

**Ordinance No. 36 -16**  
**Amendment to Polk County ATV and UTV Route Ordinance**

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

Ladies and Gentlemen:

WHEREAS, on June 21, 2016, the Polk County Board of Supervisors enacted Ordinance No. 24-16, entitled Ordinance to Establish ATV and UTV Routes on County Trunk Highways; and

WHEREAS, the language contained in Sections 4.04 and 4.05 of said ordinance limited considerably the procurement and installation of the signs necessary to lawfully open the county trunk highways designated by ATV and UTV routes; and

WHEREAS, it is in the interest of the County to amend the ordinance in such a manner to allow for the lawful opening of ATV and UTV routes designated by the ordinance.

NOW, THEREFORE, the Polk County Board of Supervisors ordains that Ordinance No. 24-16, Ordinance to Establish ATV and UTV Routes on County Trunk Highways, shall be amended to read, 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.
Beaver	T	160 <sup>th</sup> Avenue to South Horseshoe Dr.

**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 and sign posts.
- 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 and sign posts consistent with this provision. The Highway Department is authorized to expend county funds and other County resources as necessary to create, procure, place, maintain, repair or replace ATV/UTV route signs and sign posts. The Highway Commissioner is authorized to enter into on behalf of Polk County contracts that provide for reimbursement of the costs incurred by the County for the purchase of ATV/UTV route signs.~~
- 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-Repealed.~~
- 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.

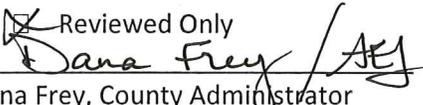
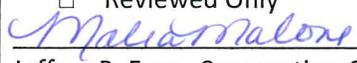
**Section 6 Severability**

**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**

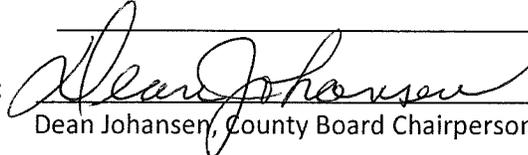
**7.01** This Ordinance shall effective upon enactment and publication.

(Continued on Page 5)

Funding Source/ Funding Amount:	Highway Department Funds
Date Reviewed as to Appropriations:	September 8, 2016
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage and Publication
Dated Submitted To County Board	September 20, 2016
Submitted and Sponsored By: 	
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 type="checkbox"/> Reviewed Only  Jeffrey B. Fuge, Corporation Counsel
<p><b>Acknowledgement of County Board Action</b></p> <p>At its regular business meeting on the 20<sup>st</sup> day of September 2016, the Polk County Board of Supervisors considered and acted on the above ordinance, Ordinance No. <u>36</u>-16: Amendment to Polk County ATV and UTV Route Ordinance, as follows:</p>	

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

SIGNED BY:

  
\_\_\_\_\_  
Dean Johansen, County Board Chairperson

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

Certification of Publication

Ordinance No. \_\_\_\_-16: Ordinance No. \_\_\_\_-16: Amendment to Polk County ATV and UTV Route Ordinance, was published, pursuant to Wisconsin Statutes § 59.14(1), in the Inter-County Leader on the \_\_\_\_\_ day of September, 2016.

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

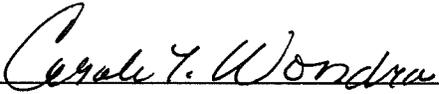
Dated: \_\_\_\_\_

**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 Amendment to Polk County ATV and UTV Route Ordinance, as adopted by the Polk County Board of Supervisors on the 20<sup>th</sup> day of September, 2016 .

 9-26-16

Carole T. Wondra, Polk County Clerk

Date