

December 2011 Ordinances

**ORDINANCE NO. 538
AN ORDINANCE TO APPROVE AND REGULATE ALL-TERRAIN VEHICLE (ATV)
TRAVEL ON COUNTY ROAD II, IN THE TOWN OF RICHFORD,
WAUSHARA COUNTY, WISCONSIN & PRESCRIBING PENALTIES**

WHEREAS, the County Board has received a request for the establishment of an ATV Route on a portion of County Road II in the Town of Richford, Waushara County; and

WHEREAS, the Highway Commissioner has advised that the portion of County II subject to this ordinance is a low volume county highway; and

WHEREAS, the Public Works Committee and Public Safety Committee have reviewed this request and have determined that this Ordinance should be forwarded to the County Board for its consideration and determination; and

WHEREAS, the County has the authority to designate a county highway as an ATV Route pursuant to §23.33(8)(b), Wis. Stats.; and

WHEREAS, the Committees recommend that the Board of Supervisors adopt an ordinance for a trial period for an ATV Route.

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

CHAPTER 50, ARTICLE IV – ATVS

Sec. 50-150 – Route Designation

The portion of County Road II in the Town of Richford, Waushara County located between 11th Road and Cumberland Road.

Section 50-151 – Conditions

As a condition for the use of this route, all operators and passengers shall comply with the following conditions:

- a. All ATV operators shall abide by the provisions of Section 23.33, Wis. Stats. existing and modified and adopted herein by reference.
- b. All ATV operators shall operate at no more than 35MPH.
- c. All ATV operators shall ride single file on the extreme right side of the paved road.
- d. All ATV operators shall only ride on the paved surface of the road.
- e. All ATV operators shall slow the vehicle to 10MPH or less when operating within 150 feet of a dwelling.
- f. The route shall be signed in accordance with NR64.12, NR64.12(7)(c) and the requirements of the Waushara County Highway Commissioner.
- g. The route will be open for public ATV usage daily from 5:00AM – 12:00 Midnight.
- h. All ATV operators under the age of 18 are required to wear a helmet and be accompanied by an adult.

Section 50-152 – Enforcement

This article shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin and prosecuted by the Office of the District Attorney or Corporation Counsel.

Section 50-153 – Penalties

- a. Violations of Section 2a shall be subject to the penalties located in §23.33(13), Wis. Stats.
- b. Violations of Sections 2b-2g shall be shall be subject to a penalty of not less than \$50.00 nor more than \$500.00 plus costs.
- c. Payment of any judgment levied under this section may be suspended by the court for not more than 60 days. Any person who shall fail to pay the amount of the forfeiture, costs of prosecution, assessments and penalty imposed for the violation of any provision of this ordinance may, upon order of the court, be imprisoned in the county jail until such forfeiture, costs and assessments are paid, but not exceeding 90 days.

IT IS FURTHER ORDAINED that this ordinance shall become effective on January 1, 2012.

IT IS FURTHER ORDAINED that this ordinance is being adopted on a probationary basis and shall expire on its terms on May 1, 2013, unless otherwise repealed earlier or extended by the County Board of Supervisors.

Ordinance No. 538

Approved and enacted this 20th day of December, 2011.

Ayes _____ Nays _____ Absent _____ Abstain _____ [X] Voice Vote

Approved:
/s/ Ruth Zouski
Ruth Zouski
Corporation Counsel

Submitted by:
/s/ Norman Weiss
Norman Weiss, Chair
Public Works Committee

/s/ Norman Weiss
Norman Weiss, Chair
Public Safety Committee

Attest:
/s/ Melanie R. Stake
Melanie R. Stake
County Clerk

Signed by:
/s/ Norman Weiss
Norman Weiss, Chair
County Board of Supervisors

**ORDINANCE NO. 539
ORDINANCE AMENDING WAUSHARA COUNTY ZONING MAPS PURSUANT TO
THE AUTHORITY GRANTED IN CHAPTER 58 WAUSHARA COUNTY CODE
ZONE CHANGE – KAREN BAUER – TOWN OF WAUTOMA**

WHEREAS, on October 13, 2011, Karen Bauer did file an application with the Waushara County Zoning Office for a zoning amendment in Section 9 in the Town of Wautoma; and

WHEREAS, said application involves a 10-acre parcel of land and would change requested area from AG-10 to AG-5, and, if approved, would conditionally establish one lot of 5 acres minimum in size, with the remaining lands to be sold to an adjacent landowner.

WHEREAS, the said Zoning Office did process said application as required; and

WHEREAS, the Waushara County Planning Committee did consider said application at a regular meeting held at the Waushara County Courthouse on November 17, 2011.

WHEREAS, the said Planning Committee did approve said request with the following conditions:

1. All required setbacks must be complied with.
2. All other codes must be complied with.
3. Adequate parking must be provided.
4. A certified survey map is required to create the 5 acre parcel where the home is, and the remaining lands must be sold to the adjoining property owner and joined onto their lands via affidavit or deed reference.
5. Any new driveways shall meet all required codes and provide good visibility and turnaround area to prevent backing out onto the public road.
6. The applicant will allow agents of Waushara County access to the property to ensure compliance with all applicable regulations.
7. The application is now referred to the Waushara County Board of Supervisors and the town board for their consideration.

THEREFORE, the Waushara County Board of Supervisors hereby ordain as follows:

1. That the Waushara County zoning maps are amended by changing the zoning district of the described property from AG-10 to AG-5.
2. That this ordinance shall be effective upon approval and recording with the Office of the County Clerk for Waushara County.

Ordinance No. 539

Ayes _____ Nays _____ Abs. _____ (X) Voice Vote

Approved and enacted this 20th day of December, 2011.

Approved:
/s/ Ruth Zouski
Ruth Zouski
Corporation Counsel

Submitted by:
/s/ Mark Kerschner
Mark Kerschner, Chairman
Waushara County Planning & Zoning Committee

Attest:
/s/ Melanie R. Stake
Melanie R. Stake
Waushara County Clerk

/s/ Norman Weiss
Norman Weiss, Chairman
Waushara County Board of Supervisors