

ORDINANCE 16 - 2023

Amendment to All-Terrain/Utility-Terrain Vehicles and Routes 18-2021

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

2
3 **WHEREAS:** Ordinance No. 18-2021 adopted the All-Terrain/Utility-Terrain
4 Vehicles and Routes Ordinance; and

5
6 **WHEREAS:** A current list of approved ATV/UTV routes is attached hereto and
7 incorporated herein; and

8
9 **WHEREAS:** The list of approved routes may be modified from time to time, to
10 include new or amended routes, or delete routes, as set forth in Ordinance No.
11 18-2021.

12
13 **NOW THEREFORE, the Adams County Board of Supervisors does hereby**
14 **ordain as follows:**

- 15 1. The attached list of routes shall be filed with the County Clerk, and
- 16 shall be incorporated by reference into the Code of Adams County,
- 17 Ordinance No. 18-2021.
- 18 2. The rest and remainder of Ordinance No. 18-2021 shall remain in full
- 19 force and effect.


20
21 Recommended for enactment by the Highway Committee this 14th day of
22 September, 2023.

23 
24 _____
25 Gordy Carlson

Scott Pease

26 _____

27 Ken Bork



Austin Eggersdorf

28 
29 Philip McLaughlin

30
31 Enacted _____
32 Defeated _____ by the Adams County Board of Supervisors
33 Tabled _____ this _____ day of _____, 2023.

34
35 _____

36 Chairman County Clerk

- 37
- 38 Reviewed by Corporation Counsel (JTH 9-7-23)
- 39 Reviewed by County Manager/Administrative Coordinator (CH 9/11/23)

ADAMS COUNTY
Ordinance 18 2021
All-Terrain/Utility-Terrain Vehicles and Routes

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

Section 1 – General

1.01 Intent

The intent of this ordinance is to promote the safe use of all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) in Adams County and designate a limited number of ATV/UTV routes upon Adams County Highways. Following due consideration of the economic benefit of ATV/UTV routes and weighted against possible dangers, public health, liability considerations, terrain involved, traffic density and history of automobile traffic, the Adams County Board is satisfied that no other practical options exist and this ordinance has been adopted.

1.02 Statutory Authority

This ordinance is enacted under the authority of Wis. Stat. § 23.33(8), Wis. Stat. § 23.33(11), and Wis. Stat. § 59.02.

The provisions of Wis. Stat. § 23.33, Wis. Admin. Code Ch. NR 64, and Wis. Stat. Chapters 340 to 348 establishing definitions and regulations with respect to ATVs and UTVs, and their successors, are hereby incorporated and made part hereof by reference as if set forth fully herein. In the event of any conflict between the provisions of this ordinance and any applicable state law, the state law shall control.

1.03 Repeal and Replace Prior Ordinances

This ordinance shall repeal and replace prior Adams County ordinances related to the operation and regulation of ATVs and UTVs, including Chapter 347 of the Adams County Code of Ordinances.

Section 2 – Designated ATV/UTV Routes

2.01 Designation of ATV/UTV Routes

Pursuant to Wis. Stat. § 23.33(8), the Adams County Highway Committee may designate highways under Adams County's jurisdiction as ATV/UTV routes. Any modification to a designated route shall be approved by the Highway Committee. A copy of those ATV/UTV routes, along with a map showing their location, shall be kept on file at the Highway Department. The Adams County Highway Department shall retain sole authority to close or terminate any ATV/UTV route.

Each municipality, or its designee, shall maintain all route signs within their Township. All ATV/UTV routes shall be signed in accordance with Wis. Stat. § 23.33(8) and NR 64.12 and NR 64.14(6)(c).

A list of all routes within Adams County designated for ATV/UTV use is attached and incorporated herein.

2.02 Operation of ATVs/UTVs

Pursuant to Wis. Stat. § 23.33(4)(d)4., except as otherwise provided in Wis. Stat. § 23.33(4), no person may operate an ATV/UTV on the roadway portion of any Adams County Highway in Adams County except on roadways that are designated as ATV/UTV routes pursuant to this ordinance. Operation of ATVs/UTVs on a roadway in Adams County that is an ATV/UTV route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.

2.03 ATV/UTV Route Applications

Adams County may consider applications for new or modified ATV/UTV routes submitted by a local municipality within Adams County. Any application for a new or modified ATV/UTV route must be accompanied by a \$150 application fee.

The following process shall be followed when considering applications for new or modified ATV/UTV routes:

- The application form for a new or modified ATV/UTV route, which shall be provided by Adams County, must be completed and approved by a municipality within their Township. Once approved by the municipality, the application shall be forwarded to the Adams County Highway Department;
- Upon receipt of an application and resolution approved by a municipality, the Adams County Highway Department shall determine whether the application qualifies for further consideration. In determining whether an application qualifies for further consideration, the Highway Department shall consider the following list of criteria:
 - Whether the application was submitted complete with a route map;
 - Whether alternate routes have been investigated, including reasonable detours of five (5) miles or less that do not require use of Adams County Highways;
 - Whether the proposed route has average daily traffic less than one thousand five hundred (1500) vehicles per day
 - The length of the requested route;
 - Safety considerations;
 - Input from the Adams County Sheriff's Office;
 - Any other consideration deemed relevant by the Highway Department.
- If the Highway Department determines that the application qualifies for further consideration, then the Highway Department shall forward the application to the Adams County Highway Committee. If the Highway Department determines that the application does not qualify for further consideration, then the Department shall explain, in writing, to the applicant why the application does not qualify for further consideration.
- Upon receipt of an application from the Highway Department, the Highway Committee shall determine whether to accept the application by weighing public input, economic and recreational considerations, and any other relevant consideration, against public dangers, public health, potential liability, terrain involved, traffic density, and any other relevant consideration.

- If the Highway Committee approves the application, then an ordinance describing the new or modified ATV/UTV route shall be drafted and submitted to the Adams County Board of Supervisors for approval. If approved by the Board of Supervisors, the Adams County Clerk shall forward a copy of the route ordinance to the Department of Natural Resources and to law enforcement agencies having jurisdiction over the route.
- If at any point in the process an application is denied, then the applicant may attempt to remedy the deficiencies that caused the denial and re-apply.
- The Adams County Highway Department, as the authority responsible for maintaining highways designated as ATV/UTV routes, shall have oversight over the installation of signage that complies with Wis. Stat. § 23.33 and Wis. Admin. Code Chapter NR 64. All costs associated with signage, installation, and removal shall be borne by the municipality that submitted the application. In addition, all maintenance costs associated with an ATV/UTV route that arise due to ATV/UTV traffic or damage shall be paid by the municipality that applied for that route.

2.04 ATV/UTV Route Closure

The Adams County Highway Commissioner shall have authority to temporarily or permanently close ATV/UTV routes for safety, maintenance, or other appropriate reasons. Such closures shall be subject to review and final determination by the Highway Committee. The Highway Department shall erect temporary signs indicating the route closure. The Highway Department shall entirely remove signage if the designated route is permanently closed.

Section 3 – Regulated Operation of ATVs and UTVs

3.01 Operation on Designated Routes

No person may operate an ATV/UTV on any part of Adams County roadways except those portions of Adams County roadways that are designated as ATV/UTV routes and in accordance with the provisions of applicable statutes and this Ordinance.

3.02 Conditions on Use and Operation of ATVs/UTVs

Operation of ATVs/UTVs shall be subject to all provisions of § 23.33, Wis. Stats. In addition, the operation of ATVs/UTVs on routes designated by Adams County for such operation shall be subject to the following conditions and restrictions for both operators and passengers of ATVs/UTVs, as applicable:

1. All ATV/UTV operators and passengers shall wear a seat belt if originally equipped.
2. No individual shall operate an ATV/UTV on any designated route within Adams County during the time period between 12:00 am to 6:00 am.
3. Every person who operates an ATV/UTV on designated routes must have in their immediate possession a valid motor vehicle operator's license and shall display the license upon demand from any law enforcement officer or official as described in Wis. Stat. § 23.33(12), in addition operators born on or after January 1, 1988 shall also have in their possession the ATV UTV Safety Certificate. Notwithstanding the foregoing, a valid motor vehicle operator's license will not be required on Adams

County Highway Z between Bighorn Drive and Bighorn Avenue to allow for a free flow of ATV/UTV traffic out of the ATV/UTV campground at Petenwell Park.

4. Every person who operates an ATV/UTV on a designated route shall carry liability and/or other insurance.
5. No person operating an ATV/UTV shall engage in the practice of "cruising" on a designated route. For purposes of this ordinance, "cruising" means driving an ATV/UTV back and forth on all or part of the length of a roadway multiple times per day for any purpose other than departing or arriving at a residence or place of lodging, or arriving or departing at a public boat landing.
6. No person shall operate an ATV/UTV in a manner that results in unreasonable or excessive noise or smoke being emitted from the ATV/UTV.
7. Consistent with Wis. Stat. § 23.33(4c), no person shall operate an ATV/UTV while under the influence of an intoxicant to a degree which renders him or her incapable of safe operation of the ATV/UTV. Notwithstanding the preceding sentence, under no circumstances shall an individual operate an ATV/UTV while the individual has a blood alcohol concentration (BAC) of 0.08 or more. No operator or passenger of an ATV/UTV under the age of 21 shall have a BAC higher than 0.00. No operator or passenger of an ATV/UTV shall have an open intoxicant within their immediate possession.
8. Consistent with Wis. Stat. § 23.33(4c)(1)2m, no operator or passenger of an ATV/UTV shall have a detectable amount of a restricted controlled substance in his or her blood.
9. No person shall operate an ATV/UTV in violation of any posted regulatory sign.

Section 4 – Enforcement and Penalties

4.01

This ordinance shall be enforced by the Adams County Sheriff's Department or as otherwise permitted by Wis. Stat. § 23.33.

4.02

The penalties as set forth in Wis. Stat. § 23.33(13), are adopted by reference and incorporated herein.

The penalty for violation of any ordinance shall be a forfeiture as hereinafter provided together with costs under Wis. Stat. § 814.63(1) and (2) or Wis. Stat. § 814.65(1), the penalty assessment for moving traffic violations and the driver improvement surcharge imposed by Wis. Stat. § 757.05 and Wis. Stat. § 346.655, and the jail assessment imposed by Wis. Stat. § 302.46(1).

Any person found guilty of violating this ordinance shall be subject to a forfeiture of not less than \$25 nor more than \$500 for each offense, together with the costs of prosecution,

restitution of property, and trail or sign damage, and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until the same are paid, for a period of time not to exceed 90 days, or until otherwise discharged pursuant to law. Payment of the judgment and applicable court costs, fees, assessments, and surcharges may be suspended by the sentencing court for not more than 60 days.

Nothing herein shall preclude or affect the power to the sentencing court to exercise additional authorities granted by the Wisconsin Statutes to suspend or revoke the operating privileges of the defendant or order the defendant to submit to assessment and rehabilitation programs or to attend traffic safety school in addition to payment of a monetary penalty or in lieu of imprisonment.

Section 5 – Severability

5.01

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity shall not affect the other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Section 6 – Effective Date

6.01

This ordinance becomes effective upon passage, publication, and posting of signs. The Adams County Clerk shall send a copy of the ordinance to the Adams County Sheriff, the Department of Natural Resources, and to the state traffic patrol.

Recommended for enactment by the Highway Committee this 11th day of March 2021.

[Signature]
[Signature]
[Signature]

Enacted Defeated Tabled
by the Adams County Board of Supervisors this 5th day of April, 2021.

[Signature] John West, Chairman
[Signature] Cheryl Kroening, County Clerk

- Reviewed by Corporation Counsel RJR/MKD 03/29/21
- Reviewed by County Manager/Administrative Coordinator

State of Wisconsin
County of Adams
This document is a full, true and correct copy
of the original on file and of record in my
office and has been compared by me
on April 6 2021
Melissa KOTAWSKI
Deputy County Clerk

LIST OF ADAMS COUNTY TRUNK HIGHWAYS OPEN TO ATV/UTV

1. CTH D, 10th Avenue to 9th Avenue (9/19/17)
2. CTH G, Golden Avenue to Golden Avenue (9/19/17)
- ~~3. CTH P, 3rd Lane to 1st Lane (9/19/17) remove (12/18/18)~~
4. CTH Z, Bighorn Drive to Beaver Lane (11/21/17)
5. CTH J, 18th Avenue to 17th Court (1/16/18)
6. CTH Z, Cumberland Avenue to Cottonville Drive (1/16/18)
7. CTH G, Blackhawk Lane to Blackhawk Drive (2/20/18)
8. CTH G, Badger Lane to Badger Drive (2/20/18)
9. CTH I, CTH G to Marquette County Line / 35 MPH (7/17/18)
10. CTH I, 6th Court to 5th Lane / 35 MPH (7/17/18)
11. CTH G, Fur Drive to Freedom Lane / 35 MPH (7/17/18)
12. CTH EE, CTH A to 2nd Avenue / 35 MPH (7/17/18)
13. CTH A, CTH EE to Fern Avenue / 35 MPH (7/17/18)
14. CTH P, 1st Lane to 1st Lane (12/18/18)
15. CTH P, 3rd Avenue to 3rd Lane (12/18/18)
16. CTH D, 9th Avenue to STH 13 (4/17/19)
17. CTH Z, Akron Avenue to Wood County Line (4/17/19)
18. CTH EE, CTH G to CTH A (4/20/21)
19. CTH G, STH 82 to CTH EE (4/20/21)
20. CTH I, 5th Lane to CTH G (4/20/21)
21. CTH E, 11th Avenue to STH 13 (4/20/21)
22. CTH F, 13th Drive to 16th Avenue (4/20/21)
23. CTH J, Strongs Prairie Town Line to Village of Friendship Line (4/20/21)
24. CTH J, 17th Court to Adams Town Line (4/20/21)
25. CTH O, STH 13 to Leola Town Line (Jurisdictional Transfer (10/5/2001) (4/20/21)
26. CTH A, 4th Avenue to 2nd Avenue (9/21/2021)
27. CTH P, 5th Avenue to Town of Dell Prairie Line (9/21/2021)
28. CTH D, 9th Avenue to 8th Avenue (6/27/23)
- 29. CTH Z, Blackhawk Ave to Bighorn Drive**
- 30. CTH C, CTH Z to 18th Avenue**
- 31. CTH C 18th Avenue to 17th Avenue**

**ATV/UTV
Route Designation Application
for the Adams County Trunk Highway System**

Municipality <u>Town of Monroe</u>	Date of Application	Check Town Route Structure:	<input type="checkbox"/> All Roads	<input type="checkbox"/> Routes
Contact Name <u>Cathy Renner</u>	Contact Phone Cell Number <u>608-564-7107</u>		Please complete below for the person that is authorized to represent the Municipality.	
Contact Name <u>Gordy Carlson</u>	Contact Phone Cell Number <u>715-421-6773</u>			
Street Address <u>1170 18th Dr</u>	City <u>Arkdale</u>	State <u>WI</u>		
Email Address <u>nanyak@frontier.com</u>				

- 1) Attach a map of the requested Route. Indicate any trail-ends and/or approved municipal routes to be connected. Additionally, indicate businesses, services and residential subdivisions that will be served.
- 2) Attach the municipal resolution supporting the Route.
- 3) Application Fee of \$150 attached?

CTH	Start GPS (per Google Maps)				Start GPS (per Google Maps)				Length	*Reason Code
	XL	XXXXX	-XL	XXXXX	XL	XXXXX	-XL	XXXXX		
1	Z									
	Reason	<u>Blackhawk Ave to Bighorn Dr</u>				<u>35 MPH and 45 MPH</u>				
2	C									
	Reason	<u>from Cty Z East to 18th Ave</u>				<u>35 MPH to 45 MPH</u>				
3	C									
	Reason	<u>from 18th Ave to 17th Ave</u>				<u>55 MPH</u>				
4	Reason									
5	Reason									
6	Reason									
7	Reason									
8	Reason									

*Are there any "Use" restrictions recommended by the Municipality?



5-3-23

Reason Code: 1) Connects Routes or Trails; 2) Safety Issues; 3) Access to Businesses, Services, or Residential Subdivisions; 4) Other

FOR HIGHWAY DEPARTMENT USE ONLY

Sheriff's Response

Were there any incidents in the prior year?

Yes / No

Count

Were there significant complaints?

Yes / No

Count

Comments:

Sheriff's Department:

Approved

Denied

By SHERIFF ERIC YANK

Highway Commissioner's Comments/restrictions applying to this application:

CTH Z BLACK HAWK AVE TO BIGHORN DR. ADT. 830 (7/2021)
SPEED LIMIT 35 AND 45 MPH.

CTH C - CTN 2 TO 18TH AVE ADT 560 (7/2021)
35 AND 45 MPH.

CTN C - 18TH AVE TO 17TH AVE. ADT 560 (7/2021)
55 MPH.

Signage Estimate by CHD

CTH	Sign Count	Estimate Cost	Post Count	Estimate Cost	Estimated Installation Cost	Estimated Total Cost
1	Z	\$67.08	Z	\$84.92	\$120.27	\$329.25
2	C	\$67.08	Z	84.92	\$120.27	329.25
3	C	\$67.08	Z	84.92	\$120.27	329.25
4						\$0.00
5						\$0.00
6						\$0.00
7						\$0.00
8						\$0.00

Reviewed with CATHY RENNER
GOEY CARLSON.

By SENT VIA EMAIL.
PATRICK KUTLEWSKI

Total \$987.75

On

Highway Commissioner

Approved

Denied

By

Patrick Kutlewski

9/11/23

Adams County Highway Committee

Approved:

Denied:

Date:

9/14/23

Angela M. DeWitt

Justin [Signature]

Highway Committee Chair:

Goey Carlson

Date:

9/14/23

RESOLUTION #4-2023

County Highway ATV/UTV Use

Town of Monroe, Adams County, Wisconsin

WHEREAS: The Adams County Highway Department and the Adams County Board have Adopted Adams County Ordinance #6-2017 Establishing ATV/UTV Crossing/Routes, and;

WHEREAS: This Ordinance allows for applications to be made to the Highway Department requesting that portions of County Trunk Highways be used to connect existing ATV/UTV routes, and;

WHEREAS: Routes exist by Town of Monroe Ordinance #7-99 and amended to add additional routes by Addendum #1, Addendum #2 and Addendum #3 which could benefit by connecting together using County Trunk Roads and;

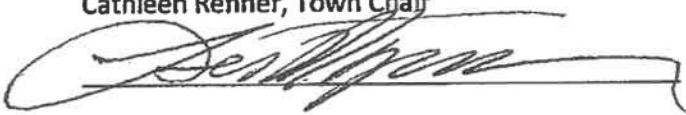
WHEREAS: The Monroe Town Board is in support of an ATV/UTV route on County Hwy Z from Blackhawk Ave. to Big Horn Drive and County Hwy C from County Hwy Z to 18th Ave and to 17th Ave:

NOW THEREFORE BE IT RESOLVED, by the Monroe Town Board to support and approve of the request made under the above mentioned Ordinance allowing for ATV/UTV routes on limited portions of County Road C and Z as specified in this resolution.

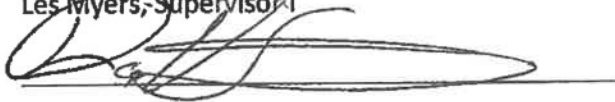
Adopted at the Special Town Board Meeting this 28th day of August, 2023.



Cathleen Renner, Town Chair



Les Myers, Supervisor I



Doug Scurto, Supervisor II



Attest: Darlene Ferguson, Town Clerk

Resolution #3-2023

Resolution Adopting the Adams County Outdoor Recreation Plan 2024-2028

WHEREAS, the Town of Monroe, Adams County, Wisconsin is supportive of promoting outdoor recreation on Town owned lands; and

WHEREAS, the Town of Monroe, Adams County, Wisconsin has not adopted its own Outdoor Recreation Plan; and

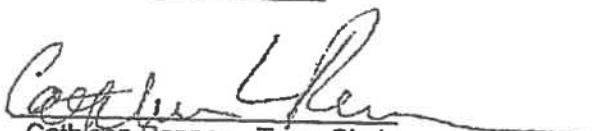
WHEREAS, an active Outdoor Recreation Plan is required by the Wisconsin Department of Natural Resources (DNR) in order to be eligible for up to 50% grant funding of needed projects; and

WHEREAS, the Adams County Department of Parks and Recreation created and revised in 2023 the Adams County Outdoor Recreation Plan 2024-2028, in which contains the Town of Monroe recreational facilities and proposed projects, which has been adopted by the Adams County Board; and


BE IT THEREFORE RESOLVED, that the Town of Monroe Board of Supervisors endorses and adopts the Adams County Outdoor Recreation Plan 2024-2028.

ADOPTED this 28th day of August, 2023

TOWN OF Monroe


Cathleen Renner, Town Chair

ATTEST


Darlene Ferguson, Town Clerk

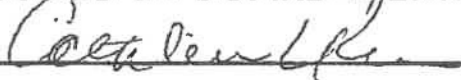
TOWN OF MONROE
SPECIAL HEARING
THURSDAY, AUGUST 17, 2023

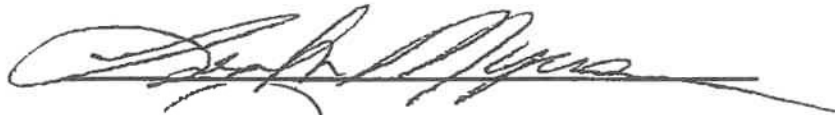
1. We, the Town of Monroe, of Adams County, would like to open, County Road Z, from Bighorn Dr. to Blackhawk Ave, for UTV/ATV use.
2. We would also like to open County Road C, from 17th Ave to County Road Z, for UTV/ATV use.

3. VOTE COUNT: FOR 10

AGAINST 0

SIGNED BY BOARD MEMBERS:







8-28-26 6:05 h.d. ad

City board, 3 residents and County Bd
Rep Gody (Wanda + Dennis Miller, Thomas Ely)

Cathy Road # 3-2023

Yes made motion to adopt #3-2023
Resolution Adopting the Odessa County
Outdoor Recreational Plan 2024-2028
Dues 200
Motion carried Resolution

Cathy Rd - #4

Dring made motion to adopt
Resolution #4-2023 at County/Kylin
ATV use -
Dues 200 - motion carried
Resolution adopted

Motion #4-2023

AD/AM 6/10

