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SHAWANO COUNTY CLERK – PAMELA SCHMIDT

STATE OF WISCONSIN }
COUNTY OF SHAWANO }

I, Pamela Schmidt, County Clerk, in and for the County of Shawano, State of Wisconsin, do hereby certify that the following copy of Ordinance No. 5-16 is a true and correct copy of the original Ordinance No. 5-16 duly adopted by the Shawano County Board of Supervisors at a meeting held on August 24, 2016.

Given under my hand and official seal, at the Shawano County Courthouse, in the City of Shawano, this 20th day of October, 2016.


Pamela Schmidt
Shawano County Clerk



Ordinance No. 5-16

To approve an ordinance for All-Terrain Vehicles (ATV) and Utility Terrain Vehicles (UTV) Routes on the County Trunk Highway System.

Whereas, a highway segment or section of highway may be designated as a route for the use of ATV's and/or UTV's by the governmental agency having jurisdiction; and

Whereas, a route is generally recognized as a means to connect the terminal ends of a trail when it is obstructed by a city, village, river, railroad track or other impediment; and

Whereas, Wisconsin Statute 23.33 gives counties the authority to accommodate ATVs and UTVs on County Trunk Highways by designating such roadways as ATV/UTV routes, as necessary in a county's discretion; and

Whereas, the Highway Committee voted 3-2 in favor of the Ordinance, the Public Safety Committee did not approve the Ordinance because it failed for lack of a second, and the Highway Safety Commission chose to have the Ordinance forwarded to the County Board for its consideration with no recommendation.

Now, therefore, be it ordained by the Shawano County Board of Supervisors, in session this 24th day of August, 2016, that the following is adopted:

Ordinance for All-Terrain Vehicles (ATV) and Utility Terrain Vehicles (UTV) Routes on the County Trunk Highway System

Section 1: Purpose. Following due consideration of the recreational value to connect trail opportunities and weighed against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, Shawano County enacts this ordinance for the purpose of designating routes for the operation of ATVs and UTVs on Shawano County highways and regulating the operation of ATVs and UTVs on designated routes.

Section 2: Statutory Authority. This ordinance is enacted under the authority of §§ 23.33(8)(b), 23.33(11) and 59.02, Wis. Stats. The provisions of § 23.33, Wis. Stats., and the provisions of Wisconsin Administrative Code NR 64 regulating ATV and UTV operations and containing applicable definitions are hereby adopted and incorporated into this Ordinance as though set forth in full herein.

Section 3: Operation of All-Terrain Vehicles and Utility Terrain Vehicles.

- (a) Pursuant to § 23.33(4)(b), Wis. Stats., except as provided in § 23.33, Wis. Stats., no person may operate an ATV or UTV on any part of Shawano County ("County") highways except those portions of County highways that are designated as ATV and/or UTV routes in subsection (5).

- (b) The operation of ATVs and UTVs on any portion of a County highway designated as an ATV route and/or UTV route shall be subject to the following:
1. ATVs and UTVs shall be operated on the extreme right side of the roadway on the paved surface.
 2. ATVs and UTVs shall be operated in compliance with all applicable Wisconsin laws, orders, regulations, restrictions and rules, including § 23.33, Wis. Stats., and Chapter NR 64, Wis. Admin. Code.
 3. ATVs and UTVs are authorized to operate on County Highways only during daylight hours.
 4. All operators shall ride in single file.
 5. Operation of ATVs and UTVs on County highways shall only be permitted from April 1 through December 1.
 6. Operators are required to have headlamps (white light) and tail-lamps (red light) turned on at all times.
 7. No person under twelve (12) years of age shall operate an ATV or UTV under any circumstances.
 8. 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.
 9. All operators and passengers under the age of 18 shall wear a helmet approved by the Wisconsin Department of Transportation.

Section 4: Speed Limits. The speed limit on all designated routes shall be thirty five (35) miles per hour. Operators shall reduce speed whenever the posted limited is less, or as required by Wisconsin Statutes, or as conditions warrant.

Section 5: Routes. Prior to a highway segment being considered for designation as an ATV/UTV route, the petitioner(s) shall demonstrate to the Highway Committee and the Highway Commissioner that no other practical option for a trail exists. The single most important route consideration is the safety of all users: ATV/UTV riders, pedestrians, bicyclists, motorcyclists, automobile drivers, truck drivers, and others.

When considering designations for an ATV/UTV route, the following criteria shall be followed:

- (a) Requests for ATV/UTV routes must be made by a recognized ATV Association/ Club or a City, Town, or Village.
- (b) An evaluation of establishing a trail versus a route shall be completed and submitted to the Highway Committee for review.
- (c) Requests for routes must be for one of the following:
 - 1. To connect a trail to a trail. Need must be demonstrated by attaching statements from landowners denying access for trails.
 - 2. To address valid safety concerns.

The following described County highways are designated as ATV/UTV routes:

(Future routes to be determined by Highway Committee.)

Section 6: Signage. The County, as a unit of government that designates the routes, is responsible by state statute to maintain the proper route signs.

- (a) Routes shall be marked with uniform ATV and/or UTV route signs in accordance with § NR 64.12(7), Wis. Admin. Code.
- (b) The Shawano County Highway Department, as the maintaining authority of the highways designated as routes, shall install appropriate signs.
- (c) Costs for the signs and installation shall be borne by the ATV Association/Club making the designated request. Excessive maintenance costs, due to ATV/UTV traffic, shall be charged to the requesting ATV Association/Club.

Section 7: Annual Reviews of ATV/UTV Routes. All ATV/UTV routes established pursuant to this ordinance shall be reviewed annually by the Shawano County Highway Commissioner or his designee to consider the continued value, efficacy or need for the ATV/UTV routes or the inclusion of additional ATV/UTV routes, all pursuant to the intent of this ordinance. The Shawano County Highway Commissioner is vested with the authority to close or terminate any designated ATV/UTV route set forth on Exhibit A as needed.

Section 8: Enforcement. This ordinance shall be enforced by the Shawano County Sheriff's Department.

Section 9: Penalties. The penalties set forth in § 23.33(13)(a) Wis. Stats., are adopted by reference.

Section 10: Severability. The provisions of this ordinance shall be deemed severable and it is expressly declared that Shawano County would have passed the 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 circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.

Section 11: Effective Date. This Ordinance shall be effective upon passage and publication as required by law.

Section 12: Forwarding. The County Highway Department shall forward a copy of this Ordinance to the entities set forth in Section 23.33(11)(b) of the Wisconsin Statutes.

Submitted by, John Ainsworth
 Kevin Conradt
 Steve Gueths
 Thomas Kautza
 Randy Young
HIGHWAY & PARKS COMMITTEE