

Buffalo County Resolution



Drafted By:
Sonya J. Hansen
Presented Month/Year:
February 2021/April 2021

County Department:
Highway Department
Fiscal Impact: YES / NO

AC Approved: YES / NO

ORDINANCE # 21-03-01

AN ORDINANCE DESIGNATING ALL-TERRAIN VEHICLE ROUTES AND REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES

WHEREAS, the Buffalo County Board of Supervisors adopts this ordinance pursuant to the authority of Sections 23.33(8)(b), 23.33(11) and 59.02, Wis. Stats. as may be amended. In addition, the provision of Sec. 23.33, Wis. Stats., Wisconsin State Statutes Chapters 340 and 346 as applicable to ATV/UTV operation and the provisions of Wisconsin Administrative Code NR 64 regulating ATV operations as may be amended; and,

WHEREAS, Section 23.33(11) (am), Wis. Stats. allows counties with respect to highways under their jurisdiction to designate highways as all-terrain vehicle routes; and,

WHEREAS, in order to assure safe use of all-terrain vehicles and utility terrain vehicles, the Buffalo County Board of Supervisors adopts the following:

Section I - Purpose or Intent: Buffalo County adopts the following ATV/UTV routes for the operation of ATV/UTV's upon the roadways listed in Section III. Following consideration of the recreational value of ATV/UTV use in Buffalo County and the potential impacts to the public's health, safety, and welfare, this Ordinance is created and adopted. A copy of a map showing the location of the ATV/UTV routes shall be kept on file at the Buffalo County Highway Department and the Buffalo County Sheriff's Department.

Section II – Definitions:

The following definitions apply throughout this ordinance:

1. All-Terrain Vehicle ("ATV") has the meaning specified within Sec. 340.01(2)(g), Wis. Stats.
2. ATV/UTV Route shall mean a highway designated for use by all-terrain and utility-terrain vehicle operators by the governmental entity having jurisdiction.
3. Utility-Terrain Vehicle ("UTV") has the meaning specified in Sec. 23.33(1), (ng), Wis. Stats.

Section III – Routes: The following roads are designated as ATV/UTV routes:

All County Trunk Highways are approved as potential ATV and UTV routes except for County Trunk Highway Y. County Trunk Highway Y would be open for ATV/UTV traffic if Trempealeau County approves use of this highway located in their county.

1. No designated ATV/UTV route may be used until approved as open for use by the Buffalo County Highway Committee and properly signed.

2. The Buffalo County Board or the Buffalo County Highway Committee may suspend any route at any time for any reason.
3. If it is determined by the Buffalo County Highway Department that a road must be closed due to emergency or other safety issues, the ATV/UTV route will be suspended until such time as the road is reopened.
4. The Buffalo County Highway Department shall maintain a list of approved all-terrain vehicle routes open for use on County Trunk Highways.
5. The Buffalo County Clerk shall ensure a copy of the approved open for use route is sent to the Buffalo County Sheriff's Office, state traffic patrol and to any other law enforcement agency having jurisdiction over any portion of the route adopted, as well as the Department of Natural Resources in Madison, Wisconsin.

Section IV – Conditions: The operation of ATV's and UTV's on any portion of a Buffalo County Trunk Highway designated as an ATV/UTV route shall be subject to the following:

1. Operation shall be subject to all provisions of Sec. 23.33, Wis. Stats., which is adopted as part of this ordinance by reference to Sec. 23.33(11), Wis. Stats.
2. All ATV/UTV operators shall observe a speed limit of not more than 35 MPH or the posted roadway speed limit, whichever is lower.
3. All ATV/UTV operators shall ride single file on the far-right hand side of the paved portion/lane of traffic of the roadway. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way area is prohibited. Left turns may be made from any part of the roadway which is safe given prevailing conditions.
4. All ATV/UTV operators shall maintain liability insurance for their ATV/UTV in the amount established by the State of Wisconsin for motor vehicle operation and by utilizing any ATV/UTV, agrees to fully indemnify and hold harmless Buffalo County for all liability arising from use or non-use of ATV and/or UTVs on Buffalo County Trunk Highways.
5. All ATV/UTV operating on county roads must be equipped with a functioning headlamp and tail lamp, illuminated while operating on a County Highway.
6. All ATV/UTV operators shall observe a nighttime curfew and shall not operate their ATV/UTV for the period of one (1) hour prior to sunrise and no later than one (1) hour after sunset.
7. ATV/UTV routes will be open for use from April 1 through December 1.
8. On all roads shared with another jurisdiction the most restrictive ordinance shall apply.
9. All ATV/UTV operators ages 16 years or older must have a valid driver's license. All ATV safety certified operators age 12-15 must also be accompanied by a parent, guardian or adult designated by the parent or guardian with continuous verbal direction and physical control. Any such parent, guardian or adult shall hold a valid driver's license. Anyone under age 12 cannot operate on any roadways.
10. All operators under the age of 18 must wear protective headgear as required by Sec. 23.33, Wis. Stats.
11. All occupants riding in, or operating a UTV, shall be required to wear a seatbelt when travelling on any trail or route within Buffalo County.
12. It shall be unlawful for any person to possess any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken, or the contents of the receptacle has been partially removed, while operating or as a passenger on an ATV or UTV on any road or road route in Buffalo County.

13. ATV/UTV operators who are born after January 1, 1988 and operating on a highway are required to have an ATV Safety Certificate provided by the Department of Natural Resources.

Section V – Signs: The Buffalo County Highway Department, as the maintaining authority for highways designated as ATV/UTV routes, shall have oversight of the installation of signage in compliance with s. NR 64, Wisconsin Administrative Code. The quantity and location of signs shall be reviewed and approved by the Buffalo County Highway Department.

1. No person may intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail sign.
2. All costs for signage, installation, maintenance, and removal shall be borne by the Buffalo County Trail Riders. The Buffalo County Trail Riders may assist the Buffalo County Highway Department in the installation of signs under the direction of department staff to help defer costs of installation.
3. Signs may be mounted on any existing Buffalo County signpost. Posts shall be suitably sized for mounting the necessary number of signs at the location.
4. No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

Section VI – Enforcement: This ordinance shall be enforced by any law enforcement officer as applicable and authorized to enforce the laws of the State of Wisconsin, as set forth in Wisconsin Statutes Sec. 23.33(12). This Ordinance may be enforced by citation by any law enforcement agency in every municipality within Buffalo County.

Section VII – Penalties: The State of Wisconsin All-Terrain Vehicles penalties as found in Sec. 23.33(13)(1), Wis. Stats. and/or any resolutions are adopted by reference. Any person who violates this Ordinance shall, upon conviction, be required to forfeit not more than \$500.00, together with the costs of the action.

Section VIII – Severability: The provision of this ordinance shall be deemed severable, and it is expressly declared that the County would have passed the other provisions of this ordinance irrespective of whether 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 persons circumstances shall not be deemed affected.

Section IX – Saving Clause: This Ordinance in no way be deemed to supplant or otherwise invalidate any provisions of state statute relating to the subject matter hereof. Any person entrusted with the enforcement of this Ordinance may, in the exercise of his or her discretion, proceed under applicable state statutes.

Section X – Effective Date: This ordinance becomes effective upon passage and publication.

Adopted at a duly called and noticed meeting of the Buffalo County Board of Supervisors on the 22 day of March, 2021.

Roxann Halverson
County Clerk

ATTEST:



County Board Chairperson