

ORDINANCE NO. 192-2015

AGENDA NO. \_\_\_\_\_

**ORDINANCE**

Initiated By:

Crawford County Highway Department  
Commissioner Dennis Pelock

Drafted By:

Mark A. Peterson,  
Corporation Counsel

Submitted By:

Crawford County Highway Committee

Date Drafted:

August 18, 2015

**AN ORDINANCE REPEALING AND RECREATING SECTION 7.08 OF THE  
CRAWFORD COUNTY CODE OF ORDINANCES RELATING TO ALL-TERRAIN  
VEHICLE (ATV)/UTILITY-TERRAIN VEHICLE ROUTES**

The Crawford County Board of Supervisors do ordain as follows:

**Section I:** That Crawford County Ordinance Number 7.08 is hereby repealed and recreated to read as follows:

**“7.08 - ALL-TERRAIN VEHICLE (ATV)/UTILITY-TERRAIN VEHICLE  
(UTV)ROUTES**

(1) **PURPOSE:** The purpose of this ordinance is to establish All-Terrain Vehicle (ATV)/Utility-Terrain Vehicle (UTV) routes and to provide safe and enjoyable ATV/UTV recreation consistent with public rights and interests pursuant to Sections 59.02 and 23.33 Wis. Stats.

(2) **APPLICABILITY AND ENFORCEMENT:**

(a) The provisions of this ordinance shall apply to the areas designated in section 7.08(4) below, including all roadways within the jurisdiction of the County. The provisions of this ordinance shall be enforced by the Crawford County Sheriff's Department.

(b) Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed under this section.

**(3) LIMITATIONS:** The following limitations apply on all areas designated in section 7.08(4) of this ordinance:

(a) Speed. No ATV/UTV shall be operated at a speed greater than 35 miles per hour on any County Trunk Highway, Town or Village road or street. Each Town or Village may establish a lower speed limit on their ATV/UTV routes within their jurisdiction.

(b) Lights. No ATV/UTV may be operated on any designated route without fully functional headlights, tail-lights, and brake lights.

(c) Roadway Only. All ATVs and UTVs shall operate only on the roadway. Operation on paved shoulders intended for bicycle or pedestrians, gravel shoulders, grassy in-slope, ditches or other highway right-of-way is prohibited and illegal.

(d) Hours of Operation. No ATV/UTV may be operated on any designated route between the hours of 1:00 A.M. to 5:00A.M. daily.

(e) Age, License and Protective Headgear. On any designated ATV/UTV route all operators must be sixteen (16) years of age or older and have a valid driver's license. No person under the age of eighteen (18) may operate an ATV/UTV on any designated route unless wearing approved protective headgear.

(f) Noise. No ATV/UTV may be operated on any designated route which ATV/UTV does not meet all applicable Wisconsin State noise pollution standards.

(g) Insurance. All ATV/UTVs operating on any designated ATV/UTV route or on any county trunk highway shall have proof of liability insurance for the ATV/UTV being operated.

(h) Registration. All ATV/UTVs being operated on any County Trunk Highway or route shall meet the registration requirements of the State of Wisconsin and Wisconsin Department of Natural Resources.

**(4) DESIGNATION OF ATV and UTV ROUTES:**

(a) County Trunk Highways: ATV and UTV routes on County Trunk Highways shall be designated, established and approved by the Highway Committee. Any modifications to a designated ATV and UTV route shall be approved by the Highway Committee. A copy of those ATV and UTV routes, along with a map showing their location, shall be kept on file at the Crawford County Sheriff's Office and Highway Department. The Crawford County Highway Committee shall be responsible for signage and the establishment of speed limits regulating ATVs and UTVs. The Crawford County Highway Department shall retain the sole authority for the closure or termination of any ATV/UTV route on the County Trunk Highway System.

(1) Designated ATV/UTV Routes on all roads in the County may be closed at the discretion of Crawford County Highway Commissioner or his/her designee.

(2) The Crawford County Highway Commissioner shall have the authority to suspend operation on any highway for up to ninety (90) days due to hazard, construction, or emergency conditions in any highway segment designated as an ATV/UTV route. The Crawford County Highway Commissioner shall also have the authority to designate for up to ninety (90) days alternate routes for any of the above authorized highway segments that might be so closed.

(b) Town and Village Roads and Streets: ATV and UTV routes on Town and Village Roads and Streets shall be designated, established and approved by the respective Town Board of Supervisors or the Village Board of Trustees. Any modifications to a designated ATV and UTV route shall be approved by the Town Board of Supervisors or the Village Board of Trustees. A copy of those ATV and UTV routes, along with a map showing their location, shall be kept on file at the Town Hall or Village Hall with a copy also filed at the Crawford County Sheriff's Department and Highway Office. The respective Town Board of Supervisors or the Village Board of Trustees shall be responsible for overseeing signage on their roads and streets and for the establishment of speed limits regulating ATVs and UTVs and may establish fewer allowed "Hours of Operation" within their jurisdiction. The Town Board of Supervisors or the Village Board of Trustees shall retain the sole authority for the closure or termination of any ATV/UTV route on town roads or village streets.

(1) The respective Town Board of Supervisors or the Village Board of Trustees shall have the authority to suspend operation on any road or street for up to ninety (90) days due to hazard, construction, or emergency conditions in any highway segment listed above. At the discretion Town Board of Supervisors or the Village Board of Trustees shall also have the authority to designate for up to ninety (90) days alternate routes for any of the above authorized road segments that might be so closed.

**(5) ROUTE SIGNS:** Every area authorized as an all-terrain vehicle/utility-terrain vehicle route shall be designated by an all-terrain vehicle/utility-terrain vehicle route sign having a reflectorized white all-terrain vehicle symbol, bordered and message on a reflectorized green background with a minimum size of 24 inches by 18 inches with directional arrow, where appropriate, placed at the beginning of an ATV/UTV route and at such locations and intervals as necessary to enable the ATV/UTV operators to follow the route. Existing 18"x18" signs shall be allowed until replacement is required.

(a) County Trunk Highways: All required designated route signs and posts shall be paid for by the ATV/UTV Club requesting the route. All signs and posts shall be installed by the Crawford County Highway Department at the direction of the Highway Commissioner or his designee.

(b) Town and Village Roads and Streets: All required designated route signs and posts shall be paid for by the ATV/UTV Club requesting the route. Signs shall be erected by the club at locations approved by the respective Town Board of Supervisors or the Village Board of Trustees.

(c) All signs posted shall be in compliance with the Federal manual on uniform traffic control devices.

(d) No sign may be mounted on any existing County sign post, unless authorized by the Crawford County Highway Commissioner or designee.

(e) No person may erect, remove, obscure, or deface any official designated route sign unless authorized by the Crawford County Highway Commissioner or respective Town Board of Supervisors or the Village Board of Trustees or their designee.

(f) No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

**(6) PENALTIES:** The penalty for violating any section of this code shall be according to the following schedule, plus the cost of damages or restoration and plus court costs:

(a) The Penalty for a violation of Sections 3(c) and 3(d) and 5(a)-(f), shall be not more than \$200.00.

(b) The Penalty for a violation of Sections 3(b),(e),(f),(g) and (h), shall be not more than \$100.00.

(c) The Penalty for a violation of any other provision of this ordinance for which no specific penalty is specified shall be not more than \$50.00.

**(7) JUVENILE PENALTIES:** Any juvenile who violates this Section shall be subject to the forfeitures prescribed in Section 6 of this ordinance except that the provisions for the incarceration in jail for the nonpayment of forfeiture shall not apply to juveniles.

(a) Upon default of payment of any forfeiture imposed by this Section, a court may order any license issued to a juvenile under Section 29 Wis. Stats. suspended or may order the child's operating privileges as defined in subsection Section 340.01(40) Wis. Stats. suspended for not less than thirty (30) days or more than ninety (90) days. Prior to suspension of licenses under this subsection, the court shall make a finding that the juvenile alone is financial able to pay the amount of the forfeiture and shall allow up to twelve (12) months for the juvenile to make payment. The court shall immediately take possession of any suspended license and forward it to the department which issued the license together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the first thirty (30) days after the license is suspended, the suspension shall be reduced to the minimum period of thirty (30) days. If it is paid thereafter, the court shall immediately notify the appropriate department which will thereupon return the license to the person.

**(8) VIOLATIONS, JUDGMENTS, RESTITUTIONS:** A judgment obtained under this section of the Crawford County Code may be enforced in the same manner as any civil judgment. Penalties imposed for violations of this ordinance shall be made according to the schedule of forfeitures listed in Section 7.08(6) and (7) of the Crawford County Code. The procedures and provisions set forth in Chapter 800 of the Wisconsin Statutes shall apply to all violations of the sections and subsections of this ordinance.

**(9) UNIFORM CITATION AND SUMMONS:** A uniform county ordinance violation citation shall be created and reproduced in such a fashion as to provide alleged violators with proper notice of the ordinance violation alleged and date, time and place of said violation along with a summons to appear before the circuit court for Crawford County at the courthouse in Prairie du Chien, Wisconsin, at a date and time specified in the citation and shall provide an option of posting a uniform forfeiture deposit in lieu of the defendant's appearance on that date. The form

of such citation and summons shall be on file in the office of the Clerk of Court.

Other uniform citations adopted by the State of Wisconsin for the use of counties and other municipalities may be used in the prosecution of violations under this ordinance.”

**Section II:** This Ordinance shall become effective in 2015 after its passage and publication as required by law.

Dated this 18<sup>th</sup> day of August, 2015.

Tom Cornford  
Tom Cornford, Chairman

Henry Esser  
Henry Esser

David Olson  
David Olson

Wade Dull  
Wade Dull

Gerald Krachey  
Gerald Krachey

Passed and approved this 18<sup>th</sup> day of August, 2015.

Peter Flesch  
Peter Flesch  
County Board Chairman

ATTEST:

Janet L. Geisler  
Janet L. Geisler  
County Clerk