

RESOLUTION NO. 89-18

RESOLUTION AMENDING CHAPTER 54, ARTICLE III, DIVISION 1,
SECTIONS 54-77, TRAFFIC AND VEHICLES,
OF THE FOND DU LAC COUNTY CODE

WHEREAS, the Fond du Lac County Board of Supervisors adopted Chapter 54 of the Fond du Lac County Code pertaining to traffic and vehicles, and

WHEREAS, Sections 54-76 and 54-77 of the Fond du Lac County Code adopts, by reference, sections of Wis. Stat. Chapters 23, 174, 340-348, and 350, and all MVD and TRANS chapters of the Wis. Admin. Code, including Wis. Stat. § 23.33 relating to all-terrain vehicles and utility terrain vehicles, and

WHEREAS, the Fond du Lac County Code Chapter 54, Sections 77-82 must be revised to conform with changes in Wis. Chapt. 23, and

WHEREAS, Wis. Stat. § 23.33(11)(am) allows counties with respect to highways under their jurisdiction to designate highways as all-terrain vehicle routes if the speed limit is over 35 miles per hour and, pursuant to Wis. Stat. § 23.33(11), counties may enact ordinances regulating all-terrain vehicles and utility terrain vehicles on said designated trails in conformance with Wis. Stat. § 23.33, and

WHEREAS, in order to assure safe use of all-terrain vehicles and utility terrain vehicles, Fond du Lac County staff recommends the following amendments to Chapter 54 be incorporated and adopted into the Fond du Lac County Code:

Sec. 54-77 Statutory Authority.

1. These routes are created pursuant to § 23.33(8)(b), § 23.33(11), and § 59.02, Wis. Stat.
2. Criteria for signage on all-terrain vehicle (ATV) and utility terrain vehicle (UTV) routes on County Trunk Highways is adopted pursuant to § 23.33(8)(e) and § 86.07(2), Wis. Stat.
3. In addition, the provision of § 23.33, Wis. Stat., and the provisions of Wis. Admin. Code NR 64 regulating all-terrain vehicle operations are hereby adopted.

Sec. 54-78 Purpose or Intent.

1. Fond du Lac County adopts the following ATV and UTV ordinance regarding the operation of ATVs and UTVs upon County Trunk Highways.

2. Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density, and history of automobile traffic, this ordinance has been created.

Sec. 54-79 Open for Use Route Application Requirements.

1. All County Trunk Highways are approved as potential ATV and UTV routes. Segments of County Trunk Highways may be opened for use by the Highway Committee upon a request that complies with Sec. 54-79.
2. Any request to open an ATV or a UTV route for use on a County highway above 35 miles per hour must be submitted to the Highway Department using ATV/UTV Route Application Form in writing and must be accompanied by a supporting resolution of the municipality the ATV or UTV route is located. The application form shall be accompanied by a Fond du Lac County map illustrating the requested route.
3. The request must be accompanied with a check for the \$150 application fee.
4. The applicant shall be a township, village, or city.
5. Any requested route must connect two trails or provide access to a service center and shall be minimized to the extent possible and use lower classification highways whenever possible.
6. The Fond du Lac County Clerk shall ensure a copy of the approved open for use route is sent to the Fond du Lac County Sheriff's Office, state traffic patrol, and to any other law enforcement agency having jurisdiction over any portion of the route adopted.

Sec. 54-80 Signage of Routes on County Trunk Highways.

1. Any route, regardless of the speed limit, within the limits of Fond du Lac County for ATV or UTV use must be posted with proper signage on a County Trunk Highway prior to use.
2. The municipality of jurisdiction is responsible for the costs of developing a sign plan, purchasing signs, maintaining signs, and installation.
3. The signs shall be installed and maintained by the Fond du Lac County Highway Department and the cost will be billed to the appropriate municipality.

Sec. 54-81 Routes.

1. No designated ATV or UTV route may be used until approved as open for use by the Highway Committee and properly signed as required in Sec. 54-80.
2. The County Board and/or Highway Committee or Highway Commissioner or designee may suspend any route at any time for any reason.
3. The Highway Department shall maintain a list of approved all-terrain vehicle routes open for use on County Trunk Highways over 35 miles per hour.

Sec. 54-82 Conditions.

The operation of ATVs or UTVs on any portion of a County highway open for use as an ATV and/or a UTV route is subject to the following:

1. Operators and passengers, when applicable, shall comply with all federal, state, and local applicable laws, orders, regulations, restrictions, and rules, including Section 23.33, Wis. Stat., and Wis. Admin. Code NR 64.
2. ATV and UTV operators will be required to follow the posted speed limit or maximum speed of 35 miles per hour.
3. ATV and UTV operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling.
4. ATV and UTV operators are required to have the same liability insurance as the state requires for automobiles.
5. ATVs and UTVs shall be operated on the extreme right side of the roadway on the paved surface.
6. ATV and UTV operators shall ride single file.
7. ATVs and UTVs may be operated on any approved open for use County highway if, and only if, routes are signed in accordance with NR 64.12(7), DNR guidelines, and the Manual on Uniform Traffic Control Devices (MUTCD), including Wisconsin's Supplement.

Sec. 54-83 Enforcement.

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

Sec. 54-84 Penalties.

The penalties found in s. 23.33(13), Wis. Stat., are adopted by reference.

Sec. 54-85 Severability.

The provision of this ordinance shall be deemed severable and it is expressly declared that Fond du Lac County would have passed the other 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.

Sec. 54-86 Effective Date.

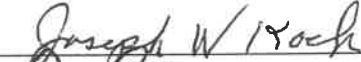
This ordinance becomes effective upon passage and publication.

NOW, THEREFORE, BE IT ORDAINED by the Fond du Lac County Board of Supervisors that Sections 54-77 through 82 be repealed and Sections 77-83 as indicated be hereby adopted and added to Chapter 54 of the Fond du Lac County Code and the following sections be renumbered as follows: Section 54-82 is renumbered to 54-83, Section 54-83 is renumbered to 54-84, Section 54-84 is renumbered to 54-85, and Section 54-85 is renumbered to 54-86.

BE IT FURTHER ORDAINED that this amendment be effective upon publication in the county's newspaper of record.

Dated March 19, 2019

**SUBMITTED BY:
HIGHWAY, AIRPORT AND
FACILITIES COMMITTEE**



Joseph W. Koch



John G. Zorn



Steven A. Abel



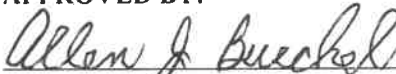
Karen Madigan



Dennis N. Stenz

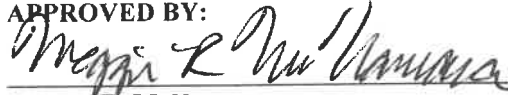
FISCAL NOTE: This resolution does not require an appropriation from the county general fund.

APPROVED BY:



Allen J. Buechel
COUNTY EXECUTIVE

APPROVED BY:



Meggin R. McNamara
CORPORATION COUNSEL

For more information on ATV signing and the State policy and guidelines regarding ATV routes see the below links:

WisDOT ATV Route Policy:

<https://wisconsin.gov/Pages/doing-business/real-estate/permits/atv-utv.aspx>

DNR Trail Signing Handbook:

<http://dnr.wi.gov/files/PDF/pubs/cf/CF0023.pdf>

Crossing warning signs W11-50:

<http://wisconsin.gov/dtsdManuals/traffic-ops/manuals-and-standards/signplate/wseries/W11-50.pdf>

ATV Route Signs D11-10:

<http://wisconsin.gov/dtsdManuals/traffic-ops/manuals-and-standards/signplate/dseries/D11-10.pdf>

ATV Route Sign Arrows M7:

<http://wisconsin.gov/dtsdManuals/traffic-ops/manuals-and-standards/signplate/mseries/M7-1.pdf>

WisDOT Permit Application:

<https://wisconsin.gov/Documents/doing-business/real-estate/permits/02-15-03form.pdf>

Mounting Height and offset details:

<https://wisconsin.gov/dtsdManuals/traffic-ops/manuals-and-standards/signplate/aseries/A4-3.pdf>

FARRELL	AYE	GIESE	EXCUSED
G. WILL	AYE	FENRICK	AYE
MADIGAN	(2) AYE	SCHROEDER	AYE
M. WILL	AYE	MYRECHUCK	AYE
EVERSON	AYE	KITCHEN	AYE
BEER	AYE	ZORN	AYE
KAUFMAN	AYE	ALDRICH	AYE
SIMON	AYE	D. WILL	AYE
KOCH	AYE	KOLSTAD	AYE
DEPPERMAN	AYE	RYAN	AYE
ABEL	EXCUSED	HAYES	AYE
STENZ	AYE	GOLDSMITH	AYE
RICKERT	(M) AYE		

8E Res. 89-18

Passed (23 Y - 0 N - 0 A - 2 Absent)

Majority Vote >

