

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.

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 proposed by the Iowa County Traffic Safety Commission to the Iowa County Transportation Committee for approval and adoption. The Transportation Committee shall develop policies and procedures for designation of ATV/UTV routes including appropriate criteria for making a designation. Any modification to a designated ATV/UTV route shall be approved by the Transportation Committee.

A copy of ATV/UTV routes, along with a map showing their location, shall be kept on file at the Transportation Department. The Iowa County Highway Commissioner shall have the authority to temporarily close or terminate any ATV/UTV route on the County Trunk Highway System 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 Iowa County Traffic Safety Commission, with recommendations subject to approval 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. All ATV/UTV operators who are born after January 1, 1988 and operating on a county highway are required to have an ATV Safety Certificate. No one under 16 years of age is allowed to operate an ATV/UTV on a county highway.
- G. All ATV/UTV operators and passengers under 18 years old shall wear protective headgear while operating on county highways, unless exempted by state statutes or laws.
- H. 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.

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 becomes effective upon passage by the Iowa County Board of Supervisors and after duly published by the Iowa County Clerk.

I, the undersigned Iowa County Clerk, hereby certify that this Ordinance was passed by the Iowa County Board of Supervisors on July 16, 2013. The effective date of this Ordinance shall be on the date of publication.

Greg Klusendorf
Greg Klusendorf
Iowa County Clerk

Date: July 17, 2013