

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(11)(a) and (am) and 23.33(8)(b) as amended.

1.3 DEFINITIONS

All-Terrain Vehicle (ATV) has the meaning specified within Wis. Stat. §§ 340.01 (2g) which states: an engine-driven device which has a net weight of 900 pounds or less, which is originally manufactured with a width of 50 inches or less, which is equipped with a seat designed to be straddled by the operator and which is designed by the manufacturer to travel on 3 or more low-pressure tires. Also referred to as ATV in this Ordinance.

ATV/UTV Route shall have the meaning specified within Wis. Admin. Code § NR 64.02 (2) which states: means a highway or sidewalk designated for use by all-terrain and utility-terrain vehicle operators by the governmental entity having jurisdiction.

Utility-Terrain Vehicle (UTV) has the meaning specified within Wis. Stat. §§ 23.33 (1), (ng) which states: A motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:

- a. A net weight of less than 2,000 pounds.
- b. Four or more low-pressure tires.
- c. A cargo box installed by the manufacturer.
- d. A steering wheel.
- e. A tail light.
- f. A brake light.

- g. Two headlights.
 - h. A width of not more than 65 inches.
 - i. Seats for at least 2 occupants, all of which seating is designed not to be straddled.
 - j. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
 - k. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.
2. A motor driven device that has a net weight of more than 900 pounds, that is originally manufactured with a width of 50 inches or less, that is equipped with a seat designed to be straddled by the operator, and that is designed by the manufacturer to travel on 3 or more low-pressure tires. Also referred to as UTV in this Ordinance.

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

County highways designated as ATV/UTV routes shall be approved for adoption by the Iowa County Board of Supervisors by adoption of this Ordinance. The Iowa County Traffic Safety Commission shall review requests for county trunk highway route designations from ATV/UTV clubs and make a recommendation to the Iowa County Transportation Committee. The Transportation Committee shall review designation of ATV/UTV routes including appropriate criteria for making a designation.

A copy of ATV/UTV routes, along with a map showing their location, shall be kept on file at the Highway Department. ATV/UTV route adopted by this Ordinance shall be filed with the Department of Natural Resources Conservation Warden for Iowa County by the Highway Department. 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 Transportation 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, installed, and maintained by an ATV/UTV club, approved and under the direction of the Iowa County Highway Commissioner.
 - 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 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.*
- ii. *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.*
- iii. *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.*
- iv. *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.*
- v. *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.*
- vi. *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.*

- vii. *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*
- viii. *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.*
- ix. *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

Ordinance No. 600.18B was adopted by the Iowa County Board of Supervisors on July 16, 2013 ;and was amended at the following sessions of the County Board; April 21, 2015 and March 15, 2016.