

ORDINANCE

SUBJECT: PUBLIC WORKS -7.08 "ALL TERRAIN VEHICLES"

COMMITTEE: PUBLIC WORKS AND INFRASTRUCTURE

FIRST CONSIDERATION: August 17, 2023

FINAL CONSIDERATION: September 21, 2023

ORDINANCE # 209 - 9/23 PUBLICATION DATE September 28, 2023

The County Board of Supervisors of La Crosse County does ordain as follows:

AN ORDINANCE TO AMEND S. 7.08 OF CHAPTER 7 OF THE GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN REGARDING ALL TERRAIN VEHICLES

ANALYSIS

Pursuant to Wisconsin Statute s. 23.33, Counties are authorized to approved ATV routes on County highways. This ordinance outlines the conditions, requirements and process for ATV routes to be approved.

Changes to the ordinance include:

1. Changes to the Process and the Application. A new application process and guidelines are outlined to require information related to include information related to highway terrain involved, traffic and population density and history of automobile traffic. The PW&I Committee will consider and approve any new routes. The Highway Department will be responsible for maintaining the list of approved routes and the route map.
2. Changes to Improve Safety. All ATV/UTV operators on County Routes will now be required to have a valid drivers license and liability insurance. In addition, all operators under the age of 18 must wear a DOT approved helmet and follow DNR requirements for registration and safety certificated.
3. Improvements to Consistency with adjacent Counties. In addition to the drivers license and insurance requirements, operation of ATV/UTV's is limited to 5 am to 10 pm.

New to the Ordinance are the allowable exceptions for agricultural, operation on private lands, municipal, government, and commercial use.

All ATV Routes approved as of July 31, 2023 remain approved results.

INFORMATION:

County Board Rules: Governing Body s. 2.02(8) states, in part: Ordinances are drafted by the Corporation Counsel. After the ordinance has been reviewed by a standing committee, each Supervisor will be given a copy of the ordinance showing the deleted language (grayed) and the new language (underlined) and an analysis of the intent of the ordinance. After introduction to the County Board, the ordinance shall be referred to the next monthly meeting unless waived by a 2/3 vote of the Supervisors present and a public hearing may be held if requested by a Supervisor. An amendment may be introduced and debated at either the original or the referred meeting. Copies of the ordinances of the County of La Crosse in their entirety are available with Corporation Counsel, County Clerk, or www.co.la-crosse.wi.us/code/. (rev. 3/03)

ORDINANCE # 209 – 9/23

**AN ORDINANCE TO AMEND S. 7.08 ENTITLED "ALL TERRAIN VEHICLES" OF THE
GENERAL CODE OF LA CROSSE COUNTY, WISCONSIN**

The County Board of supervisors of the County of La Crosse does hereby ordain as follows:

Section 1.

7.08 ALL-TERRAIN VEHICLES.

- (1) **STATE ALL-TERRAIN/UTILITY-TERRAIN LAWS ADOPTED.** For purposes of this ordinance, all references to all-terrain vehicles (ATV) shall include utility-terrain vehicles (UTV) as defined by statute. Except as otherwise specifically provided in this Chapter, the statutory provisions in section 23.33, 340 to 348, and 350 Wis. Stats., describing and defining regulations with respect to all-terrain vehicles, exclusive of any provisions therein for which the statutory penalty is a fine or term of imprisonment, are hereby adopted by reference and made part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required by this section.
- (2) **APPLICABILITY OF RULES OF THE ROAD TO ALL-TERRAIN VEHICLES.** Except as otherwise specifically provided in this Chapter, the operator of an all-terrain vehicle on an approved route or upon a roadway shall, in addition to the provisions of section 23.33, Wis. Stats., also be subject to the rules of the road as provided in s. 346.02(11), Wis. Stats.
- (3) **OPERATION ON COUNTY PROPERTY.** No person shall operate any all-terrain vehicle on lands owned by the County except where the use is authorized by posted notice or County permit.
- (4) **ATV ROUTES.** As authorized by sec. 23.33(8)(b), Wis. Stats. and 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, La Crosse County may establish ATV/UTV routes on County Highways under the following:
 - (a) All ATV Routes approved as of July 31, 2023 remain approved ATV Routes.
 - (b) **Conditions and Requirements**
 1. Since La Crosse County has no public trail opportunities, any new routes must connect to other routes or route opportunities.
 2. In approving new routes, the primary concern must be the safety of all members of the public and users of the Highway/route, including the density of the population along the proposed route, width of the Highway and shoulder, and current users of the road. Population density along any route should preferably not exceed 100 residents per square mile. The terrain of the proposed route, current speed limit, and road configuration should also be considered as well as liability of users and

residents along the route. The ADT (Average Daily Traffic) count of the proposed route should preferably not exceed 1,500 vehicles per day.

(c) Creation of ATV/UTV Routes

1. New routes may be requested by any La Crosse County Town or Municipality or by any organized and established ATV/UTV club located in La Crosse County by applying. Applications are available from the La Crosse County Highway Department. (No applications from organizations or clubs located outside La Crosse County will be considered)
2. The application contains 3 sections:
 - a. This section is to be completed by the Municipality or Club requesting the application.
 - b. The second section is to be completed by the Highway Department
 - c. The third and final section is for use by the County Public Works and Infrastructure Committee.
3. Application Review: Once the first and second parts of the application have been completed, the Highway Commissioner will request that the route application be placed on the next Public Works and Infrastructure Committee agenda. The application will be reviewed by the Committee, and if approved by the committee, the application then will go to the full Board for final approval. After full Board approval, the Highway Commissioner will add the route. All routes and maps, including current approved routes, are to be maintained by the County Highway Department .

(5) CONDITIONS FOR THE PUBLIC USE OF ATV/UTV ROUTES

- (a) All ATV/UTV operators must obey and not exceed the posted speed limit.
- (b) All operators must ride single file.
- (c) All operators shall operate only on the extreme right side of the paved portion of the roadway. Operation on the shoulder, ditch, or right-of-way is prohibited and illegal.
- (d) No open containers of alcoholic beverages are allowed while the machine is in motion.
- (e) Headlights and taillights must be on at all times. Brake lights are required.
- (f) All machines must be registered with the DNR and display the proper decals.
- (g) All operators must have a valid driver's license.
- (h) All operators/owners must have and possess proof of liability insurance.
- (i) All operators and passengers under the age of 18 must wear a DOT approved helmet.
- (j) All operators must follow the DNR regulations for safety certificates.
- (k) ATV/UTV's may only be operated on County routes between the hours of 5:00 a.m and 10:00 p.m.

- (6) EXCEPTIONS. The following exceptions to this ordinance will be allowed and must maintain compliance with DNR registration and operational regulations:

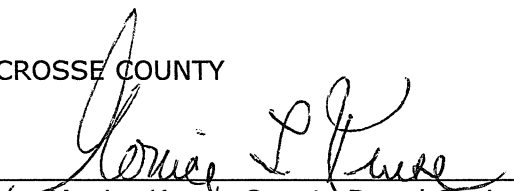
- (a) Private use – agricultural only
- (b) Private use – on private lands owned by applicant or immediate family member only
- (c) Municipal and government use
- (d) Commercial ATV/UTV dealer use

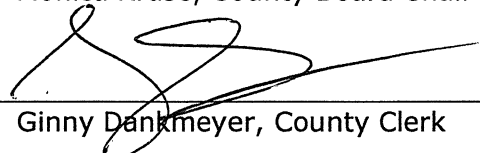
(7) ENFORCEMENT. This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

(8) PENALTIES. The Wisconsin ATV penalties as found in Wisconsin Statute 23.33(13) are adopted by reference.

Section 2. This Ordinance shall take effect the day after passage and publication as required by law.

LA CROSSE COUNTY

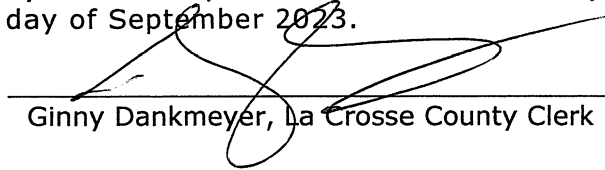
By: 
Monica Kruse, County Board Chair

By: 
Ginny Dankmeyer, County Clerk

PASSED: September 21, 2023
PUBLISHED: September 28, 2023

STATE OF WISCONSIN
COUNTY OF LA CROSSE

I, Ginny Dankmeyer, County Clerk of La Crosse County do hereby certify that this document is a true and correct copy of the original zoning ordinance required by law to be in my custody and which the County Board of Supervisors of La Crosse County approved at a meeting held on the 21st day of September 2023.


Ginny Dankmeyer, La Crosse County Clerk