

**Ordinance No. 27-16**  
**Ordinance to Establish ATV and UTV Routes on County Trunk Highways**

TO THE HONORABLE MEMBERS OF THE POLK COUNTY BOARD OF SUPERVISORS:

Ladies and Gentlemen:

NOW, THEREFORE, the Polk County Board of Supervisors ordains an ordinance regulating the operation of all-terrain vehicles and utility terrain vehicles on county trunk highways, as follows:

**Section 1. General**

**1.01 Content and Scope.** 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, Polk County enacts this ordinance to designate routes for the operation of All-Terrain Vehicles (“ATV”) and Utility Terrain Vehicles (“UTV’s”) on Polk County highways and to regulate the operation of ATV’s and UTV’s on such designated routes.

**1.02 Statutory Authority.** This ordinance is enacted under the authority of §§ 23.33(8)(b), 23.33(11) and 59.02, Wis. Stats. In addition, the provisions of § 23.33, Wis. Stats., and the provisions of Wisconsin Administrative Code NR 64 regulating ATV operations are hereby incorporated and adopted.

**Section 2. Regulated Operation of All-Terrain Vehicles and Utility Terrain Vehicles.**

**2.01** 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 Polk County (“County”) highways except those portions of County highways that are designated as ATV and/or UTV routes in Section 3 and in accordance with the provisions of this Ordinance.

**2.02** The operation of ATV’s and UTV’s on any portion of a County highway designated as an ATV route and/or UTV route shall be subject to the following:

- a. ATV’s and UTV’s shall be operated on the extreme right side of the roadway on the paved surface.
- b. ATV’s and UTV’s 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.
- c. ATV’s and UTV’s shall be operated within applicable speed limits.
- d. ATV’s and UTV’s are authorized to operate on County Highways only during daylight hours. Daylight hours means from ½ hour before sunrise to ½ hour after sunset.
- e. All operators shall ride in single file.
- f. Operation of ATV’s and UTV’s shall only be permitted from April 1 through December 1.

- g. ATV's and UTV's shall not be operated on designated routes unless signage in accordance with § 23.33(8), Wis. Stats., and rules promulgated by the Wisconsin Department of Natural Resources is present.
- h. Operators are required to have headlamps (white light) and tail lamps (red light) turned on at all times.
- i. No person under twelve (12) years of age shall operate an ATV or UTV under any circumstances.
- j. 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.
- k. All operators and passengers under the age of 18 shall wear a helmet approved by the Wisconsin Department of Transportation.

**2.03 Speed Limit.** 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.

**Section 3 Designated Routes**

**3.01** The following described segments of Polk County highways are designated as ATV routes:

Town	County Highway	Segment
Lorain	E	30 <sup>th</sup> Str. to 20 <sup>th</sup> Str.
McKinley	E	260 <sup>th</sup> Ave. to State Rd. 48
Clam Falls	I	Clam Falls Dr. to 65 <sup>th</sup> Street
Bone Lake	O	265 <sup>th</sup> Ave. to 270 <sup>th</sup> Ave.
Georgetown	E	Round Lake Rd. to 233 <sup>rd</sup> Ave.
Georgetown	G	80 <sup>th</sup> Str. to Bake Rd.
Milltown	G	140 <sup>th</sup> Str. to Dau Dr.
Luck	GG	Entirety of CTH GG
Milltown	GG	Entirety of CTH GG
Bone Lake	GG	State Rd. 48 to CTH G
Georgetown	GG	Entirety of CTH GG
Bone Lake	I	250 <sup>th</sup> Str. to 250 <sup>th</sup> Street
Sterling	G	250th Str. to River Rd.
Osceola	M	200 <sup>th</sup> Str. to Nye Lane
Laketown	Z	240 <sup>th</sup> Ave. to CTH N
Lincoln	H	105 <sup>th</sup> Ave. to 110 Str.
Apple River	H	120 <sup>th</sup> Ave. to Mains Crossing
Balsam Lake	I	160th Str. To 160 <sup>th</sup> Str.
Osceola	MM	90 <sup>th</sup> Ave. to 90 <sup>th</sup> Ave.
Osceola	K	Big Lake Dr. to CTH M
Osceola	F	CTH MM to 210 <sup>th</sup> Street
Lincoln	F	Deronda to CTH CC
Lincoln	C	CTH F to 68 <sup>th</sup> Ave.

North Horseshoe Lake Lane

Beaver	T	<del>160<sup>th</sup> Avenue</del> to South Horseshoe Dr.
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**3.02 Operation of Utility Terrain Vehicles.** Pursuant to § 23.33(1m)(b)1, Wis. Stats., this ordinance shall apply to the operation of UTV's. Any route designated in subsection 5, above, shall be designated for the operation of a UTV.

**Section 4 Administration and Signage**

- 4.01** This Ordinance shall be administered by the Polk County Highway Commissioner. Polk County Highway Commissioner may close, in his sole discretion, designated trails to ATV/UTV traffic.
- 4.02** All ATV routes established pursuant to this ordinance shall be reviewed annually by the Polk County Highway Commissioner with the advice of the Polk County Public Safety and Highway Committee to consider the continued value, efficacy or need for the ATV routes or the inclusion of additional ATV routes, all pursuant to the intent of this ordinance.
- 4.03** The Polk County Highway Department shall have sole authority and responsibility for placement of signage on designated routes. The county highways designated as ATV routes will be open when marked with appropriate signage. As the maintaining authority of the highways designated as routes, the Highway Department shall furnish, install, and maintain the proper signs.
- 4.04** The creation, placement, maintenance, repair or replacement of ATV/UTV route signs shall not require the expenditure of County funds or other County resources. In administering this Ordinance, the Polk County Highway Commissioner may enter into contracts on behalf of Polk County for the procurement, placement, maintenance, repair or replacement of ATV/UTV route signs consistent with this provision.
- 4.05** The creation, placement, maintenance, repair or replacement of ATV/UTV route signs shall not require the expenditure of County funds or other County resources.
- 4.06** Routes shall be marked with uniform ATV and/or UTV route signs in accordance with § NR 64.12(7), Wis. Admin. Code.

**Section 5 Enforcement and Penalties.**

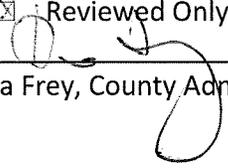
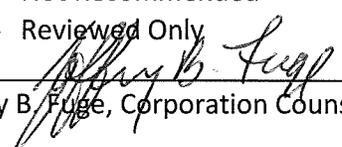
- 5.01** This ordinance shall be enforced by the Polk County Sheriff's Department.
- 5.02** This Ordinance may be enforced in accordance with § 23.33(12) Wisconsin Statutes, including the issuance of a citation under Section 66.0113 Wisconsin Statutes.
- 5.03** The penalties set forth in § 23.33(13)(a) Wis. Stats., are adopted and incorporated by reference.

**Section 6 Severability**

**6.01** The provisions of this ordinance shall be deemed severable and it is expressly declared that Polk 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 7 Effective Date**

**7.01** This Ordinance shall effective upon enactment and publication.

Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage and Publication
Dated Submitted To County Board	June 21, 2016
Submitted and Sponsored By:	<u>See page 5</u>
Review By County Administrator: <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only  Dana Frey, County Administrator	Review By Corporation Counsel: <input checked="" type="checkbox"/> Approved as to Form <input type="checkbox"/> Recommended <input type="checkbox"/> Not Recommended <input checked="" type="checkbox"/> Reviewed Only  Jeffrey B. Fuge, Corporation Counsel

Acknowledgement of County Board Action

At its regular business meeting on the 21<sup>st</sup> day of June 2016, the Polk County Board of Supervisors considered and acted on the above ordinance, Ordinance No. 24-16: Ordinance to Establish ATV and UTV Routes on County Trunk Highways, as follows:

- Enacted by simple majority of the board of supervisors by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.
- Enacted by unanimous vote. *as amended*
- Defeated by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ against.
- Defeated by voice vote.
- Action Deferred by Procedural Action, as follows: \_\_\_\_\_

SIGNED BY:

*Dean Johansen*  
Dean Johansen, County Board Chairperson

Attest: *Carole T. Wondra*  
Carole T. Wondra, County Clerk

Certification of Publication

Ordinance No. \_\_\_\_-16: Ordinance to Establish ATV and UTV Routes on County Trunk Highways, was published pursuant to Wisconsin Statutes § 59.14(1) in the Inter-County Leader on the \_\_\_\_\_ day of June, 2016.

\_\_\_\_\_  
Carole T. Wondra, County Clerk

Dated: \_\_\_\_\_

*Gay Rulle*  
*Justin Benavise*  
*Joe Demully*  
*Larry Jepsen*  
*Douglas A. Route*

CERTIFIED COPY OF POLK COUNTY ORDINANCE

STATE OF WISCONSIN

COUNTY OF POLK

I, Carole T. Wondra, Polk County Clerk due hereby certify that the attached hereto and incorporated herein is a full, true and correct copy of the Polk County Ordinance

*No. 24-16*  
Ordinance to Establish ATV and UTV Routes on County Trunk  
*Highways*  
as adopted by the Polk County Board of Supervisors on the 21<sup>st</sup> day of June,  
2016.

Carole T. Wondra      6-23-16

Carole T. Wondra, Polk County Clerk

Date

**Town of Beaver  
2016 Annual Meeting  
Tuesday, April 19, 2016  
6:00 p.m.**

**Present:** Nick Walton, Kent Coleman, Brian Bjerke, Suzanne Bjerke, Louise Wright, Roxy King, Judy Jeska, Sabrina Evenson, Glen Wright, Wendy Coleman

The Annual Meeting was called to order by Glen Wright.

Minutes from the 2015 Annual Meet were read by Glen Wright. **Motion:** (Judy Jeska / Brian Bjerke) to approve the minutes of the 2015 Annual Meeting. Carried with no opposition.

**Public Comment:** Brian Bjerke spoke regarding patching of pot holes and the spring break-up his road.

The 2015 Financial Report was presented by Wendy Coleman. **Motion:** (Roxy King / Brian Bjerke) to accept the 2015 Financial Report. Carried with no opposition.

Wendy Coleman presented a summary of board salaries of other area town boards. Duties of Clerk and Treasurer were discussed including appointment to Lake District for Treasurer. **Motion:** (Suzanne Bjerke / Brian Bjerke) to raise Clerk salary to \$10,000. Carried.

**Motion:** (Glen Wright / Brian Bjerke) to leave Chair and Supervisor salaries as is. Carried.

**Motion:** (Brian Bjerke / Suzanne Bjerke) to raise Treasurer salary to \$5,000. Carried.

**X** **New Business:** Brian Bjerke requested Board support to allow ATV use of a portion of CTH T from North Horseshoe Lake Lane to South Horseshoe Lake Drive. Bjerke has spoke with Luck ATV Club, Craig Moriak (County Board Supervisor) and new Highway Commissioner regarding request. **Motion:** (Glen Wright / Suzanne Bjerke) to recommend to Town Board to support ATV use on CTH T. Discussion. Carried with no opposition.

Brian Bjerke asked about culverts outside building. They were moved from Greg's Excavating for a project that was not completed last year.

There was no old business brought up by those present.

**Motion:** (Roxy King / Brian Bjerke) to set the next Annual Meeting will be April 18, 2017 at 6:00 p.m.

Glen Wright reminded those in attendance that the Caucus will be in January and Wright does not intend to seek re-election.

**Motion:** (Roxy King / Kent Coleman) to adjourn at 6:51 p.m.

Minutes Respectfully Submitted By: Wendy Coleman, Clerk