

7.14 ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES

(Created 6/19/18)

A. INTENT

1. The County of Waupaca, Wisconsin hereby adopts the following ordinance permitting all-terrain vehicle (ATV) and utility terrain vehicle (UTV) traffic upon roadways listed in Section C. This ordinance is enacted in due consideration of the recreational and economic value to connect trail opportunities and weighed against protecting the safety of motorists by maintaining the road edge and surface; the integrity of the right-of-way; public safety; liability aspects; terrain involved; and traffic density and patterns.
2. Municipality is defined as any Village, City or Township that is in the territorial jurisdiction of Waupaca County.
3. The County of Waupaca adopts a “blanket” approach and permits all local municipalities that create an ATV/UTV route or trail within their territorial jurisdiction by local ordinance the authority to utilize any bridge, county trunk highway or state highway located within the municipality as part of a dedicated ATV/UTV route or trail.

B. STATUTORY AUTHORITY AND STATE LAWS ADOPTED

1. The ATV/UTV route or trail designation is created pursuant to town, village, city, or county authority as set forth in sec. 23.33 (8) (b), Wis. Stats.
2. The applicable provisions of sec. 23.33, Wis. Stats., regulating ATV/UTV operations pursuant to routes and trails are adopted.
3. Except as otherwise provided in this Chapter, the statutory provisions in Wisconsin Statutes Chapters 23, 340 to 348, and 350 establishing definitions and regulations with respect to ATVs and UTVs, and Wisconsin Administrative Code Ch. NR 64, All-Terrain Vehicles, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this chapter as if fully set forth herein.
4. Unless otherwise provided in this chapter, any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the statutes incorporated herein are made part of this chapter in order to secure uniform statewide regulation of ATVs and UTVs.

C. ROUTES AND TRAILS

1. The County of Waupaca designates to the Waupaca County Highway Committee with consideration of the Highway Commissioner the authority to temporarily close, terminate, or modify routes and trails at anytime. Any restrictions of trails and routes placed by the Highway Commissioner shall be considered by the Waupaca County Highway Committee at the

next regular Highway Committee meeting and properly noticed on its agenda. The Highway Commissioner will communicate the restrictions to the local municipality. The local municipality or its designee shall immediately mark the ATV/UTV trail or route with the restriction.

2. The local municipality or its designee shall maintain all ATV/UTV routes and trail signs within its jurisdiction, including on county trunk highways, which are adopted by the municipality.
3. All ATV/UTV routes and trails shall be signed in accordance with Wis. Admin. Code NR 64.12 and NR 64.12(7)(c).
4. Local municipalities that adopt ordinances authorizing ATV/UTV routes and trails within their jurisdiction utilizing county trunk highways, roads, streets, sidewalks, alleyways and transportation-marked corridors shall be designated as ATV/UTV routes. Private lands subject to public easement or authorized leases are designated ATV/UTV trails. Waupaca County grants permission and mutual authority for use of county trunk highway system within local municipalities upon adoption of a local ordinance of an ATV/UTV designated route or trail.
5. The local municipality shall maintain a route and trail map and provide current routes to Waupaca County Highway Commissioner.

D. CONDITIONS

1. All ATV/UTV operators on routes shall observe posted roadway speed limits; at no time shall speed exceed 35 miles per hour.
2. All ATV/UTV operators shall ride single file.
3. All ATV/UTV operators shall observe all state laws pertaining to the use of an ATV/UTV; said state laws are further adopted by reference in this County ordinance.

E. ENFORCEMENT

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

F. PENALTIES

ATV/UTV penalties as found in § 23.33(13)(a), Wis. Stats., and as may be subsequently amended are adopted by reference.

G. SEVERABILITY

If any section, provision or portion of this ordinance or the application to any person or circumstances is held invalid by a Court of competent jurisdiction, the remainder of the ordinance shall not for that reason be rendered ineffective, but rather shall be enforced, to whatever degree possible, as if the provision which was declared invalid had not been enacted.

H. EFFECTIVE DATE

This ordinance becomes effective upon passage and publication.