

DUNN COUNTY, WISCONSIN

Ordinance No. 34

Repealing and Recreating Section 18.04 of the Code of Ordinances

The Board of Supervisors of the County of Dunn does hereby ordain as follows:

Section 1. Section 18.04 of the Dunn County Code of Ordinances is repealed and recreated to read as follows:

See Attachment A, incorporated by reference herein, as if fully set forth.

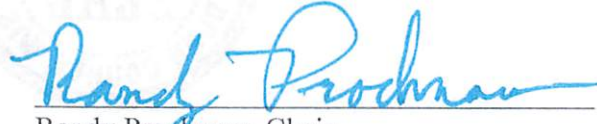
Section 2. This Ordinance shall become effective upon adoption and publication as required by law. (This section shall not be codified.)

Offered this 17th day of May, 2023, at Menomonie, Wisconsin.

Enacted on: May 17, 2023

OFFERED BY THE HIGHWAY COMMITTEE:

Published on: May 24, 2023


Randy Prochnow, Chair

ATTEST:


Andrew Mercil, County Clerk

COUNTERSIGNED:


Kelly McCullough, Chair
Dunn County Board of Supervisors

Approved as to Form and Execution:


Nicholas P. Lange, Corporation Counsel

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- (d) Upon approval by the Dunn County Board of Supervisors or the Highway Committee of any modifications to the designation of Routes on county highway, the county clerk shall immediately send a copy of such modified ordinance to the Wisconsin Department of Natural Resources, the state traffic patrol, the Dunn County Sheriff, and any law enforcement agency of each town, village or city having jurisdiction over any of the county trunk highways to which the ordinance designating ATV route applies.
- (e) The designation of any segment of a county trunk highway as an ATV/UTV Route within an incorporated municipality shall not take effect until the governing body of the municipality has passed a resolution approving the route.
- (f) Designation of segments of the Dunn County highway system as ATV/UTV Routes shall not impose upon the highway department a greater duty of care or responsibility for maintenance of those segments than for any segment of county highway that is not designated as an ATV/UTV Route. Operators of ATVs and UTVs while on county highways, including rights of way, shall assume as a matter of law the risks inherent in such operation insofar as they are obvious.

(4) Operation of ATVs and UTVs. Operation of an ATV or UTV on an ATV/UTV Route shall be subject to the following provisions:

- (a) ATVs and UTVs shall be operated in compliance with all applicable federal, state, and local laws, orders, regulations, restrictions and rules, including Wis. Stat. § 23.33 and Chapter NR 64, Wis. Admin. Code.
- (b) The speed limit on all ATV/UTV Routes shall be thirty five (35) miles per hour, or the posted speed limit, whichever is lower.
- (c) ATVs and UTVs shall be operated on the extreme right side of the roadway on the paved portion of the roadway. Operation on the shoulder, or in the ditch or right-of-way is prohibited, unless yielding the right-of-way.
- (d) All operators shall ride in single file.
- (e) ATVs and UTVs shall not be operated on ATV/UTV Routes unless signage in accordance with Wis. Stat. § 23.33(8) and applicable regulations promulgated by the Wisconsin Department of Natural Resources is present.
- (f) Operation on ATV/UTV Routes shall be permitted year-round unless otherwise posted.
- (g) Every ATV and UTV operating on an ATV/UTV Route shall be equipped, maintained, and operated to prevent excessive or unusual noise. No person shall operate an ATV or UTV on an ATV/UTV Route unless such ATV or UTV is equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation. It shall be unlawful to use a muffler cutout, bypass, or similar device on any ATV or UTV upon any ATV/UTV Route. No person shall modify or change the exhaust muffler, the intake muffler, or any other noise-abatement device of an ATV or UTV in a manner such that the noise emitted by the ATV or UTV increases above that emitted by the ATV or UTV as originally manufactured.
- (h) ATVs and UTVs operating on Routes shall be equipped with head lamps (white light), tail lamps (red light), and stop lamps (red light). Operators shall have head lamps and tail lamps turned on at all times. ATVs and UTVs operated between sunset and sunrise shall be equipped with turn signal lights (amber light in front, red light in back). During daylight hours, operators of ATVs and UTVs without turn signals shall give appropriate hand and arm signals on turning as required in Wis. Stat. § 346.35.
- (i) All operators under the age of eighteen (18) years of age not in possession of a valid driver's license shall have a valid ATV/UTV safety certificate in their possession and be accompanied by a parent or legal guardian.

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18.04 ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES

(1) Purpose, Authority, and Jurisdiction.

- (a) Following due consideration of the recreational value to connect trail opportunities, and economic value to access businesses and residences, weighed against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, Dunn County enacts this section for the purpose of regulating the operation of ATVs and UTVs within Dunn County and designating ATV/UTV Routes.
- (b) This section is enacted under the authority of Wis. Stat. §§ 23.33 and 59.02 and Chapter NR 64, Wisconsin Administrative Code.

(2) Regulation of ATVs and UTVs.

- (a) Except as otherwise specifically provided in this section, the statutory provisions of Wis. Stat. § 23.33 and Wis. Admin. Code NR Chapter 64 describing and defining regulations with respect to all-terrain vehicles are adopted and by reference made a part of this section as if fully set forth herein.
- (b) Except as otherwise specifically provided in this section, the statutory provisions of Chapters 340 to 348, inclusive, and Chapter 350, Wis. Stats., describing and defining regulations with respect to ATVs and UTVs, exclusive of any provisions therein for which the statutory penalty is a fine or term of imprisonment, are adopted and by reference and made a part of this section as if fully set forth herein.
- (c) Any act required to be performed or prohibited by any statute or administrative code incorporated in this section by reference shall be required or prohibited by this section.
- (d) Any future amendments, revisions, or modifications of statutes or administrative code incorporated herein are intended to be made part of this section in order to secure uniform statewide regulation of ATVs and UTVs.
- (e) No person shall operate any all-terrain vehicle on lands and parks owned by the County, except for parks with designated parking areas where motorized vehicles normally park, or where operation is authorized by posted notice or County permit.

(3) Definitions. As used in this section:

"All-terrain vehicle" or "ATV" has the meaning specified in Wis. Stat. § 23.33(1)(b).

ATV/UTV Route means a county highway or segment of a county highway approved and designated as a route for ATV/UTV operation.

Utility-terrain vehicle" or "UTV" has the meaning specified in Wis. Stat. § 23.33(1)(ng).

(3) Designation, Modification, Suspension, and Termination of ATV/UTV Routes.

- (a) Those sections of county highway described in subsection (10) shall be designated as ATV/UTV Routes.
- (b) The highway commissioner shall have the authority to temporarily close or restrict any ATV/UTV Route on the county highway system or any segment thereof, due to hazards, construction, emergency conditions, road damage, or for any other reason in the interest of public safety. The Sheriff may temporarily close any Route or segment thereof whenever emergency conditions require closure. The highway department shall erect signage indicating route closure.
- (c) Other municipalities may designate sections of roadways within their jurisdiction as Routes.

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- (j) No person under twelve (12) years of age shall operate an ATV or UTV on an ATV/UTV Route under any circumstances.
- (k) All operators and passengers under the age of 18 shall wear a DOT-approved helmet.
- (l) No trailers or campers may be pulled behind any ATV/UTV while operating on ATV/UTV Routes.
- (m) Every person who operates an ATV or UTV on an ATV/UTV Route, and/or every ATV and UTV operated on an ATV/UTV Route, shall carry liability and other insurances consistent with Wisconsin state law for the operation of a motorized vehicle. All operators shall carry proof of such insurance while operating on an ATV/UTV Route.
- (n) No person shall operate an ATV or UTV contrary to any authorized and official posted sign.

(5) Route and Crossing Signs.

- (a) ATV/UTV Routes shall be marked with uniform ATV/UTV route signs in accordance with Wis. Stat. § 23.33(8)(e) and Wis. Admin. Code § NR 64.12(7).
- (b) The Dunn County Highway Department shall have sole authority and responsibility for placement of signage on designated routes on county highways. Each municipality or its designee shall have sole authority and responsibility of signage on designated routes within the municipality.
- (c) The creation, placement, maintenance, repair or replacement of ATV/UTV Route signs shall not require the expenditure of County funds or other County resources.
- (d) No county highway designated as an ATV/UTV Route shall be open for use until required signs are installed.
- (e) No person shall intentionally remove, damage, deface, move, obstruct, interfere with the effective operation of, or possess any uniform ATV/UTV route or trail sign or standard in violation of the provisions of Wis. Stat. § 23.33(8)(f).

(6) Highway Committee. The Highway Committee is authorized to review this section at any time to consider amendments or to consider the continued value, efficacy or need for the designated ATV/UTV Routes or the addition or deletion of county trunk highways or segments of highways as designated ATV/UTV Routes, pursuant to the intent of this section.

(7) Enforcement.

- (a) This section may be enforced by the Dunn County Sheriff's Office or any other law enforcement official as set forth in Wis. Stat. § 23.33(12), including the issuance of a citation under Wis. Stat. § 66.0113.
- (b) Enforcement of this section may include requests for injunctive orders against a violator.

(8) Penalties. The penalty for violation of any provision of this section shall be a forfeiture as hereinafter provided, together with court costs:

- (a) The penalties set forth in Wis. Stat. § 23.33(13) and Wis. Stat. § 346.02(11) are adopted by reference. Any forfeiture for a violation of a state statute adopted by reference in this section shall conform to the forfeiture permitted to be imposed for violation of such statutes, including any variations or increases for subsequent offenses.
- (b) The penalty for violation of sub. (4)(c), (4)(d), or (4)(g) is a forfeiture of \$50 for each offense.
- (c) The penalty for exceeding a posted or fixed speed limit in violation of sub. (4)(b) shall be a forfeiture as set forth in the following schedule:
 - 1. 1-10 miles per hour over posted or fixed speed - \$25
 - 2. 11-15 miles per hour - \$50.00

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3. 16-19 miles per hour - \$75.00
 4. 20-24 miles per hour - \$100.00
 5. 25 miles per hour and over - \$125.00
- (b) Any violation of this Chapter not included for which no forfeiture is specified shall result in a forfeiture of \$75 for each offense.

(9) Severability. The provisions of this section shall be deemed severable and it is expressly declared that Dunn County would have passed the other provisions of this section irrespective of whether or not one or more provisions may be declared invalid. If any provision of this section or the application to any person or circumstances is held invalid, the remainder of the section and the application of such provisions to other person's circumstances shall not be deemed affected.

(10) ATV/UTV Routes.

- (a) Except as provided in § 23.33, Wis. Stats., no person may operate an ATV or UTV on any part of Dunn County ("County") highways except those portions of County highways that are designated as ATV/UTV Routes in sub. (10)(b).
- (b) Except as provided in sub. (11) all county highways are designated as ATV/UTV Routes.

(11) Operation Prohibited.

- (a) The following described sections of county highways are not approved as ATV/UTV routes:

CTH "B"

From STH 12/29 to STH 40.

(12) Review. The designation of all County Highways except that section of County Highway B from STH 12/29 to STH 40 shall be reviewed in 3 years with input from the Highway Committee and presented to the Dunn County Board of Supervisors.