

ORDINANCE

Ordinance No. 006-2016-85

DESIGNATING ALL-TERRAIN VEHICLE (ATVs) ROUTES AND REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES and UTILITY TERRAIN VEHICLES (UTVs) ON THE 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.

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.
- (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 inslope, ditches, or other highway right-of-way is prohibited and illegal.
- (4) **OPERATION OF ALL-TERRAIN VEHICLES ON COUNTY HIGHWAYS:**
 - a) All ATV operators shall observe posted ATV speed limits. If no ATV limits are posted, the ATV speed limit shall be 25 MPH
 - b) All ATV operators shall ride in single file on the right hand side of the highway
 - c) All ATV operators shall have their headlight and taillight illuminated, while operating on a County Trunk Highway.
 - d) All ATV operators who are born after January 1, 1988 and operating on a County Highway are required to have an ATV Safety Certificate. No one under 12 years of age is allowed to operate an ATV on a County Trunk Highway.
 - e) All adults operating an ATV on a County Trunk Highway must possess a valid driver's license.
 - f) All minors operating an ATV on a County Trunk Highway must possess a valid driver's license or must be accompanied by an adult guardian possessing a valid driver's license.
 - g) All ATV operators under 18 years old shall wear protective headgear while operating on County Trunk Highways.

- h) 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), (bc) and (bg); §23.33 (13) (c) (cg) (cm) 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. The Ashland County Highway Department shall designate the party responsible for ATV signage on a given County Trunk Highway. 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) ENFORCEMENT. This Ordinance shall be enforced by any officer employed by the Ashland County Sheriff's Department.
- (6) 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.

Dated at the City of Ashland, Wisconsin, this 16th day of June, 2016.

Signed:

Ken W. Smith
Carl Smith
Clarence Campbell
Richard Kufall
Jay Lopez
Rich Kozick
Danya Monteg
Jayce Kabasa
~~John Kibben~~
Marty

George M. ...
Kathy Schutte
Paul ...