

Ordinance No. 600.18B

IOWA COUNTY
ALL-TERRAIN and UTILITY TERRAIN VEHICLE ROUTE ORDINANCE

SECTION 1.0: INTRODUCTION

1.1 NAME

This Ordinance shall be called the Iowa County All-Terrain and Utility-Terrain Vehicle Route Ordinance.

1.2 INTENT

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 Wis. Stat. §§ 59.02, 23.33(4)(d)3.b., 23.33(11)(a) and (am), and 23.33(8)(b) as amended.

1.3 DEFINITIONS

- A. All-Terrain Vehicle (“ATV”) has the meaning specified within Wis. Stat. § 340.01 (2g).
- B. ATV/UTV Route shall mean a highway or sidewalk designated for use by all-terrain and utility-terrain vehicle operators by the governmental entity having jurisdiction.
- C. Utility-Terrain Vehicle (“UTV”) has the meaning specified within Wis. Stat. § 23.33 (1), (ng).

1.4 SEVERABILITY

The provisions of this Ordinance shall be deemed severable and it is expressly declared that Iowa County would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance or the application to any person or circumstance is held invalid, the remainder of this Ordinance and the application of such provisions to other persons and circumstances shall not be deemed affected.

1.5 SAVING CLAUSE

This Ordinance shall in no way be deemed to supplant or otherwise invalidate any provision of state statutes relating to the subject matter hereof. Any person entrusted with the enforcement of this Ordinance may, in the exercise of his or her discretion, proceed under applicable state statutes.

SECTION 2.0: ATV/UTV ROUTES AND OPERATION

2.1 DESIGNATION

All requests for new or revised ATV/UTV route designations shall first be submitted to the Iowa County Traffic Safety Commission for review at its November quarterly meeting. The Iowa County Traffic Safety Commission shall review such requests for county trunk highway route designations and make a recommendation to the Iowa County Public Works Committee. The Public Works Committee shall review designation of ATV/UTV routes, including appropriate criteria for making a designation, and make a recommendation to the Iowa County Board of Supervisors. County highways designated as ATV/UTV routes shall be approved by the Iowa County Board of Supervisors by amendment of Sec. 2.4 of this Ordinance.

A copy of ATV/UTV routes, along with a map showing their location, shall be kept on file at the Highway Department. The Iowa County Highway Department shall file ATV/UTV routes adopted by this Ordinance with the Department of Natural Resources Conservation Warden for Iowa County and with the Madison, Wisconsin, Office of the Wisconsin Department of Natural Resources. The Iowa County Highway Commissioner shall have the authority to temporarily close or terminate any ATV/UTV route enacted by this Ordinance for a period of ninety (90) days due to emergency situation or condition. Closures for duration of greater than ninety (90) days shall be reviewed by the Public Works Committee.

2.2 RULES OF OPERATION

- A. All ATV/UTVs shall operate only on the paved portion of the roadway. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way area is prohibited and illegal.
- B. No ATV/UTV shall be operated at a speed greater than 30 miles per hour (MPH), or the posted speed limit, whichever is lower.
- C. No ATV/UTV may be operated on any designated route between the hours of 1:00 AM and 5:00 AM daily.
- D. All ATV/UTV operators shall ride in single file on the extreme right hand side of the paved portion of the highway except that left turns may be made from any part of the roadway which is safe given prevailing conditions.
- E. All ATV/UTV operators shall have their headlight and taillight illuminated, while operating on a county highway.
- F. Except as otherwise authorized by State law, all operators
 - a. of ATV's who are at least 12 years of age and who are born on or after January 1, 1988 shall possess a valid state-issued ATV Safety Certification.

- b. of ATV's between the age of 12 and 15 must be accompanied by a parent or legal guardian or a person at least 18 years of age who is designated by the parent or guardian at all times when operating on a roadway designated as an ATV route or when operating on roadways of highways that are ATV trails.
- c. of UTV's must be 16 years of age or older.
- d. of UTV's who are at least 16 years of age and who are born on or after January 1, 1988 must possess a valid state-issued Safety Certificate.
- e. of ATV/UTV's and their passengers under 18 years old shall wear protective headgear while operating on route-designated county highways.

G. ATV/UTV operation shall be subject to all provisions of WI Stats. § 23.33, which is adopted as a part of this ordinance by reference.

2.3 SIGNAGE OF ATV ROUTES

- A. Routes shall be marked with uniform all-terrain vehicle route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking ATV/UTV routes:
 - 1) Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail sign.
 - 2) Possess any uniform ATV/UTV 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 ATV/UTV route or trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.
- B. All required designated route signs shall be paid for by an ATV/UTV club, with approval, installation, and maintenance of the signs by the Iowa County Highway Department.
- C. The quantity and location of signage shall be reviewed and approved by the Iowa County Highway Commissioner, where appropriate, placed at the beginning of an all-terrain vehicle route within the county and at such locations and intervals deemed necessary to enable the ATV/UTV operators to follow the route.
- D. No sign may be mounted on any existing County sign post or telephone post/pole. Posts shall be suitably sized for mounting the necessary amount of signs at the location
- E. No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

2.4 DESIGNATION OF ROUTES

The following routes shall be considered as legal routes to be signed for usage through the adoption of this Ordinance:

- i. *CTH A, from the intersection of Ogden Road to the intersection of Cook-McFall Road, in the Town of Mifflin, Secs. 3 and 10; T4N; R1E; a total distance of 0.25 miles more or less.*
- ii. *CTH B , from the intersection with Sunny Slope Road and the intersection with Sunny Slope Road, in the town of Linden ,Sec 3 and 4; T5N; R2E; a total distance of 0.25 miles.*
- iii. *CTH B, from the intersection with CTH J to the intersection with CTH G in the town of Eden, Sec. 36; T6N; R1E; a total distance of 1.0 miles.*
- iv. *CTH DD , from the intersection with Walnut Hill Road and the intersection with CTH K, in the towns of Waldwick and Moscow, Secs 12, 13, 7, 17 and 18; T4N; R 4&5 E; a total distance of 2.30 mile more or less.*
- v. *CTH E , from intersection with Sheperd Road to intersection with Keough Springs Road, in the town of Linden ,Sec 29 and 32; T5N; R2E; a total distance of 0.40 miles.*
- vi. *CTH E, from the intersection of Lower Mifflin Road westerly to the Iowa County Highway Shop, in the Town of Mifflin, Sec.34; T5N; R1E; a total distance of 0.4 miles more or less.*
- vii. *CTH F, from the Lafayette County line to the intersection of Horseshoe Bend Road and the Lafayette County line in the town of Moscow, Secs. 16 and 17; T4N; R5E; a total distance of 1.0 miles more or less.*
- viii. *CTH G , from the intersection with Elm Street in the Village of Cobb southerly to the intersection with Roaster Road in the Town of Eden Sections 25, 26, 35, and 36; T6N; R1E; a distance of +/- 1.5 miles and in the Towns of Linden and Mifflin; Sec 1 and 2; T5N; R1E; a distance of +/- 1.0 miles.*
- ix. *CTH G, from the intersection of Lower Mifflin Road to the intersection of CTH A in the village of Rewey, within the Town of Mifflin, Sec. 5; T4N; R1E; a total distance of 1.0 miles more or less.*
- x. *CTH K, from the intersection with CTH F to the intersection with STH 39 in the village of Hollandale, within the town of Moscow, Secs. 16, 17, 5, 31, and 32; T 4&5 N; R5E; a total distance of 5.4 miles more or less*
- xi. *CTH X, from the intersection with Keough Springs Road to the intersection with STH 39 in the village and township of Linden, Sec. 8 and 17; T5N; R2E; a total distance of 0.91 miles.*
- xii. *STH39 in the village of Linden and Town of Linden, from the intersection with Galena Street to the intersection with Dodgeville Street (also known as Wearne Road) including the bridge over Peddler creek, in the town of Linden ,Sec 8 and 9; T05N; R02E;; a total distance of 0.25 miles more or less.*

SECTION 3.0: ENFORCEMENT AND PENALTIES

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

3.1 PENALTIES

The penalty for violating any provision of § 2.2 of this ordinance or §§ 2.3(A) (1) or (2), (D), or (E) shall result in a forfeiture of not less than \$25.00 or more than \$500.00, plus court costs.

SECTION 4.0: EFFECTIVE DATE

This Ordinance and subsequent amendments to it shall be effective on the date after publication. Ordinance No. 600.18B was adopted by the Iowa County Board of Supervisors on July 16, 2013, and amended at the following sessions of the County Board: April 21, 2015; April 19, 2016; and December 20, 2016.