

5.04 ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES AND OPERATION

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF DOUGLAS DOES ORDAIN AS FOLLOWS:

SECTION I. INTENT

Following due consideration of the recreational and economic value to access businesses and residences and to make trail connections and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created pursuant to County Board authority under Wis. Statutes 59.02, 23.33(11)(am) and 23.33(8)(b) as amended.

SECTION II. ATV/UTV ROUTES

County trunk highways designated as ATV/UTV routes shall be established and approved by the Transportation and Infrastructure Committee and Douglas County Board of Supervisors. The Transportation and Infrastructure Committee shall develop policies and procedures for designation of ATV/UTV routes. Any modification to a designated ATV/UTV route shall be approved by the Transportation and Infrastructure Committee.

The following routes are established:

- A. All county highways within the unincorporated areas of Douglas County, with the exceptions as noted in Section B herein, are designated as ATV/UTV Routes. In addition, that portion of any State Highway 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 and is subject to regulation or designation by the governing body of such city, town or village.

- B. The following county highway segments are not designated as ATV/UTV routes:
 - 1. CTH B, STH 35 to CTH A; 2.78 miles. This segment is closed due to Federal funding for the current bicycle lane; and
 - 2. CTH Y, STH 27 to 2.12 miles south. This segment under Bayfield County jurisdiction.
 - 3. CTH Y, starting 1335' northwest of Fire Hill Road, to the end of CTHY in Gordon Dam Park; .757 miles. This segment closed to align with Land Recreation Ordinance #7.2.

- C. After the enactment of this ordinance, the Transportation and Infrastructure Committee

may by resolution close or restrict any specific county highway or segment of county highway to ATV/UTV use. Closed or restricted highways or segments of highway will be signed in accordance with Section V(A) of this ordinance and a copy of closed or restricted ATV/UTV routes, along with a map showing their location, shall be kept on file at the Highway Department and posted on the Douglas County Website.

- D. The Douglas County Highway Department has the authority to close or restrict ATV/UTV use on any of the highways under its jurisdiction if damage to the highway results or where public safety is adversely affected as a result of ATV/UTV use. Actions under this section may be reviewed by the Transportation and Infrastructure Committee.
- E. The Transportation and Infrastructure Committee shall review this ordinance annually with the Highway Department giving a report on highway damage and the Sheriff's Department giving a report on ATV/UTV violations, crashes and safety concerns.

SECTION III. ATV/UTV ROUTES ONLY ON ROADWAY

All ATV's and UTV's shall operate only on the paved portion of the roadway. Operation on the gravel shoulders, grassy inslope, ditches, or other highway right-of-way is prohibited and illegal.

SECTION IV. OPERATION OF ALL TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES ON COUNTY HIGHWAYS

- A. ATV/UTV operation shall be subject to all provisions of WI Stats. 23.33, which is adopted as part of this ordinance by reference.
- B. No person may operate an ATV or UTV on county highways unless the owner or operator has in effect a liability insurance policy providing coverage consistent with the liability insurance required for automobile operators by the State of Wisconsin and has in his or her immediate possession proof that he or she is in compliance.
- C. Persons 16 years of age or older must possess a valid driver's license to operate an ATV or UTV on a county highway.
- D. No persons under the age of 16 may operate an ATV or UTV on county highways during the hours between sunset and sunrise.
- E. No one under 12 years of age is allowed to operate an ATV or UTV on a county highway and all operators born after January 1, 1988, are required to have an ATV Safety Certificate.
- F. No person under 16 years of age may operate an ATV or UTV on a county highway unless the person is accompanied by his or her parent or guardian or by a person who

is at least 18 years of age who is designated by the parent or guardian. Anyone accompanying those under 16 years of age must possess a valid driver's license.

- G. No person may operate or be a passenger on an ATV or UTV without wearing protective headgear of the type required in section 347.485(1)(a), Wi Statutes unless the person is at least 18 years of age.
- H. All ATV's and UTV's shall display either a Wisconsin registration or a Nonresident Trail Pass while operating on county highways.
- I. ATV/UTV operators shall not exceed 25 MPH on any county highway.
- J. All ATV/UTV operators shall ride in single file on the right hand side of the paved portion of the highway.
- K. All ATV/UTV operators are required to display a lighted headlamp and tail lamp while operating on a county highway.

SECTION V. SIGNAGE OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTES

- A. The Douglas County Highway Department has sole responsibility for ATV/UTV signage on county highways. Highways shall be marked with uniform all-terrain vehicle route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code and installed on the county highways at the following locations:
 - 1. At all intersecting State highways;
 - 2. At the borders of adjacent counties, the City of Superior and the State of Minnesota; and
 - 3. Other locations deemed necessary.
- B. ATV/UTV operation shall be subject to all provisions of WI Stats. 23.33, which is adopted as part of this ordinance by reference. Pursuant to Wisconsin Statutes 23.33(8)(f), No person may do any of the following in regard to signs marking all-terrain vehicle routes:
 - 1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle route or trail sign.
 - 2. Possess any uniform all-terrain vehicle route or trail sign or standard of the type established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform all-terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain

vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

SECTION VI. ENFORCEMENT

This ordinance shall be enforced by any officer employed by the Douglas County Sheriff's Department or any other law enforcement official as set forth in Wisconsin Statute 23.33(12).

SECTION VII. VIOLATIONS/PENALTY

The penalty for operating an ATV/UTV off the roadway of a designated ATV/UTV route (i.e., the gravel shoulder, grassy inslope, ditch, or other highway right-of-way) or violating any other provision of this ordinance shall result in a forfeiture of not less than \$25.00 or more than \$500.00, plus court costs.

SECTION VIII. SEVERABILITY

Should any sub-section, clause, or provision of this ordinance be declared by the Court to be invalid, the same shall not affect the validity of the section as a whole or any part thereof, other than the part so declared to be invalid.

SECTION IX. MAINTENANCE

Designation of segments of the Douglas County Highway System as ATV/UTV routes does not impose upon the Douglas County Highway Department a greater duty of care or responsibility for maintenance of those segments than for any other segment of county highway. Operators of ATV's/UTV's on county highways assume all the usual and normal risks of ATV/UTV operation.

SECTION X. EFFECTIVE DATE

This ordinance shall take effect May 22, 2020.

Dated this 21st day of May, 2009.

Amendments:	June 18, 2009	April 14, 2016
	March 18, 2010	January 19, 2017
	May 20, 2010	January 18, 2018
	March 17, 2011	January 17, 2019
	July 21, 2011	December 19, 2019
	May 15, 2014	September 15, 2022
	November 19, 2015	October 20, 2022
	January 21, 2016	