

ORDINANCE NO. 22 - 16

An Ordinance For All-Terrain And Utility-Terrain Vehicle Use In Richland County.

AUTHORITY AND PURPOSE: The Richland County Board has considered the recreational and economic value of all-terrain vehicle (ATV) and utility-terrain vehicle (UTV) route and trail opportunities while also considering protecting the safety of all motorists and users of the roadway by maintaining the road edge, surface and integrity of the right-of-way, public safety, liability aspects, terrain involved, traffic density, and history of automobile traffic. The establishment of this Ordinance is for the recreational and economic value to the ATV/UTV public and Richland County makes no warranty expressed or implied that the routes, trails, or crossings are safe for the operation of these motorized vehicles. After due consideration, this Ordinance is being created pursuant to County Board authority under Wis. Stats. §§ 59.02, 23.33(8)(b) and 23.33(11) and it shall regulate all ATV and UTV Traffic on all legally designated ATV/UTV Routes or Trails under the jurisdiction of Richland County WI.

The Richland County Board of Supervisors does hereby ordain as follows:

Richland County adopts, by reference in this section, words and phrases used herein shall have the meaning as defined by Wis. Stat. § 23.33(1), unless otherwise defined herein. All-terrain vehicles (hereinafter referred to as ATVs) shall have the definition given in Wis. Stat. § 340.01(2g). Utility terrain vehicles (hereinafter referred to as UTVs) shall have the definition given in Wis. Stat. § 23.33(1)(ng). Any reference to a Wisconsin Statute Section or Administrative Code Regulation is a reference to that specific chapter, section, code, or its successor chapter, section, or code. Any future amendments, revisions, or modifications of the statutes or administrative code incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of all-terrain vehicles.

Applicability and Enforcement.

An officer of the state traffic patrol under s. [110.07 \(1\)](#), inspector under s. [110.07 \(3\)](#), conservation warden appointed by the department under s. [23.10](#), county sheriff or municipal peace officer has authority and jurisdiction to enforce this section and ordinances enacted in accordance with this section.

- a) No operator of an all-terrain vehicle or utility terrain vehicle may refuse to stop after being requested or signaled to do so by a law enforcement officer or a commission warden, as defined in s. [939.22 \(5\)](#).

Regulation of ATVs/UTVs, Operators and Passengers

- a) Except as otherwise provided herein, the statutory provisions of Wis. Stat. § 23.33 and Wis. Admin. Code NR § 64, which creates, describes, and defines regulations with respect to ATVs and UTVs and their operators and passengers are adopted and, by reference, made a part of this Ordinance as if fully set forth herein. Operators who are from Out of State, as well as their ATVs/UTVs and equipment, are subject to the same.
- b) Operator and Rider Requirements –
Any person who operates, or is a passenger on, an ATV/UTV that is being operated in Richland County on a designated ATV/UTV Route pursuant to Wis. Stat. § 23.33(8)(b)1 or a designated ATV/UTV Trail pursuant to Wis. Stat. § 23.33(8)(c), must meet the following requirements:
 - i. Any operator or passenger shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules.
 - ii. No person may operate an ATV or UTV without having attained the age of 16.
 - iii. No person may operate an ATV or UTV without a valid driver's license.
 - iv. All operators must carry proof of insurance coverage for any ATV or UTV being operated on an ATV/UTV route in Richland County.
 - v. All operators born after January 1, 1988 must possess a valid ATV Safety certificate issued by the state or any other state or province. Operators must be in possession of this certificate while operating in areas open to the public and display it to a Law Enforcement Officer upon request. Those 16 years or older that are certified may transport other passengers. ATV Safety Institute (ASI) certificates are not valid in Wisconsin.
- c) Rules of Operation -
 - i. ATVs /UTVs being operated on designated Routes and Trails within Richland County must have current Wisconsin registration decals and rear registration plate if public use registration.
 - ii. Operators on ATV/UTV routes shall observe a speed limit not to exceed 35 miles per hour or the posted speed limit on the roadway, whichever is less.
 - iii. ATVs/UTVs shall be operated in single file.
 - iv. All types of competitive events and contests are prohibited while operating on designated ATV/UTV Routes or Trails.
 - v. ATV/UTV Operating Hours are daily from 4am-11pm and are year round. ATV/UTV operation on designated Routes and Trails outside of these hours is strictly prohibited.

- vi. All ATVs/UTVs must be operated with fully functional headlamps, tail lamps, and brake lights.
- vii. ATVs/UTVs operated on designated routes or trails cannot be operated with anything other than tires.
- viii. Every ATV/UTV shall be equipped, maintained, and operated to prevent excessive or unusual noise. No person shall operate an ATV/UTV on any Designated Route or Trail unless the vehicle is equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation.

Designation of ATV/UTV Routes.

The Richland County Highway Commissioner and or his/her designee in conjunction with the Richland County Sheriff's Department and County Board may designate routes pursuant to Wis. Stat. § 23.33(8)(a)(b)(c)(d) and following due consideration of the recreational value to connect route opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density, and history of automobile traffic on potential and existing routes when applicable.

- a) All County Trunk Highways within Richland County are designated as ATV/UTV Routes. In addition, that portion of any State Road for which the County has received approval from the Wisconsin Department of Transportation (DOT) as an ATV/UTV Route is also designated as a County ATV/UTV Route including any that traverse into a city, town or village is also designated as a County ATV/UTV Route. All Town and Village Roads and Streets used as ATV/UTV routes shall be designated, established and approved by the respective Town Board of Supervisors or the Village Board of Trustees.
 - i. Any modifications to a designated ATV and UTV route shall be presented by the Highway Commissioner or his/her designee and approved by the Richland County Board. A copy of those ATV and UTV routes, along with a map showing their location, shall be kept on file at the Richland County Highway Department along with copies filed at the Richland County Sheriff's Department, Fair & Parks Offices and Richland Tourism Office.
 - ii. The Richland County Highway Commissioner and or his/her designee, shall have the authority to suspend operation on any open routes for up to ninety (90) days due to hazard, construction, or emergency conditions in any highway segment that is an open route. This could be extended dependent on the situation.
- b) The Richland County Board recommends that the respective Town Board of Supervisors or the Village Board of Trustees adopt this ordinance in its entirety to ensure public safety.
- c) ATV/UTV routes on bridges shall be designated and approved by the Richland County Board of Supervisors following §§23.33(4)(d)3.b and 23.33(11)(am)3, Wis. Stats.
- d) The County Board of Supervisors may rescind or modify the designation of an ATV/UTV route by enactment of an ordinance rescinding or modifying the designation.
- e) Any crossings for approved routes established across any public roadways are required to be permitted by the governmental agency having jurisdiction over that roadway.
- f) Operation on County Property. No person shall operate any all-terrain vehicle on lands owned by the County except where the use is authorized.

Route Signs.

The placement of ATV/UTV route signs within Richland County are pursuant to Wis. Stat. § 23.33(8)(e)3

Penalties.

The State of Wisconsin All-Terrain Vehicle penalties as found in § 23.33 (13) (a) Wis. Stats., are adopted by reference.

- a) In addition to any forfeiture, a court may order restitution to repair any damage caused by violation of this chapter.

Severability.

The provisions of this ordinance shall be deemed severable. 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.

BE IT FURTHER ORDAINED that this ordinance will supersede all previous County Ordinances pertaining to ATV/UTV being effective upon publication in the county's newspaper of record.

DATED: SEPTEMBER 20, 2022
PASSED: SEPTEMBER 20, 2022
PUBLISHED: SEPTEMBER 29, 2022

ORDINANCE OFFERED BY THE PUBLIC
WORKS STANDING COMMITTEE
(08 SEPTEMBER 2022)

	FOR	AGAINST
MARTY BREWER, CHAIR	X	
RICHLAND COUNTY BOARD OF SUPERVISORS	X	
ATTEST:		
	X	
	X	
	X	
	X	
	X	
	X	
	X	
DEREK S. KALISH		
RICHLAND COUNTY CLERK		