th</sup> Street in the Town of Star Prairie; a distance*  
119 *of 0.01 miles.*
  - 120

121 **79.07 ENFORCEMENT**

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

124

125 **79.08 PENALTIES**

126

127 The penalty for violating any provision of this Chapter shall result in a forfeiture of not less than  
128 \$100.00 nor more than \$250.00.

129

130 **79.09 SEVERABILITY**

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

137 **79.10 SAVING CLAUSE**

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

142

143 SECTION 2. This Chapter shall be effective upon passage and publication. (This  
144 section shall not be codified).

**Legal – Fiscal – Administrative Approvals:**

Legal Note:

Fiscal Impact: No Financial Impact is expected.

  
Scott L. Cox, Corporation Counsel 9/12/2019

  
Ken Witt, Assistant County Administrator 9/12/2019

  
Patrick Thompson, County Administrator 9/12/2019

09/16/19

Enacted as Amended

09/16/19

Transportation Committee

RECOMMENDED

**RESULT:**

**RECOMMENDED [UNANIMOUS]**

**Next: 10/1/2019 5:00 PM**

**MOVER:**

Lynda Miller, Supervisor

**SECONDER:**

David Peterson, Supervisor

**AYES:**

Schachtner, Miller, Ostness, Peterson, Peavey

Vote Confirmation.

  
William Peavey, Supervisor 9/16/2019

**St. Croix County Board of Supervisors Action:**

Roll Call - Vote Requirement – Majority of Supervisors Present

**RESULT:**

**ENACTED AS AMENDED [UNANIMOUS]**

**MOVER:**

William Peavey, Supervisor

**SECONDER:**

Dave Ostness, Vice Chair

**AYES:**

Schachtner, Endle, Coulter, Sjoberg, Malick, Moothedan, Fosterling, Ostness, Larson, Hansen, Tellijohn, Peterson, Anderson, Achterhof, Hable, Peavey

**ABSENT:** Lynda Miller, Bob Feidler, District 13

This Ordinance was ENACTED by the St. Croix County Board of Supervisors on October 1, 2019

Cindy Campbell, County Clerk