

ORDINANCE NO. 2021-01

Jefferson County - All-Terrain Vehicle (ATV) and Utility-Terrain Vehicle (UTV) Route Ordinance

Section 1 - General

Following due consideration of the recreational and economic value to access businesses and residences weighted against possible dangers, public health, public safety, liability aspects, terrain involved, traffic density and other traffic risks, this ordinance is enacted pursuant to sections 59.02 and 23.33 Wis. Stats., and the provisions of the Wisconsin Administrative Code NR 64 regulating ATV operation, which is hereby incorporated and adopted.

Section 2 - Applicability and Enforcement

The provisions of this Ordinance shall apply to all county highways within the jurisdiction of Jefferson County and the provisions of this ordinance shall be enforced by the Jefferson County Sheriff's Office.

Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law, or order that pertains to the subject matter addressed under this section.

Section 3 - Limitations

The following limitations apply on all areas designated in this Ordinance:

Operators and passengers of all ATVs/UTVs shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including, but not limited to, section 23.33 Wis. Stats. and Wisconsin Administrative Code NR 64.

This Ordinance incorporates by reference all definitions under section 23.33 Wis. Stats. and Wisconsin Administrative Code NR 64 and any other applicable Wisconsin Law defining ATVs/UTVs and regulating ATV/UTV use unless this Ordinance states otherwise.

ATVs/UTVs shall be operated on the extreme right side of the roadway on the paved surface.

ATVs/UTVs may be operated on paved surfaces only, unless yielding the right of way.

ATV/UTV operators are required to have applicable liability insurance.

ATVs/UTVs shall not be operated at a speed greater than the posted speed limits.

ATVs/UTVs may not be operated on any county highway route without fully functional headlights, taillights, and brake lights.

ATVs/UTVs may not be operated on any county highway route between the hours of 10:00 p.m. and 5:00 a.m.

No person may operate an ATV/UTV on any county highway route without a valid driver's license and shall display the license upon demand from any law enforcement officer or official described in section 23.33(12) Wis. Stats.

Section 4 - ATV/UTV Routes

County highway routes designated for ATV/UTV use shall be established and approved by the Jefferson County Highway Committee. Any modification to the routes designated for ATV/UTV use shall be approved by the Jefferson County Highway Committee.

The routes designated as an ATV/UTV vehicle route shall be as follows: All County Highways within Jefferson County jurisdiction.

The Jefferson County Highway Committee shall have the authority to suspend operation on any County Highway route or segment thereof due to hazards, construction, emergency conditions, road damage, or any other issue deemed appropriate for public safety. Routes subsequently removed as an ATV/UTV vehicle route will be posted on the Jefferson County website.

No County highway segment may be designated as an ATV/UTV vehicle route if it is located within a City or Village which has jurisdictional responsibility for that segment without City or Village permission.

Section 5 - Route Signs

All initial required route signs will be installed and maintained by the Jefferson County Highway Department.

All signs shall be in compliance with the Federal Manual on Uniform Traffic Control Devices (MUTCD).

No person may erect or, remove any official designated route sign unless authorized by the Jefferson County Highway Department in writing.

No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

Section 6 - Penalties

This Ordinance shall be enforced by the Jefferson County Sheriff's Office or any law enforcement official as set forth in section 23.33(12) Wis. Stats., including the issuance of a citation under section 66.0113 Wis. Stats.

The penalties set forth in section 23.33(13)(a) Wis. Stats., are adopted and incorporated by reference herein.

Section 7 - Severability

Should any sub-section, clause, or provision of this ordinance be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part declared invalid.

Section 8 - Maintenance

Designation of segments of the Jefferson County Highway System as ATV/UTV routes does not impose upon the Jefferson County Highway Department a greater duty of care or responsibility

for maintenance of those segments than for any other segment of county highway. Operators of ATV/UTVs on county highways assume all the usual and normal risks of ATV/UTV operation.

Section 9 - Effective Date

This Ordinance shall be effective upon enactment and publication.

Section 10 – Highway Committee Review

This Ordinance shall be reviewed in its entirety before November 30, 2022 by the Jefferson County Highway Committee giving due consideration to the recreational and economic value to access businesses and residences weighted against possible dangers, public health, public safety, liability aspects, terrain involved, traffic density and other traffic risks since the enactment of this ordinance to make a finding whether or not the benefits of continuing this ordinance outweigh repealing this ordinance. Such findings shall be forwarded to the Jefferson County Board of Supervisors as a Communication which will include any recommended amendments. Any findings and recommendations by the Highway Committee shall be made following consultation with the Jefferson County Sheriff's Office and the Jefferson County Highway Commissioner.

Fiscal Note: Adoption of the Ordinance could have a potential cost impact for signage required by the MUTCD. The cost of the signage would be initially borne by the Highway Department.

Voice Vote – Passed

/s/ Steven Nass

Steven Nass, County Board Chair

ATTEST:

/s/ Audrey McGraw

Audrey McGraw, County Clerk

Published this 23rd day of April 2021.

Referred By:
Highway Committee

04-20-21

REVIEWED: County Administrator: BPW; Corporation Counsel: jbw; Finance Director: 