ORDINANCE NO. 641
AN ORDINANCE AMENDING CHAPTER 50, ARTICLE IV – ATVS
WAUSHARA COUNTY CODE
AS AMENDED BY COUNTY BOARD 10/15/19

WHEREAS, the Waushara County Board of Supervisors did previously adopt ordinances 538 and 558(A) establishing a small ATV route in Waushara County; and

WHEREAS, there has been a request to expand the route system; and

WHEREAS, the Waushara County Sheriff and Waushara County Highway Commissioner have reviewed the request and provided input into the ordinance modification; and

WHEREAS, the Public Safety Committee has reviewed the request and has approved sending the request to the County Board of Supervisors.

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

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.

The portion of County Road J in the Town of Oasis, Waushara County, located between State Highway 73 and 11th Drive.

The portion of County Road FF in the Town of Hancock, Waushara County, located between Buttercup Avenue and Chicago Avenue.

The portion of County Road GG in the Town of Richford, Waushara County, located between Chicago Road and Cottonville Avenue.

Sec. 50-151. - Conditions.

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

(1) All ATV/UTV operators shall abide by the provisions of Wis. Stats. § 23.33, including all definitions existing and modified and adopted herein by reference.

(2) All ATV/UTV operators shall operate at no more than 35 mph and shall follow any lower established speed limits.
(3) All ATV/UTV operators shall ride single file on the extreme right side of the paved road.

(4) All ATV/UTV operators shall only ride on the paved surface of the road.

(5) All ATV/UTV operators shall slow the vehicle to ten mph or less when operating within 150 feet of a dwelling or a person who is not operating an ATV/UTV, snowmobile, motorcycle or other motor vehicle, including but not limited to pedestrians and non-motorized transportation such as buggies.

(6) The route shall be signed in accordance with NR64.12, NR64.12(7)(c) and the requirements of the Waushara County Highway Commissioner by the Waushara County Highway Department.

(7) The route will be open for public ATV/UTV usage daily from 5:00 a.m. - 12:00 midnight 11:00 p.m.

(8) All ATV/UTV operators under the age of 18 are required to wear a helmet and be accompanied by an adult.

(9) All ATV/UTV operators born after January 1, 1988 must have completed an ATV safety certification course and carry verification of such on their person.

(10) Operators must be at least 16 years of age and possess a valid driver’s license.

(11) All ATV/UTV operators shall abide by all traffic laws.

(12) No ATV/UTV may be operated on any designated route without fully functional headlights and taillights.

(13) All operators shall have a liability insurance policy in force on any ATV/UTV operated on an ATV/UTV route with the following minimum coverage:

   (a) $10,000 for property damage
   (b) $25,000 for the injury or death of one person
   (c) $50,000 for the injury or death of more than one person

Sec. 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.

Sec. 50-153. - Penalties.

(a) Violations of subsection 50-151(1) shall be subject to the penalties located in Wis. Stats § 23.33(13).

(b) Violations of subsections 50-151(2)—(7) 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 article 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.

Sec. 50-154. – Maintenance of ATV/UTV Routes

(1) **Designation of segments of Waushara County Highways as ATV/UTV routes does not impose upon the County a greater duty of care or responsibility for maintenance of those segments than for any other segment of county highway. Operators of ATV/UTVs on county highways assume all the usual and normal risks associated with ATV/UTV operations.**

(2) **A sponsor shall pay for the projected ten-year cost of procurement, installation and maintenance of signs relating to the ATV/UTV route, as determined by the Highway Commissioner. The Highway Commissioner shall prepare an estimate of the cost of procurement, installation and maintenance of the signage over a projected period of 10 years and furnish the estimate to the sponsor.**

(3) **Upon passage of an ordinance designating an ATV/UTV route on a County Trunk Highway, the sponsor shall provide the Highway Department with a bond, letter of credit or any other adequate form of monetary security prior to the installation of the required ATV/UTV route signs.**

Sec. 50-155. Application for ATV/UTV Routes

(1) **Anyone requesting a designation shall complete an application on a form prescribed by the Highway Committee in compliance with this article and any applicable state statute or administrative code and file the application with the Highway Department.**

(2) **The application, at a minimum, should include:**
   
   (a) **A map showing the proposed ATV/UTV route on the County Trunk Highway.**
   
   (b) **A map showing any ATV/UTV trails or routes that lead up to the proposed ATV/UTV route**
   
   (c) **If there are ATV/UTV trails, a statement that the applicant has a lease or some other permission from the landowners to use the trails shown on the map**
   
   (d) **If there are ATV/UTV routes, a copy of the ordinance passed by the municipality establishing the routes**
   
   (e) **A statement explaining why the County Trunk Highway system should be designated as an ATV/UTV route and efforts to establish off-road alternatives**
   
   (f) **If the applicant is an organization, the names and addresses of its officers, the date when the organization was established or incorporated and the number of members**
   
   (g) **A statement that the applicant will sponsor and be financially responsible for payments for the installation and maintenance of**
the required ATV/UTV route signs required by applicable state statutes, administrative codes and this article.

(3) The Highway Commissioner shall review the application for conformance with this article and applicable state, federal and local laws, regulations and policies.

(4) The Highway Commissioner and Sheriff shall make a report and recommendation to the Public Works Committee regarding any request for a designation of a segment of County Trunk Highways as an ATV/UTV route. The report shall include information regarding topography, traffic patterns and uses, and other information which may bear on the safety and appropriateness of the proposed designation.

(5) The Public Works Committee will review the report and application and make a recommendation to the County Board.

(6) If the County Board agrees, this article will be amended to include the designated routes.

IT IS FURTHER ORDAINED that this ordinance is effective upon passage and publication and shall be effective for one year and reviewed in 2020.

Ordinance No. 641

Ayes 10  Nays 1  Abstain __  Absent ____  [ ] Voice Vote

☑  Approved and adopted this 15th day of October, 2019

☐  Denied this 15th day of October, 2019.

Approved as to Form:  Submitted by:
/s/ Ruth Zouski  /s/ Donna R. Kalata
Ruth Zouski  Donna R. Kalata, Chair
Corporation Counsel  Public Safety Committee

Attest:  Signed by:
/s/ Megan Kapp  /s/ Donna R. Kalata
Megan Kapp  Donna R. Kalata, Chair
Waushara County Clerk  Waushara County Board of Supervisors