

Ordinance No. 32-18
Amendment to the Polk County ATV and UTV Route Ordinance

1 TO THE HONORABLE BOARD OF SUPERVISORS OF THE COUNTY OF POLK,
2 WISCONSIN:

3 Ladies and Gentlemen:

4 NOW, THEREFORE, BE IT ORDAINED that Polk County Board of Supervisors repeals
5 and recreates Section 3.01 A and B of Polk County ATV and UTV Route Ordinance to read,
6 as follows:

7 "Section 3.01

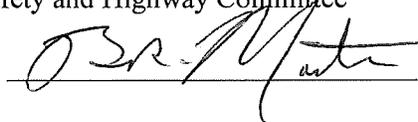
- 8 A. All county trunk highways within the unincorporated areas of Polk County are
9 designated as ATV/UTV Routes. In addition, that portion of any State Road for
10 which the County has received approval from the Wisconsin Department of
11 Transportation as an ATV/UTV route is also designated as a county ATV/UTV
12 route. That portion of any county trunk highway that traverses within a city or
13 village is not designated as a county ATV/UTV route and is subject to regulation
14 or designation by the governing body of such city or village.
15
16 B. The Public Highway and Safety Committee may amend the designation of
17 ATV/UTV routes on adoption of a committee resolution. Such committee
18 resolution shall be effective immediately. The Clerk shall cause to be posted and
19 published any such resolution in at least one public place and on the County
20 website.

21 BE IT FURTHER ORDAINED as follows:

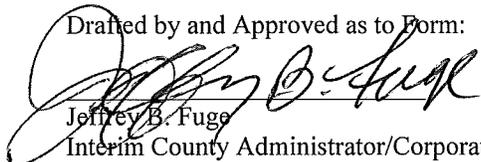
- 22 1. The other provisions of said ordinance are unaffected and remain in full force and
23 effect.
- 24 2. This amendment to the Polk County ATV and UTV Route Ordinance shall be
25 effective upon passage and publication.

Sponsored on Recommendation of the Public Safety and Highway Committee

Jay Luke, Committee Chairperson
County Board, 1st Vice Chair,
Supervisor, District #11

 #6 4/5/18

Drafted by and Approved as to Form:


Jeffrey B. Fuge
Interim County Administrator/Corporation Counsel

(Continued)

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Fiscal Note: The proposed amendment to the Polk County ATV and UTV Route Ordinance would require an additional expenditure of county funds to post signs in accordance with state law and Section 2.02, g., of said ordinance. The fiscal impact of the same is unknown at the time of recommendation of the proposed amendment.

Legal Note: The proposed amendment to the ordinance presents no legal impacts. However, the County must post ATV/UTV Route signs on a county trunk highway or state road in accordance with state law before ATV or UTV operation on the respective county trunk highway or state road may be considered lawful.

Record of County Board Action

At its regular business meeting on the 17 of April, 2018, the Polk County Board of Supervisors acted on Ordinance No. 32-18: Amendment to the Polk County ATV and UTV Route Ordinance, as follows:

- Enacted by majority voice vote.
- Enacted by simple majority of the board of supervisors by a vote of _____ in favor and _____ against.
- Enacted by unanimous vote. (*voice*)
- Defeated

SIGNED BY:



Dean Johansen, County Board Chairperson

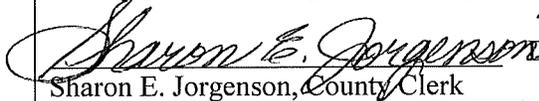
Attest:



Sharon E. Jorgenson, County Clerk

Certification of Publication

Ordinance No. 32-18 was published, pursuant to Wisconsin Statutes § 59.14(1), in the Inter-County Leader on the 20~~th~~ and day of May, 2018.

 dated: 4-20-18

Sharon E. Jorgenson, County Clerk

CERTIFIED COPY OF POLK COUNTY ORDINANCE

STATE OF WISCONSIN

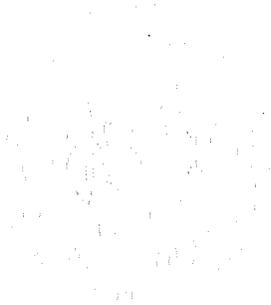
COUNTY OF POLK

I, Sharon E. Jorgenson, Polk County Clerk do hereby certify that the attached hereto and incorporated herein is a full, true and correct copy of the Polk County Ordinance No. 32-18: Amendment to the Polk County ATV and UTV Route Ordinance, as adopted by the Polk County Board of Supervisors on the 17th day of April, 2018.

Sharon E. Jorgenson 4/17/18

Sharon E. Jorgenson, Polk County Clerk

Date



Polk County ATV and UTV Route Ordinance
(Proposed Ordinance No. 46-17: Amendment to Polk County ATV and UTV Route Ordinance,
June 20, 2017)

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 limit is less or as required by Wisconsin Statutes.

Section 3 Designated Routes

3.01 A. The following described segments of State Roads and Polk County highways are designated as ATV routes:

Town	County Highway	Segment
Lorain	E	30 th Str. to 20 th Str.
McKinley	E	260 th Ave. to State Rd. 48
Clam Falls	I	Clam Falls Dr. to 65 th Street
Bone Lake	O	State Road 48 to 270 th Ave.
Bone Lake	State Road 48	CTH O to Round Lake Road
<u>Bone Lake/Georgetown</u>	<u>I</u>	<u>250th Ave. to 238th Ave.</u>
Georgetown	E	Round Lake Rd. to 233 rd Ave.
Georgetown	G	80 th Str. to Bake Rd.
Milltown	G	140 th 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 th Str. to 250 th Street
Sterling	G	250 th Str. to River Rd.
Osceola	M	200 th Str. to Nye Lane
Laketown	Z	240 th Ave. to CTH N
<u>Laketown</u>	<u>N</u>	<u>230th Str. to 240th Str.</u>
Lincoln	H	105 th Ave. to 110 Str.
Apple River	H	120 th Ave. to Mains Crossing
<u>Apple River/Lincoln</u>	<u>H</u>	<u>Mains Crossing to 110th Str.</u>
Balsam Lake	I	160 th Str. to 160 th Str.
Osceola	MM	90 th Ave. to 90 th Ave.
Osceola	K	Big Lake Dr. to CTH M
Osceola	F	CTH MM to 210 th Street
Lincoln	F	Deronda to CTH CC

Lincoln	C	CTH F to 68 th Ave.
Beaver	T	North Horseshoe Ln. to South Horseshoe Dr.

B. The Public Safety and Highway Committee may amend the designated ATV/UTV routes on adoption of a committee resolution which adds or removes segments from the table contained in A., above. Such committee resolution shall be effective immediately and the Clerk shall cause to be posted and published an amended table of ATV/UTV designated routes 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.

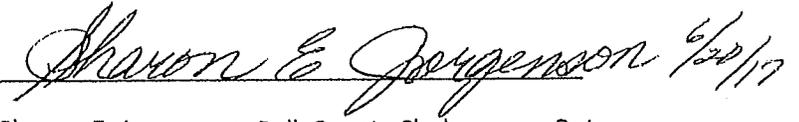
History: Enacted, Ordinance No.24-16, June 21, 2016; Amended, Ordinance No. 36-16, September 20, 2016; Amendment, Ordinance No. 46-17, June 20, 2017;

CERTIFIED COPY OF POLK COUNTY ORDINANCE

STATE OF WISCONSIN

COUNTY OF POLK

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Sharon E. Jorgenson, Polk County Clerk Date