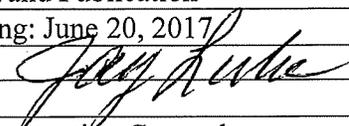
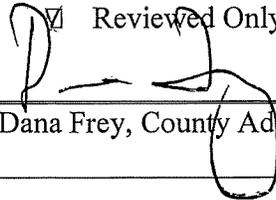


Polk County Board of Supervisors  
Ordinance No. 46-17  
Amendment to Polk County ATV and UTV Route Ordinance

NOW THEREFORE, BE IT ORDAINED that the Polk County Board of Supervisors enacts and amends the Polk County Polk County ATV and UTV Ordinance, attached hereto and incorporated herein.

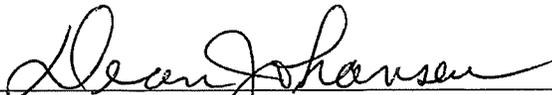
Funding Source/ Funding Amount:	Not Applicable
Date Reviewed as to Appropriations:	Not Applicable
Committee Recommendation as To Appropriation:	Not Applicable
Effective Date:	Upon Passage and Publication
Dated Submitted To County Board	Second Reading: June 20, 2017
Submitted and Sponsored By	<i>PS &amp; H</i> 
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

County Board Action

At its regular business meeting on the 20th day of June, 2017 the Polk County Board of Supervisors considered and acted on the above ordinance, Ordinance No. 46-17: Amendment to Polk County ATV and UTV Route Ordinance, as follows:

- 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:

  
 \_\_\_\_\_  
 Sharon E. Jorgenson, County Clerk

Certification of Publication

Ordinance No. 46-17: 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 6<sup>th</sup> day of July, 2017.

Sharon E. Jorgenson Dated: 6-21-17  
Sharon Jorgenson, County Clerk

(Proposed Amendment to ATV and UTV Ordinance – Page 3)

## Polk County ATV and UTV Route Ordinance

(Proposed Ordinance No. 46-17: Amendment to Polk County ATV and UTV Route Ordinance, June 20, 2017) \*\* Ordinance engrossed 1/31/19 to include amendments from Ord No 32-18 and Ord No 02-19.

### 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 be permitted year-round on routes designated under this ordinance.
  - 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 A.** All county trunk highways within the unincorporated areas of Polk 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 as an ATV/UTV route is also designated as a county ATV/UTV route. That portion of any county trunk highway that traverses within a city or village is not designated as a county ATV/UTV route and is subject to regulation or designation by the governing body of such city or village.

**B.** The Public Safety and Highway Committee may amend designation of ATV/UTV routes on adoption of a committee resolution. Such committee resolution shall be effective immediately. The Clerk shall cause to be posted and published any such resolution in at least one public place and on the County website.

**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 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** 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.

History: Enacted, Ordinance No. 24-16, June 21, 2016; Amended, Ordinance No. 36-16, September 20, 2016; Amendment, Ordinance No. 46-17, June 20, 2017; Amended, Ordinance No. 32-18, April 17, 2018, Amendment, Ordinance No. 02-19, January 22, 2019

**CERTIFIED COPY OF POLK COUNTY ORDINANCE**

STATE OF WISCONSIN

COUNTY OF POLK

I, Sharon E. Jorgenson, 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 46-17: Amendment to Polk County ATV and UTV Route Ordinance, as adopted by the Polk County Board of Supervisors on the 20th day of June, 2017.

  
Sharon E. Jorgenson 6/20/17  
Sharon E. Jorgenson, Polk County Clerk      Date

*Ordinance 46-17 Engrossed 1-31-19  
to include amendments.*

*Sharon Jorgenson*