



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:

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

6 **CHAPTER 79**

7 **ALL-TERRAIN and UTILITY TERRAIN VEHICLE ROUTES ORDINANCE**

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.

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 (C) Utility-Terrain Vehicle ("UTV") has the meaning specified within Wis. Stat. §
21 23.33 (1), (ng).

22 **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.

- (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.

109 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 280th Street to 290th Street in the Town of Glenwood; a distance of*
114 *1.0 mile.*
- 115 (B) *CTH C, from 90th Street to 93rd Street in the Town of Star Prairie; a distance of*
116 *0.02 miles*
- 117 (C) *CTH H, from 100th Street to 100th Street in the Town of Star Prairie; a distance*
118 *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.

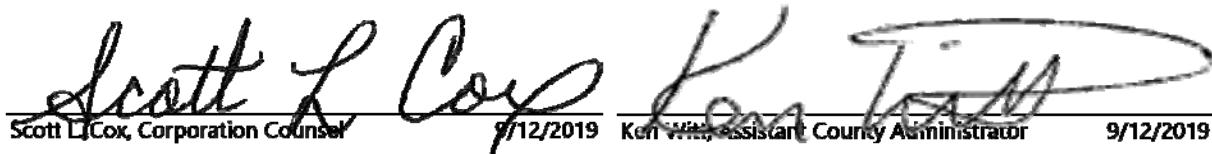
142

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