

**ORDINANCE
ROCK COUNTY BOARD OF SUPERVISORS**

Public Works Committee
INITIATED BY



May 17, 2023
DATE DRAFTED

**Creating Chapter 3, Part 8 of the Rock County Ordinances
(All-Terrain Vehicles and utility-Terrain Vehicles)**

Now therefore be it resolved that the Rock County Board of Supervisors assembled this 8th day of June, 2023 does ordain as follows:

I. Section 3.8 of the Rock County Code of Ordinances shall be created as follows:

Part 8 – All-Terrain Vehicles and Utility-Terrain Vehicles

3.801 Authority

- (1) These regulations are adopted under the authority granted by Section 23.33(8)(b), 23.33(11), and 59.02, Wisconsin Statutes.
- (2) Criteria for signage on all-terrain vehicle (ATV) and utility terrain vehicle (UTV) routes on County Trunk Highways is adopted pursuant to Sections 23.33(8)(e) and 86.07(2), Wisconsin Statutes.
- (3) In addition, the provisions of Section 23.33, Wisconsin Statutes, and the provisions of Wisconsin Administrative Code NR 64 regulating all-terrain vehicle operations are hereby adopted.

3.802 Purpose and Intent

To create uniform procedures and requirements for the use and operation of ATVs and UTVs on the County Trunk Highway system.

This ordinance is not intended to impede or restrict ATV/UTV use for agricultural purposes outline in Wisconsin Statutes.

3.803 References

Any reference to a Wisconsin Statute or Administrative Code Regulation is a reference to that specific chapter, section, code, or its successor chapter, section, or code. Any future amendments, revisions, or modifications of the statutes or administrative code incorporated herein are intended to be made part of this ordinance to secure uniform regulation of all-terrain vehicles and utility terrain vehicles.

3.804 Definitions

- All-Terrain Vehicle (ATV)** - shall have the definition given in Wisconsin Statute 340.01(2g)
- Applicant** - municipal entity requesting consideration for an ATV/UTV route designation on a segment of the county trunk highway system.
- ATV/UTV Clubs** - shall have the definition given in Wis. Stat. § 23.33(1)(bc)
- Municipal Entity** - Town, City or Village with jurisdictional area within the borders of Rock County.
- Utility-Terrain Vehicle (UTV)** - shall have the definition given in Wis. Stat. § 23.33(1)(ng)

3.805 Designating ATV/UTV Routes

The Rock County Public Works Committee may designate ATV/UTV routes following due consideration of the recreational value and after weighting possible risks to public health and safety, terrain involved, traffic density, and history of automobile traffic on potential and existing routes.

(1) Duties of the Public Works Committee

- (A) The Committee shall develop policies and procedures for consideration of, and designation of, ATV/UTV routes in accordance with the requirements of Wisconsin Statute 23.33, Wisconsin Administrative Code NR 64, and the provisions of this Ordinance.
- (B) The Committee shall designate which portions of county highways are ATV/UTV routes.
- (C) The Committee shall establish the official ATV/UTV route opening and closing dates for each year. Dates shall be posted on the Rock County website.
- (D) The Committee shall evaluate, annually, all submitted route applications. This evaluation shall consist of consideration of the potential value, efficacy, and need for the proposed ATV/UTV routes.

(2) Duties of the Highway Commissioner

- (A) The Commissioner shall ensure that all routes designated pursuant to this Ordinance are properly posted.

(3) Application Process for Route Designation

- (A) Any municipal entity in Rock County may apply to the Public Works Committee requesting a portion or portions of county highways, within the municipal entity's jurisdictional area, be designated as ATV/UTV routes.
- (B) Applications shall be completed on a form prescribed by the Committee and must be in compliance with the policies and procedures developed by the Committee for the designation of ATV/UTV routes. The municipal entity must further commit to pay for the cost to make, install, and maintain the necessary ATV/UTV route signage.
- (C) Application Requirements: An application for designation of an ATV/UTV route, at a minimum, shall include the following:
 - 1. An application fee, if so required by the Committee.
 - 2. A completed application form.
 - 3. A map showing the proposed ATV/UTV route on the county highway system.
 - 4. A map showing any existing ATV/UTV routes leading to or are proposed connections to the proposed route.
 - 5. A statement explaining why the proposed route should be designated as an ATV/UTV route.
 - 6. A statement that the applicant will be financially responsible for payments for the installation and maintenance of required ATV/UTV route signs.
 - 7. The municipal entity must provide an approved resolution showing adoption of the regulations in section 3.809 of this ordinance for the application to be considered.

3.806 Signage of Routes on County Trunk Highways

Any ATV/UTV Route within the limits of Rock County for ATV/UTV use must be posted with proper signage on a County Trunk Highway prior to use.

The municipal entity is responsible for the costs of developing an ATV/UTV route sign plan, and the acquisition/manufacture, installation, and maintenance of the ATV/UTV route signs.

The ATV/UTV routes signs shall be acquired/made, installed and maintained by the Rock County Department of Public Works and the costs will be billed to the appropriate municipal entity.

3.807 Routes

No County Trunk Highway may be used as an ATV/UTV route until it has been designated as such by the Public Works Committee and proper signage has been installed in accordance with Wisc. Admin. Code § NR 64.12(7), Wisconsin DNR Guidelines, and the Manual on Uniform Traffic Control Devices (MUTCD), including the Wisconsin Supplement (WMUTCD).

The County Board, Public Works Committee, or Highway Commissioner or designee may suspend any route at any time for any reason.

The Department of Public Works shall maintain a list of approved ATV/UTV routes open for use on the County Trunk Highways with posted speed limits over 35 miles per hour.

3.808 Route Maintenance

The designation of County Trunk Highways as an ATV/UTV route does not impose upon the County a greater duty of care or responsibility for maintenance of those highways. Operators of ATVs/UTVs on county highways assume all the usual and normal risks of riding that vehicle. The County accepts no liability for the operation of ATVs/UTVs on any county highway under this Ordinance.

3.809 Regulation of ATVs/UTVs

Except as otherwise provided herein, the statutory provisions of Wisconsin Statute 23.33 and Wis. Admin. Code § NR 64, which create, describe, and define regulations with respect to ATVs and UTVs, are adopted and, by reference, made a part of this Ordinance as if fully set forth herein.

(1) Operator and Rider Requirements: Any person who operates or rides as a passenger on an ATV or UTV on a County Trunk Highway that is an ATV/UTV route in Rock County designated pursuant to Wis. Stat. § 23.33(8)(b)1, must meet the following requirements:

(A) Any operator or passenger shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including those outlined in Wis. Stat. § 23.33 and Wis. Admin. Code § NR 64. All ATV/UTV rules of operation outlined in Wis. Stat. § 23.33 and Wis. Admin. Code § NR 64 are adopted and incorporated in this Ordinance.

(B) No person may operate an ATV or UTV without having attained the age of 16.

(C) No person may operate an ATV or UTV without either a valid Wisconsin driver's license or a valid ATV Safety Certificate issued by the State of Wisconsin.

(D) Operators and passengers under the age of 18 are required to wear a minimum DOT approved ATV or motorcycle helmet with the chin strap properly fastened.

(E) Operators shall have a liability insurance policy in force on any ATV or UTV operated on an ATV/UTV route. The liability insurance policy must have the following minimum coverages:

1. \$10,000 for property damage
2. \$25,000 for the injury or death of one person
3. \$50,000 for the injury or death of more than one person

(2) Rules of Operation: The operation of an ATV/UTV on a County Trunk Highway that is an ATV/UTV route in Rock County designated pursuant to Wis. Stat. § 23.33(8)(b)1, is subject to the following rules of operation:

- (A) Any operator or passenger shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including those outlined in Wis. Stat. § 23.33 and Wis. Admin Code § NR 64. All ATV/UTV rules of operation outlined in Wis. Stat. § 23.33 and Wis. Admin. Code § NR 64 are adopted and incorporated in this Ordinance.
- (B) Operators may only operate on a designated ATV/UTV route if said route is properly signed in accordance with Wis. Stat. § 23.33(8)(e) and Wis. Admin. Code § NR 64.12(7).
- (C) Speed Limit: Posted speed limit of the highway unless a specific ATV/UTV speed limit is posted.
- (D) Operation on the unimproved right-of-way or ditch, outside of the regular traveled portion of the highway is prohibited.
- (E) ATVs/UTVs shall yield the right-of-way to all other vehicular traffic and pedestrians.
- (F) Hours of operation restrictions: None.
- (G) Seasonal restrictions: None.

3.810 Enforcement

Any act that is required or prohibited by any statute or administrative code provision incorporated herein by reference is required or prohibited by this Ordinance.

The Rock County Sheriff's Office and local law enforcement agencies shall have authority to enforce this Ordinance pursuant to Wis. Stat. § 23.33(12).

3.811 Penalties

Any forfeiture for a violation of Wisconsin State Statute or Wisconsin Administrative Code adopted by reference in this Ordinance shall conform to the forfeiture permitted to be imposed for violation of said statutes or code provisions as set forth herein.

Any violation of a section of this Ordinance without a penalty specified by statute or administrative code shall have a cash deposit requirement of fifty dollars (\$50.00) plus court costs. A cash deposit requirement of one-hundred fifty dollars (\$150.00) plus court costs will be required for a second violation of this Ordinance within a 12-month period.

3.812 Annual Review of ATV/UTV Routes

All ATV/UTV Routes established pursuant to this Ordinance shall be reviewed annually by the Rock County Public Works Committee to consider the continued value, efficacy or need for the ATV/UTV routes or the inclusion of additional ATV/UTV routes, all pursuant to the intent of this Ordinance.

3.813 Severability

If a court of competent jurisdiction adjudges any section, provision or portion of these regulations invalid, the remainder of this ordinance shall not be affected thereby.

3.819 Effective Date

This ordinance shall be effective upon publication.

FISCAL NOTE:

Minimal fiscal impact.

Sherry Oja
Finance Director

LEGAL NOTE:

The County Board is authorized to take this action pursuant to § 59.02(2), Wis. Stats.

Richard Greenlee
Corporation Counsel

ADMINISTRATIVE NOTE:

Matter of policy.

Josh Smith
County Administrator

Public Works Committee

Public Works Committee recommended this resolution for approval by a unanimous voice vote.
Supervisor Rashkin was absent.