

BURNETT COUNTY ATV ORDINANCE NO. 2010-06

DESIGNATING ALL-TERRAIN VEHICLE ROUTES AND REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES ON THE COUNTY TRUNK HIGHWAY SYSTEM. Following due consideration of the recreational and economic 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 pursuant to County Board authority under Wis. Statutes 59.02, 23.33(11)(am) and 23.33(8)(b) as amended.

- (1) **ATV ROUTES.** County trunk highways designated as ATV routes shall be established and approved by the Burnett County Board of Supervisors. The Infrastructure Committee shall develop policies and procedures for designation of ATV routes including appropriate criteria for making a designation. Any modification to a designated ATV route shall be approved by the Burnett County Board of Supervisors. A copy of ATV routes, along with a map showing their location, shall be kept on file at the Highway Department and Sheriff's Department. The Burnett County Highway Department and Law Enforcement shall have the authority to temporarily close any ATV route on the County Trunk Highway System, if situation warrants. Any termination of an ATV route will be done by the Burnett County Board of Supervisors.
- (2) **ATV ROUTES ONLY ON ROADWAY.** All ATVs 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.
- (3) **OPERATION OF ALL-TERRAIN VEHICLES ON COUNTY HIGHWAYS.**
 - a.) All ATV operators shall observe posted roadway speed limits for ATV operation.
 - b.) All ATV operators shall ride in single file on the right hand side of the paved portion of the highway.
 - c.) All ATV operators shall have their headlight illuminated, and taillight if available, while operating on a county highway.
 - d.) All ATV operators who are born after January 1, 1988 and operating on a county highway are required to have an ATV Safety Certificate. No one under 12 years of age is allowed to operate an ATV on a county highway.
 - e.) All ATV operators under 18 years old shall wear protective headgear while operating on county highways.
- (4) **SIGNAGE OF ALL-TERRAIN VEHICLE ROUTES.** Pursuant to WI Stats 23.33(8)(d), the following restrictions are placed on the use of all-terrain vehicles routes designated by this ordinance:

- a. Routes shall be marked with uniform all-terrain vehicle route signs in accordance with s. NR 64.12 (7), Wisconsin Administrative Code. The Burnett County Highway Department has sole responsibility for ATV signage on County highways.
 - b. ATV operation shall be subject to all applicable provisions of WI Stats. 23.33, which is adopted.
- (5) ENFORCEMENT. This Ordinance shall be enforced by Burnett County Sheriff's Department.
 - (6) VIOLATIONS. Penalty. The penalty for operating an ATV off the roadway of a designated ATV 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.
 - (7) 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.
 - (8) EFFECTIVE DATE. This ordinance becomes effective immediately upon passage by the County Board of Supervisors and publication.

DEPOSIT SCHEDULE:

1. Illegal Operation of an ATV off roadway.	\$25.00
2. Speeding, on or off roadway:	
a. 1 – 10	\$25.00
b. 11 – 15	\$50.00
c. 16 – 19	\$75.00
d. 20 – 24	\$100.00
e. 25 and over	\$125.00
3. Failure to Operate Single File	\$25.00
4. Failure to Illuminate Headlights or Taillights	\$25.00
5. Operating an ATV Without Safety Certificate	\$25.00 1 st \$50.00 2 nd
6. Operating an ATV Without Protective Headgear	\$25.00 1 st \$50.00 2 nd
7. Damage to Route or ATV Sign or Removal of Sign	\$500.00
8. Illegal Possession of ATV Sign	\$250.00

State of Wisconsin
County of Burnett

I, Wanda Hinrichs, the duly elected and qualified County Clerk in and for Burnett County, do hereby certify that the attached Ordinance No. 2010-06, "Burnett County ATV Ordinance" was adopted by the Burnett County Board of Supervisors at a legally assembled meeting at which a quorum was present and acted throughout. The date of passage was July 22, 2010.

Wanda Hinrichs

Wanda Hinrichs,
Burnett County Clerk