

ORDINANCE NO. 44

AN ORDINANCE ADOPTING SECTION 7.08(1) – (9) OF THE CRAWFORD COUNTY CODE OF ORDINANCES RELATING TO ALL-TERRAIN VEHICLE (ATV) AND UTILITY-TERRAIN VEHICLE (UTV) ROUTES AND TRAILS AND CREATING SECTIONS (10) & (11) APPROVING ROUTES AND TRAILS

The Village Board of De Soto do ordain as follows:

Section I: That Crawford County Ordinance Section 7.08(1) – (9) is hereby adopted to read as follows:

“7.08 - ALL-TERRAIN VEHICLE (ATV)/UTILITY-TERRAIN VEHICLE (UTV) ROUTES AND TRAILS.

- (1) **PURPOSE.** The purpose of this section is to establish all-terrain vehicle (ATV)/utility-terrain vehicle (UTV) routes and trails and to provide safe and enjoyable ATV/UTV recreation consistent with public rights and interests pursuant to §59.02 and §23.33, Wis. Stats.
- (2) **APPLICABILITY AND ENFORCEMENT.**
 - (a) The provisions of this section shall apply to the areas designated in subsection (4) below, including all roadways within the jurisdiction of the County. The provisions of this section shall be enforced by the Crawford County/Vernon County Sheriff's Departments.
 - (b) Adoption of this section shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed under this section.
- (3) **LIMITATIONS.** The following limitations apply on all areas designated in subsection (4) of this section:
 - (a) Speed. No ATV/UTV shall be operated at a speed greater than 25 miles per hour on any County Trunk Highway, Town or Village road or street. Each Town or Village may establish a lower speed limit on their ATV/UTV routes within their jurisdiction.
 - (b) Lights. No ATV/UTV may be operated on any designated route or trail without fully functional headlights, tail-lights, and brake lights. Every ATV/UTV being operated on any designated route or trail must display a lighted headlamp and tail lamp at all times.
 - (c) Routes - Roadway Only. On any public roadway designated as an ATV/UTV route, all ATV/UTV operation is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway which is safe given prevailing conditions. All ATVs and UTVs must operate in single file. Operation on paved shoulders intended for bicycle or pedestrians, gravel shoulders, grassy in-slope, ditches or other highway right-of-way is prohibited.
 - (d) Trails – Off-Road Right of Way Only. On any off-road public corridor designated as an ATV/UTV trail, all ATV/UTV operation is authorized only within the marked trail designated within the right of way adjacent to a state, county, town or village highway, road or street. All ATVs and UTVs must operate in single file. No operation is allowed

on any trail within the right of way during inclement weather, if the trail material is unstable or is marked as closed.

- (e) Hours of Operation. No ATV/UTV may be operated on any designated route or trail between the hours of 9:00 p.m. to 7:00 a.m. daily.
 - (f) Age, License and Protective Headgear. On any designated ATV/UTV route or trail, all operators must be 16 years of age or older and have a valid driver's license. No person under the age of 18 may operate or be a passenger of an ATV/UTV on any designated route or trail without wearing approved protective headgear.
 - (g) Noise. No ATV/UTV may be operated on any designated route if that ATV/UTV does not meet all applicable Wisconsin State noise pollution standards.
 - (h) Insurance. All ATV/UTVs operating on any designated ATV/UTV route or trail or on any County trunk highway must have proof of liability insurance for the ATV/UTV being operated.
 - (i) Registration. All ATV/UTVs being operated on any designated route or trail shall meet the registration requirements of the State of Wisconsin and Wisconsin Department of Natural Resources.
 - (j) Activities Prohibited. No competitive events or any other type of contest shall be held, conducted or performed on any ATV/UTV route or trail.
 - (k) Operation. ATV/UTV operation on designated routes and trails shall be in accordance with the provisions of the Wisconsin State Statutes, the Wisconsin Department of Transportation Administrative Code, the Wisconsin Department of Natural Resources Administrative Code and all applicable municipal ordinances.
 - (l) Parking. The ATV/UTV parking is limited to the northwest corner of the municipal lot adjacent to Cottonwood Park not to extend south of the maintenance shed; all other village parking ordinances apply.
 - (m) Exemptions. Residences may request permission from the Village Board to use ATV/UTV's on other streets in the village for legitimate reasons.
- (4) DESIGNATION OF ATV/UTV ROUTES AND TRAILS.

- (a) State and County Trunk Highways. ATV/UTV routes on State and County Trunk Highways and ATV/UTV trails on off-road public corridors adjacent to State and County Trunk Highways shall be designated and approved by the Crawford/Vernon County Boards, except that permits for existing routes or trails may be renewed without further action by the County Board. Any modifications to a designated ATV and UTV route or trail shall be approved by the Crawford/Vernon County Boards. A copy of those ATV and UTV routes and trails, along with a map showing their location(s), shall be kept on file at the Crawford/Vernon County Sheriff's Offices and at the Highway Department. The Crawford/Vernon County Highway Departments shall be responsible for signage and the establishment of speed limits regulating ATVs and UTVs. The Crawford/Vernon County Highway Departments shall retain the sole authority for the closure or termination of any ATV/UTV route on the State and County Trunk Highway System.
- (1) Designated ATV/UTV routes or trails on or adjacent to County roadways may be closed at the discretion of the Crawford/Vernon County Highway Commissioners or his/her designees.

- (2) The Crawford/Vernon County Highway Commissioners shall have the authority to suspend operation on any highway or right of way for up to 90 days due to hazard, construction, or emergency conditions in any highway segment designated as an ATV/UTV route or trail. The Crawford/Vernon County Highway Commissioners shall also have the authority to designate for up to 90 days alternate routes or trails for any of the above authorized highway segments that might be so closed.
- (3) Applications for the initiation of new routes and trails or alteration to existing routes, trails or crossings shall be submitted to the Crawford/Vernon County Highway Departments for processing and submission to the Crawford/Vernon County Boards.
- (4) ATV/UTV routes on bridges shall be designated and approved by the Crawford County/Vernon Boards following §§23.33(4)(d)3.b and 23.33(11)(am)3, Wis. Stats.
- (b) Town and Village Roads and Streets. ATV/UTV routes on Town and Village roadways and ATV/UTV trails on off-road public corridors adjacent to Town and Village roadways shall be designated, established and approved by the respective Town Board of Supervisors or the Village Board of Trustees. Any modifications to a designated ATV and UTV route or trail shall be approved by the Town Board of Supervisors or the Village Board of Trustees. A copy of those ATV and UTV routes or trails, along with a map showing their location, shall be kept on file at the Town Hall or Village Hall with a copy also filed at the Crawford/Vernon County Sheriff's Departments and Highway Offices. The respective Town Board of Supervisors or the Village Board of Trustees shall be responsible for overseeing signage on every route and trail designated within its jurisdiction and for the establishment of speed limits regulating ATVs and UTVs and may establish fewer allowed "Hours of Operation" within their jurisdiction. The Town Board of Supervisors or the Village Board of Trustees shall retain the sole authority for the closure or termination of any ATV/UTV route or trail.
 - (1). The respective Town Board of Supervisors or the Village Board of Trustees shall have the authority to suspend operation on any road or street for up to 90 days due to hazard, construction, or emergency conditions in any highway segment listed above. [The] Town Board of Supervisors or the Village Board of Trustees shall also have the authority to designate for up to 90 days alternate routes and trails for any of the above authorized road segments that might be so closed.
- (c) Crossings. Crossings for approved trails established across any public roadway are required to be permitted by the governmental agency having jurisdiction over that roadway.
- (5) ROUTE and TRAIL SIGNS. Routes: Every area authorized as an all-terrain vehicle/utility-terrain vehicle route shall be designated by an all-terrain vehicle/utility-terrain vehicle route sign having a reflectorized white all-terrain vehicle symbol, bordered and message on a reflectorized green background with a minimum size of 24 inches by 18 inches with directional arrow, where appropriate, placed at the beginning of an ATV/UTV route and at such locations and intervals as necessary to enable the ATV/UTV operators to follow the route. Existing 18-inch by 18-inch signs shall be allowed until replacement is required. Trails: Every area authorized as an all-terrain vehicle/utility-terrain vehicle trail shall be designated by an all-terrain vehicle/utility-terrain vehicle trail sign having a reflectorized white all-terrain vehicle symbol, bordered and message on a reflectorized brown background with a minimum size of 18 inches by 18 inches with directional arrow, where appropriate, placed at the beginning of an ATV/UTV trail and at such locations and intervals as necessary to enable the ATV/UTV operators to follow the trail.

- (a) State and County Trunk Highways. All required designated route or trail signs and posts shall be paid for by the ATV/UTV Club requesting the route. All signs and posts shall be installed by the Crawford/Vernon County Highway Departments at the direction of the Highway Commissioner or his designee.
- (b) Town and Village Roads and Streets. All required designated route or trail signs and posts shall be paid for by the ATV/UTV Club requesting the route. Signs shall be erected by the club at locations approved by the respective Town Board of Supervisors or the Village Board of Trustees.
- (c) All routes or trails shall be signed and posted in accordance with the Manual on Uniform Traffic Control Devices, the Wisconsin Department of Transportation, the Wisconsin Department of Natural Resources and all other applicable local guidelines.
- (d) No sign may be mounted on any existing County sign post, unless authorized by the Crawford/Vernon County Highway Commissioners or designees.
- (e) No person may erect, remove, obscure, or deface any official designated route or trail sign unless authorized by the Crawford/Vernon County Highway Commissioners or respective Town Board of Supervisors or the Village Board of Trustees or their designee.
- (f) No person shall operate an ATV/UTV contrary to any authorized and official posted sign.
- (6) PENALTIES. The penalty for violating any subsection of this section shall be according to the following schedule, plus the cost of damages or restoration and plus court costs:
 - (a) The penalty for a violation of subsections (3)(c) and (3)(d) shall be not more than \$200.
 - (b) The penalty for a violation of subsections (3)(b), (e), (f), (g), (h), (i) and (j) shall be not more than \$100.
 - (c) The penalty for a violation of any other provision of this section for which no specific penalty is specified shall be not more than \$50.
- (7) JUVENILE PENALTIES. Any juvenile who violates this section shall be subject to the forfeitures prescribed in subsection (6) of this section except that the provisions for the incarceration in jail for the nonpayment of forfeiture shall not apply to juveniles.
 - (a) Upon default of payment of any forfeiture imposed by this section, a court may order any license issued to a juvenile under §29 Wis. Stats. suspended or may order the child's operating privileges as defined in subsection §340.01(40) Wis. Stats., suspended for not less than 30 days or more than 90 days. Prior to suspension of licenses under this subsection, the court shall make a finding that the juvenile alone is financial able to pay the amount of the forfeiture and shall allow up to 12 months for the juvenile to make payment. The court shall immediately take possession of any suspended license and forward it to the department which issued the license together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the first 30 days after the license is suspended, the suspension shall be reduced to the minimum period of 30 days. If it is paid thereafter, the court shall immediately notify the appropriate department which will thereupon return the license to the person.
- (8) VIOLATIONS, JUDGMENTS, RESTITUTIONS. A judgment obtained under this section of the Crawford/Vernon County Codes may be enforced in the same manner as any civil judgment. Penalties imposed for violations of this section shall be made according to the schedule of forfeitures listed in subsections (6) and (7) of this section. The procedures and

provisions set forth in Ch. 800, Wis. Stats., shall apply to all violations of the sections and subsections of this section.

- (9) **UNIFORM CITATION AND SUMMONS.** A uniform County ordinance violation citation shall be created and reproduced in such a fashion as to provide alleged violators with proper notice of the ordinance violation alleged and date, time and place of said violation along with a summons to appear before the circuit court for Crawford/Vernon County at the courthouse in Prairie du Chien or Viroqua, Wisconsin, at a date and time specified in the citation and shall provide an option of posting a uniform forfeiture deposit in lieu of the defendant's appearance on that date. The form of such citation and summons shall be on file in the office of the Clerk of Court.

Other uniform citations adopted by the State of Wisconsin for the use of counties and other municipalities may be used in the prosecution of violations under this section."

Section II: That Sections (10) & (11) of the ATV/UTV Ordinance are hereby created to read as follows:

- (10) **ATV/UTV ROUTES AS AUTHORIZED BY THE VILLAGE BOARD ON VILLAGE ROADWAYS.**

Roadway

Section Description

Mill Park Drive
Crawford Street

From Corporate limits on Mill Park Dr. to Crawford St
From Mill Park Dr. to the western terminus of Crawford St

- (11) **ATV/UTV TRAILS AS AUTHORIZED BY THE VILLAGE BOARD ON VILLAGE ROADWAY RIGHT OF WAYS.**

Roadway

Section Description

None

- (12) Permission may be granted by the De Soto Board of Trustees for specific ATV/UTV usage on other De Soto Village Streets to residents of the Village of De Soto

Section III: This Ordinance shall become effective in upon its passage and publication as required by law.

Passed and approved this 8th day of August, 2017.



Joel Greiner
Village Board President

ATTEST:



Carrie Brudos
Village Clerk