

CHAPTER 27

ALL TERRAIN VEHICLES (ATV and UTV)

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CHAPTER 27

27.1 AUTHORITY

The Oconto County Board of Supervisors adopts the provisions of this Ordinance pursuant to the authority of Wis. Stats. §23.33(11) and §350.18.

27.2 REGULATION OF ALL-TERRAIN VEHICLES (ATV and UTV)

Except as otherwise specifically provided in this Ordinance, the statutory provisions of Wis. Stat. §23.33, Wis. Stats. §340, Wis. Admin. Code NR §64, describing and defining regulations with respect to all-terrain vehicles are adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any statute or administrative code incorporated herein by reference is required or prohibited by this Code. Any future amendments, revisions, or modifications of the statutes or administrative code incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of all-terrain vehicles.

27.3 OPERATION OF ATVs or UTVs ON ATV ROUTES

The operation of an ATV or UTV on a roadway that is an approved ATV Route and signed in accordance with Wis. Stat. §23.33(8)(e) by Oconto County or any city, town or village is subject to the provisions set forth in this Ordinance, as well as all other applicable statutory provisions.

27.4 APPROVED ATV/UTV ROUTES

- (a) County trunk highways designated as ATV/UTV routes shall be established and approved by the Oconto County Highway Committee, the Oconto County Sheriff's Office and Oconto County Board of Supervisors. Any modification to a designated ATV/UTV route shall be approved by the Oconto County Highway Committee, with input from the Oconto County Sheriff's Office. The following routes are established:
 - (1) All County Highways north of Highway 22 and north of CTH Y from USH 41 to Harbor Road.
 - (2) CTH J from North River Road to Chicken Shack Road (2.0 miles)
 - (3) CTH Y from Porter Avenue to Harbor Road (.9 miles)
 - (4) All of CTH N and all of CTH NN
 - (5) CTH EE at CTH D to CTH E (2.36 miles)
 - (6) All of CTH D
 - (7) CTH S from Doran Street to CTH N (0.25 miles)
 - (8) All of CTH SS
 - (9) CTH BB from Shawano Line Road to Gillett City Limits (2.0 miles)
 - (10) All of CTH C
 - (11) CTH CC from Hwy 32 to Oconto Falls City Limits (4.58 miles)
 - (12) CTH K from CTH CC to Hwy 22 (2.0 miles)
 - (13) All of CTH E
 - (14) ATV/UTV vehicles on approximately 0.11 miles of Highway 32, from the intersection of Waupee River Drive east-southeast to the west intersection of Crescent Drive.
- (b) Only recognized ATV clubs and Oconto County municipalities may apply for approval of new county highway routes. Applications for new ATV/UTV Route approvals shall be submitted to the Oconto County Highway Committee, who will evaluate each proposed route, with input from the Oconto County Sheriff's Office. Proposed routes will be assessed

considering the following factors:

- (1) Road geometrics
 - (2) Road visibility
 - (3) Traffic count
 - (4) Type of traffic
 - (5) Size/condition of shoulder
 - (6) Speed limit
 - (7) Safety/Accident data
 - (8) Any other relevant factors
- (c) Any approved ATV/UTV routes on county highways shall be for the sole purpose of connecting portions of the off road trail ATV/UTV system in Oconto County.
- (d) After the enactment of this ordinance, the Oconto County Highway Committee may by resolution close or restrict any specific county highway or segment of county highway to ATV/UTV use. Closed or restricted highways or segments of highway will be signed in accordance with this ordinance and a copy of closed or restricted ATV/UTV routes, along with a map showing their location, shall be kept on file at the Oconto County Highway Department and posted on the Oconto County Website.
- (e) The Oconto County Highway Department has the authority to close or restrict ATV/UTV use on any of the highways under its jurisdiction if damage to the highway results or where public safety is adversely affected as a result of ATV/UTV use. Actions under this section may be reviewed by the Oconto County Highway Committee.
- (f) The Oconto County Highway Committee shall review this ordinance annually. Said review shall include a report from the Highway Department regarding highway damage. In addition, the Sheriff's Department shall give a report on ATV/UTV violations, crashes and safety concerns.

27.5 SPEED LIMITS

ATV/UTVs shall obey posted speed limits on County Highways.

27.6 ATV/UTV ROUTES ONLY ON ROADWAY

All ATVs and UTVs shall operate only on the paved portion of the roadway unless otherwise indicated herein. Operation on the gravel shoulders, grassy inslope, ditches, or other highway right-of-way is prohibited and illegal.

27.7 OPERATION OF ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES ON COUNTY HIGHWAYS

ATV/UTV operation shall be subject to all provisions of Wis. Stats. §23.33, Wis. Stats. §340, and NR 64, which are adopted as part of this ordinance by reference. In addition:

- (a) No person may operate an ATV or UTV on county highways unless the owner or operator has in effect a liability insurance policy providing coverage consistent with the liability insurance required for automobile operators by the State of Wisconsin and has in his or her immediate possession proof that he or she is in compliance.
- (b) Persons 16 years of age or older must possess a valid driver's license to operate an ATV or UTV on a county highway.

- (c) No persons under the age of 16 may operate an ATV or UTV on county highways during the hours between sunset and sunrise.
- (d) No one under 12 years of age is allowed to operate an ATV or UTV on a county highway and all operators born after January 1, 1988, are required to have an ATV Safety Certificate.
- (e) No person under 16 years of age may operate an ATV or UTV on a county highway unless the person is accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian. Anyone accompanying those under 16 years of age must possess a valid driver's license.
- (f) No person may operate or be a passenger on an ATV or UTV without wearing protective headgear of the type required in section 347.485(1)(a), Wis. Stats. unless the person is at least 18 years of age.
- (g) All ATVs and UTVs shall display either a Wisconsin registration or a Nonresident Trail Pass while operating on county highways.
- (h) All ATV/UTV operators shall ride in single file on the right hand side of the paved portion of the highway, unless otherwise marked for operation on the shoulder or in the right of way.
- (i) All ATV/UTV operators are required to display a lighted headlamp and tail lamp while operating on a county highway.
- (j) Open intoxicants are prohibited for ATV/UTV operators or passenger(s) while operating on a county highway.
- (k) Every ATV/UTV shall be equipped, maintained and operated to prevent excessive or unusual noise. No person shall operate an ATV/UTV on a county highway unless such ATV/UTV is equipped with a muffler or other noise suppressing system in good working order and in constant operation. It shall be unlawful to use a muffler cutout, bypass or similar device on any ATV/UTV in a manner such that noise emitted by the ATV/UTV increases to a level higher than as originally manufactured.
- (l) A golf cart is not an ATV or UTV. Operation of golf carts on county roads is prohibited.

27.8 SIGNAGE OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTES

- (a) The Oconto County Highway Department has sole responsibility for ATV/UTV signage on county highways. Highways shall be marked with uniform all-terrain vehicle route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code and Wis. Stats. Sec. 23.33.
- (b) ATV clubs shall be responsible for the cost of ATV/UTV signage, and shall work with the Oconto County Highway Department to ensure that ATV/UTV signage is uniform and in compliance with Wisconsin Department of Transportation regulations, Municipalities within Oconto County that require ATV/UTV signage shall also work with the Oconto County Highway Department to ensure consistency and uniformity in ATV/UTV signage as regulated by the Wisconsin Department of Transportation.
- (c) ATV/UTV operation shall be subject to all provisions of WI Stats. 23.33, which is adopted

as part of this ordinance by reference. Pursuant to Wisconsin Statutes 23.33(8)(f), 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.

27.9 ENFORCEMENT

This ordinance shall be enforced by any officer employed by the Oconto County Sheriff's Office or any other law enforcement official as set forth in Wisconsin Statute 23.33(12).

27.10 VIOLATIONS/PENALTY

The penalty for operating an ATV/UTV off the roadway of a designated ATV/UTV route (i.e., the gravel shoulder, grassy inslope, ditch, or other highway right-of-way) or violating any other provision of this ordinance shall result in a forfeiture of not less than \$25.00 or more than \$500.00, plus court costs.

27.11 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.

27.12 MAINTENANCE

Designation of segments of the Oconto County Highway System as ATV/UTV routes does not impose upon the Oconto 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 ATV's/UTV's on county highways assume all the usual and normal risks of ATV/UTV operation.