

ORDINANCE NO. 6 -2017
ADAMS COUNTY ORDINANCE ESTABLISHING
ATV/UTV HIGHWAY CROSSING/ROUTES

1 The County Board of Supervisors of the County of Adams does ordain as follows:

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- 3 1. Authority and General. Except as otherwise specifically provided in this Ordinance,
- 4 the statutory provisions of Wis. Admin. Code NR64 (ATV), Wis. Stats. chs. 340 to
- 5 348 (vehicles, registration, title and anti-theft, operators' licenses, financial
- 6 responsibility, civil and criminal liability, rules of the road, equipment of vehicles,
- 7 vehicles size weight and load) and ch. 350 (Snowmobiles), and as they may be
- 8 modified from time to time, are incorporated herein by reference.
- 9 2. Policy. The "Adams County Highway Committee Policy for ATV/UTV Routes and
- 10 Trails" is attached hereto and incorporated herein as if stated in full.
- 11 3. Prior Ordinance Rescinded. This Ordinance rescinds Adams County Ordinance 57-
- 12 2004 in its entirety.
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14 **NOW THEREFORE, the Adams County Board of Supervisors does hereby**

15 **ordain** that the foregoing ordinance is adopted, and further that Adams County Ordinance

16 No. 57-2004 is rescinded in its entirety.

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18 Recommended for enactment by the Highway Committee this 9th day of March, 2017.

19 Dan Wypocky Mark Hamburg

20 Larry Board _____

21 Gordon Carlson _____

22 Enacted Defeated _____ Tabled _____

23 by the Adams County Board of Supervisors this 21 day of March, 2017.

24 John West _____ Cindy Phillippe _____

25 Chairman County Clerk

26 Published in the Times-Reporter, the official newspaper of Adams County, on the 21st day of

27 March, 2017

28 Reviewed by Corporation Counsel

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**ADAMS COUNTY HIGHWAY COMMITTEE POLICY FOR
ALL-TERRAIN VEHICLE (ATV) AND UTILITY TERRAIN VEHICLE (UTV) ROUTE
DESIGNATION ON THE COUNTY TRUNK HIGHWAY SYSTEM**

The Adams County Highway Committee recognizes that ATV/UTV use within the County is on the increase and has been increasing despite the lack of ATV/UTV routes on the Adams County Trunk Highway System. An ATV/UTV route is a highway, or section of highway, designated for the use of ATV/UTVs by the governmental agency having jurisdiction.

A route is generally recognized as a means to connect municipal routes and the terminal ends of a trail when they are obstructed by impediment. The Wisconsin state statutes give the Counties the authority to accommodate ATV/UTVs on County Trunk Highways designated as routes. The single most important route consideration is the safety of all users.

NEW ATV/UTV ROUTE APPLICATIONS

The application form for a new route must be completed and approved by a municipality within Adams County and shall be forwarded to the Adams County Highway Department for consideration. Applications may be for multiple routes within a municipality and may be submitted at any time. Any change in an existing approved route will cause that route to be considered as new and cause a new route application to be submitted. The New Route Application fee is \$150 and shall be included with the application.

To determine if an application qualifies for further consideration, the Highway Department will evaluate it based upon the following criteria:

- Was the application submitted complete with a route map?
- Has the applicant notified all property owners by US Mail, published the proposal as a Class 2 Notice and held a public meeting concerning the proposed route?
- Have alternative routes been investigated leaving no other practical options other than the use of the CTH?
- Is the route being requested for one of the following reasons:
 - Connects trails or municipal road route networks
 - Safety issues
 - Access to business or services
- Length of segment requested
- Posted speed limit of the roadway
- Traffic volume on requested segment
- Vertical or horizontal alignment safety concerns

ACCEPTED APPLICATIONS

If the application is qualified, the Highway Department shall request input and approval from the Sheriff's Office.

The application will be reviewed with the applicant so that all needed information can be exchanged, and, all requirements and restrictions can be explained. Additionally, signage requirements and other costs to execute the project will be identified. Once the applicant has met all requirements of this policy, the Highway Department shall notify the Highway Committee of its findings

Following due consideration of public input, economic and recreational value of connecting trails and municipal routes, weighted against public dangers, public health, liability aspects, terrain involved, traffic density and history of automobile and truck traffic; the Adams County Highway Committee is authorized to establish necessary and reasonable ATV/UTV routes on the County Trunk Highway System. New route approvals are valid until March 31st of the following year.

After Highway Department approval, an ordinance amendment must be drafted and submitted to the Adams County Board of Supervisors for approval. If approved by the Board, the County Clerk must send a copy of the route ordinance to the DNR and to law enforcement agencies having jurisdiction.

The 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 Wisconsin Statute Chapter NR 64. All costs for signage, installation, maintenance and removal shall be borne by the requesting municipality. Additionally, all maintenance costs that arise for the highways due to ATV/UTV traffic or damage shall be charged to the requesting municipality. The municipality may assist the department in the installation of signs under the direction of department staff to help defer costs of installation.

ROUTE RENEWAL APPLICATIONS

The municipality must renew all routes annually by submitting them with a \$50 renewal fee to the Highway Department on or before January 1st.

To determine if a renewal application is approved, the Highway Department will evaluate it based upon the following criteria:

- Was the application submitted on time and complete?
- Is the route exactly as previously approved?
- Were there any incidents or complaints reported to the DNR or other law enforcement?
- Is there any significant negative public input?
- Is there signage or route maintenance needed?
- Have all previous costs been paid?

Route renewals may be approved or denied by the Highway Commissioner. If they are approved, they are valid until March 31st of the following year.

APPLICATION DENIAL OR ROUTE CLOSURE

If an application is denied, the Highway Commissioner shall notify the applicant in writing and explain the reason for the action.

Additionally, the Highway Commissioner shall have the authority to suspend or close a route subject to review and final determination by the Highway Committee. Temporary signs indicating the route closure will be erected. Should the designated route be permanently closed, the route signage will be entirely removed.

If an application is denied, or a route revoked, the applicant may request a review of the decision. The request must be in writing and received by the Highway Department within 30 days of the action. The Highway Committee shall then schedule a hearing within 60 days of receipt. The person making the request shall be given written notice of the hearing and at the hearing shall have the opportunity to present evidence to the committee concerning the reasons for the request.

Within 30 days of the hearing, the Adams County Highway Committee shall make its decision regarding the request. The Highway Committee may reverse, confirm, or modify the previous decision. The Highway Department shall take action in conformance with the committee's decision.

This policy shall become effective upon passage by the Adams County Board of Supervisors of an ordinance designating ATV/UTVs routes and their regulation on the County Trunk Highway System.

Adopted this 9th day of March, 2017 by the Adams County Highway Committee.

Dan Wyszocky
Larry Bernal
Gerda Cook

Mark Hamburg
