

**ORDINANCE
ROCK COUNTY BOARD OF SUPERVISORS**

Public Works Committee
INITIATED BY



May 17, 2023
DATE DRAFTED

**Creating Chapter 3, Part 8 of the Rock County Ordinances
(All-Terrain Vehicles and utility-Terrain Vehicles)**

1 Now therefore be it resolved that the Rock County Board of Supervisors assembled this
2 8th day of JUNE, 2023 does ordain as follows:

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4 I. Section 3.8 of the Rock County Code of Ordinances shall be created as follows:

Part 8 – All-Terrain Vehicles and Utility-Terrain Vehicles

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8 **3.801 Authority**

- 9 (1) These regulations are adopted under the authority granted by Section 23.33(8)(b),
10 23.33(11), and 59.02, Wisconsin Statutes.
- 11 (2) Criteria for signage on all-terrain vehicle (ATV) and utility terrain vehicle (UTV) routes
12 on County Trunk Highways is adopted pursuant to Sections 23.33(8)(e) and 86.07(2),
13 Wisconsin Statutes.
- 14 (3) In addition, the provisions of Section 23.33, Wisconsin Statutes, and the provisions of
15 Wisconsin Administrative Code NR 64 regulating all-terrain vehicle operations are
16 hereby adopted.

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21 **3.802 Purpose and Intent**

22 To create uniform procedures and requirements for the use and operation of ATVs and UTVs
23 on the County Trunk Highway system.
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25 This ordinance is not intended to impede or restrict ATV/UTV use for agricultural purposes
26 outline in Wisconsin Statutes.
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29 **3.803 References**

30 Any reference to a Wisconsin Statute or Administrative Code Regulation is a reference to that
31 specific chapter, section, code, or its successor chapter, section, or code. Any future
32 amendments, revisions, or modifications of the statutes or administrative code incorporated
33 herein are intended to be made part of this ordinance to secure uniform regulation of all-
34 terrain vehicles and utility terrain vehicles.
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37 **3.804 Definitions**

- 38 **All-Terrain Vehicle (ATV)** - shall have the definition given in Wisconsin Statute
39 340.01(2g)
- 40
41 **Applicant** - municipal entity requesting consideration for an ATV/UTV route designation
42 on a segment of the county trunk highway system.
- 43
44 **ATV/UTV Clubs** - shall have the definition given in Wis. Stat. § 23.33(1)(bc)
- 45
46 **Municipal Entity** - Town, City or Village with jurisdictional area within the borders of
47 Rock County.
- 48
49 **Utility-Terrain Vehicle (UTV)** - shall have the definition given in Wis. Stat.
50 § 23.33(1)(ng)
- 51
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53 **3.805 Designating ATV/UTV Routes**
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55 The Rock County Public Works Committee may designate ATV/UTV routes following due
56 consideration of the recreational value and after weighting possible risks to public health and
57 safety, terrain involved, traffic density, and history of automobile traffic on potential and
58 existing routes.
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60 (1) Duties of the Public Works Committee

61 (A) The Committee shall develop policies and procedures for consideration of, and
62 designation of, ATV/UTV routes in accordance with the requirements of
63 Wisconsin Statute 23.33, Wisconsin Administrative Code NR 64, and the
64 provisions of this Ordinance.
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66 (B) The Committee shall designate which portions of county highways are
67 ATV/UTV routes.
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69 (C) The Committee shall establish the official ATV/UTV route opening and closing
70 dates for each year. Dates shall be posted on the Rock County website.
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72 (D) The Committee shall evaluate, annually, all submitted route applications. This
73 evaluation shall consist of consideration of the potential value, efficacy, and
74 need for the proposed ATV/UTV routes.
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76 (2) Duties of the Highway Commissioner

77 (A) The Commissioner shall ensure that all routes designated pursuant to this
78 Ordinance are properly posted.
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80 (3) Application Process for Route Designation

81 (A) Any municipal entity in Rock County may apply to the Public Works Committee
82 requesting a portion or portions of county highways, within the municipal
83 entity's jurisdictional area, be designated as ATV/UTV routes.
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85 (B) Applications shall be completed on a form prescribed by the Committee and
86 must be in compliance with the policies and procedures developed by the
87 Committee for the designation of ATV/UTV routes. The municipal entity must
88 further commit to pay for the cost to make, install, and maintain the necessary
89 ATV/UTV route signage.
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91 (C) Application Requirements: An application for designation of an ATV/UTV
92 route, at a minimum, shall include the following:
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- 94 1. An application fee, if so required by the Committee.
- 95 2. A completed application form.
- 96 3. A map showing the proposed ATV/UTV route on the county highway
97 system.
- 98 4. A map showing any existing ATV/UTV routes leading to or are proposed
99 connections to the proposed route.
- 100 5. A statement explaining why the proposed route should be designated as an
101 ATV/UTV route.
- 102 6. A statement that the applicant will be financially responsible for payments
103 for the installation and maintenance of required ATV/UTV route signs.
- 104 7. The municipal entity must provide an approved resolution showing
105 adoption of the regulations in section 3.809 of this ordinance for the
106 application to be considered.
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117 **3.806 Signage of Routes on County Trunk Highways**
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119 Any ATV/UTV Route within the limits of Rock County for ATV/UTV use must be posted with
120 proper signage on a County Trunk Highway prior to use.

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The municipal entity is responsible for the costs of developing an ATV/UTV route sign plan, and the acquisition/manufacture, installation, and maintenance of the ATV/UTV route signs.

The ATV/UTV routes signs shall be acquired/made, installed and maintained by the Rock County Department of Public Works and the costs will be billed to the appropriate municipal entity.

3.807 Routes

No County Trunk Highway may be used as an ATV/UTV route until it has been designated as such by the Public Works Committee and proper signage has been installed in accordance with Wis. Admin. Code § NR 64.12(7), Wisconsin DNR Guidelines, and the Manual on Uniform Traffic Control Devices (MUTCD), including the Wisconsin Supplement (WMUTCD).

The County Board, Public Works Committee, or Highway Commissioner or designee may suspend any route at any time for any reason.

The Department of Public Works shall maintain a list of approved ATV/UTV routes open for use on the County Trunk Highways with posted speed limits over 35 miles per hour.

3.808 Route Maintenance

The designation of County Trunk Highways as an ATV/UTV route does not impose upon the County a greater duty of care or responsibility for maintenance of those highways. Operators of ATVs/UTVs on county highways assume all the usual and normal risks of riding that vehicle. The County accepts no liability for the operation of ATVs/UTVs on any county highway under this Ordinance.

3.809 Regulation of ATVs/UTVs

Except as otherwise provided herein, the statutory provisions of Wisconsin Statute 23.33 and Wis. Admin. Code § NR 64, which create, describe, and define regulations with respect to ATVs and UTVs, are adopted and, by reference, made a part of this Ordinance as if set forth herein.

- (1) Operator and Rider Requirements: Any person who operates or rides as a passenger on an ATV or UTV on a County Trunk Highway that is an ATV/UTV route in Rock County designated pursuant to Wis. Stat. § 23.33(8)(b)1, must meet the following requirements:
 - (A) Any operator or passenger shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including those outlined in Wis. Stat. § 23.33 and Wis. Admin. Code § NR 64. All ATV/UTV rules of operation outlined in Wis. Stat. § 23.33 and Wis. Admin. Code § NR 64 are adopted and incorporated in this Ordinance.
 - (B) No person may operate an ATV or UTV without having attained the age of 16.
 - (C) No person may operate an ATV or UTV without either a valid Wisconsin driver's license or a valid ATV Safety Certificate issued by the State of Wisconsin.
 - (D) Operators and passengers under the age of 18 are required to wear a minimum DOT approved ATV or motorcycle helmet with the chin strap properly fastened.
 - (E) Operators shall have a liability insurance policy in force on any ATV or UTV operated on an ATV/UTV route. The liability insurance policy must have the following minimum coverages:
 - 1. \$10,000 for property damage
 - 2. \$25,000 for the injury or death of one person
 - 3. \$50,000 for the injury or death of more than one person
- (2) Rules of Operation: The operation of an ATV/UTV on a County Trunk Highway that is an ATV/UTV route in Rock County designated pursuant to Wis. Stat. § 23.33(8)(b)1, is subject to the following rules of operation:

- 191 (A) Any operator or passenger shall comply with all federal, state, and local laws,
192 orders, regulations, restrictions, and rules, including those outlined in Wis. Stat.
193 § 23.33 and Wis. Admin Code § NR 64. All ATV/UTV rules of operation
194 outlined in Wis. Stat. § 23.33 and Wis. Admin. Code § NR 64 are adopted and
195 incorporated in this Ordinance.
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197 (B) Operators may only operate on a designated ATV/UTV route if said route is
198 properly signed in accordance with Wis. Stat. § 23.33(8)(e) and Wis. Admin.
199 Code § NR 64.12(7).
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201 (C) Speed Limit: Posted speed limit of the highway unless a specific ATV/UTV
202 speed limit is posted.
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204 (D) Operation on the unimproved right-of-way or ditch, outside of the regular
205 traveled portion of the highway is prohibited.
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207 (E) ATVs/UTVs shall yield the right-of-way to all other vehicular traffic and
208 pedestrians.
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210 (F) Hours of operation restrictions: None.
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212 (G) Seasonal restrictions: None.
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214 **3.810 Enforcement**

215 Any act that is required or prohibited by any statute or administrative code provision
216 incorporated herein by reference is required or prohibited by this Ordinance.
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219 The Rock County Sheriff's Office and local law enforcement agencies shall have authority to
220 enforce this Ordinance pursuant to Wis. Stat. § 23.33(12).
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222 **3.811 Penalties**

223 Any forfeiture for a violation of Wisconsin State Statute or Wisconsin Administrative Code
224 adopted by reference in this Ordinance shall conform to the forfeiture permitted to be
225 imposed for violation of said statutes or code provisions as set forth herein.
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228 Any violation of a section of this Ordinance without a penalty specified by statute or
229 administrative code shall have a cash deposit requirement of fifty dollars (\$50.00) plus court
230 costs. A cash deposit requirement of one-hundred fifty dollars (\$150.00) plus court costs
231 will be required for a second violation of this Ordinance within a 12-month period.
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233 **3.812 Annual Review of ATV/UTV Routes**

234 All ATV/UTV Routes established pursuant to this Ordinance shall be reviewed annually by
235 the Rock County Public Works Committee to consider the continued value, efficacy or need
236 for the ATV/UTV routes or the inclusion of additional ATV/UTV routes, all pursuant to the
237 intent of this Ordinance.
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240 **3.813 Severability**

241 If a court of competent jurisdiction adjudges any section, provision or portion of these
242 regulations invalid, the remainder of this ordinance shall not be affected thereby.
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245 **3.819 Effective Date**

246 This ordinance shall be effective upon publication.
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FISCAL NOTE:

Minimal fiscal impact.

Sherry Oja
Finance Director

LEGAL NOTE:

The County Board is authorized to take this action pursuant to § 59.02(2), Wis. Stats.

Richard Greenlee
Corporation Counsel

ADMINISTRATIVE NOTE:

Matter of policy.

Josh Smith
County Administrator