

ORDINANCE

Ordinance No. 009-2020-113

DESIGNATING ALL-TERRAIN VEHICLE (ATV) AND UTILITY TERRAIN VEHICLE (UTV) ROUTES AND REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES (ATV'S) AND UTILITY TERRAIN VEHICLES (UTV'S) ON THE ASHLAND COUNTY TRUNK HIGHWAY SYSTEM.

Following due consideration of the recreational and economic value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created pursuant to County Board authority under Wisconsin Statutes § 59.02, § 23.33(11) and § 23.33(8)(b) as amended. In addition, the provisions of § 23.33, Wis. Stats., and the provisions of Wisconsin Administrative Code NR 64 regulating ATV operations are hereby incorporated and adopted.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF ASHLAND DOES ORDAIN AS FOLLOWS:

- (1) **TERMINOLOGY.** The term ATV used in the ordinance includes vehicles defined as ATVs and UTVs under § 23.33, Wis. Stats.

Pursuant to § 23.33(4)(b), Wis. Stats., except as provided in § 23.33, Wis. Stats., no person may operate an ATV on any part of Ashland County ("County") highways except those portions of County highways that are designated as ATV routes in accordance with the provisions of this Ordinance.

- (2) **ATV ROUTES.** County Trunk Highways or portions of County Trunk Highways designated as ATV routes shall be established and approved by the Highway Committee. The Highway Committee shall develop policies and procedures for designation of ATV routes including appropriate criteria for making a designation. Any modification to a designated ATV route shall be approved by the Highway Committee. A list of approved ATV routes, along with a map showing their location, shall be kept on file at the Highway Department. The Ashland County Highway Department shall have the authority to close or terminate any ATV route on the County Trunk Highway System, subject to approval by the Highway Committee.

- (3) **ATV ROUTES ONLY ON ROADWAY.** All ATVs using an approved route shall operate only on the far right side of the roadway. Operation on the grassy in slope, ditches, or other highway right-of-way is prohibited and illegal.

- (4) **OPERATION OF ALL-TERRAIN VEHICLES ON COUNTY HIGHWAYS:**

- a. ATVs shall be operated in compliance with all applicable Wisconsin laws, orders, regulations, restrictions and rules, including WI Stats. 23.33 and Chapter NR 64, Wis. Admin. Code.
- b. ATVs shall not be operated on designated routes unless signage in accordance with § 23.33(8), Wis. Stats., and rules promulgated by the Wisconsin Department of Natural Resources is present.
- c. ATV operators shall observe posted roadway speed limits unless specific ATV speed limits are posted.
- d. ATVs shall be operated in single file and on the extreme right side of the roadway, unless making a left turn.
- e. Operators 16 years of age or older may not operate an ATV on a County highway if their driver's license is suspended or revoked.
Operators that are 12 to 15 years old may operate an ATV on a County highway if an adult with a driver's license that is not suspended or revoked is present.

- f. No person may operate or be a passenger on an ATV under 18 years of age without wearing protective headgear of the type required under WI Stat 347.485(1)(a) (Minimum DOT standard with the chin strap properly fastened. *Bicycle helmets do not meet this requirement.*
- g. ATV operation shall be subject to all provisions of Wisconsin State Statutes §23.33, which is adopted as a part of this Ordinance by reference, except for §23.33 (13) (b), (be) and (bg); §23.33 (13) (c) (cg) (em) and (d) are not adopted as portions of the Ashland County Ordinance as they provide for criminal penalties which cannot be made part of a county ordinance. 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 all-terrain vehicle routes:
 - 1. Intentionally remove, damage, deface, move or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle route or trail sign.
 - 2. Possess any uniform all-terrain vehicle 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 all-terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

- (5) **ADMINISTRATION AND SIGNAGE.** The Ashland County Highway Department shall have sole authority and responsibility for placement of signage on designated routes. The County highways designated, as ATV routes will be open when marked with appropriate signage. As the maintaining authority of the highways designated as routes, the Department shall furnish, install, and maintain the proper signs and sign posts.

The Ashland County Highway Department is authorized to expend county funds and other County resources as necessary to create, procure, place, maintain, repair or replace ATV route signs and sign posts. The Highway Commissioner is authorized to enter into on behalf of Ashland County contracts that provide for reimbursement of the costs incurred by the County for the purchase of ATV route signs and posts and placement of signs.

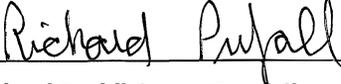
- (6) **ENFORCEMENT.** This Ordinance shall be enforced by any officer employed by the Ashland County Sheriff's Department.
- a) **VIOLATIONS. Penalty.** The penalty for operating an ATV in violation of this Ordinance on a designated ATV route or violating any other provision of this ordinance shall result in a forfeiture of not less than \$100.00 or more than \$500.00, plus court costs. Citations may be issued in accordance with the attached deposit schedule, which does not include law enforcement training penalties, jail assessments or other applicable costs.
- (7) **SEVERABILITY.** Should any sub-section, clause, or provision of this Ordinance be declared by the Court to be invalid, the same shall not affect the validity of the section as a whole or any part thereof, other than the part so declared to be invalid.
- (8) **MAINTENANCE.** Designation of segments of the Ashland County Highway System as ATV routes does not impose upon the Ashland County Highway Department a greater duty of care or responsibility for maintenance of those segments than for any other segment of county highway. Operators of ATVs on county highways assume all the usual and normal risks of ATV operation.

- (9) **EFFECTIVE DATE.** This ordinance becomes effective immediately upon passage by the

County Board of Supervisors and publication. This ordinance repeals ordinance number 006-2016-85 which was the previous ordinance regulating ATV routes.

Dated at the City of Ashland, Wisconsin, this 8th day of September, 2020.

Signed:


Richard Purfall County Board Chair


Attest Heather Schutte County Clerk

This Ordinance is effective on publication: Publication Date: September 25, 2020