

AMENDMENT NO. 119 TO PEPIN COUNTY ORDINANCE 179

**CHAPTER 7.07 – ALL TERRAIN/ UTILITY TASK VEHICLE ROUTES
(ATV/UTV)**

**THAT THE CODE OF ORDINANCES BE AMENDED BY REVISING CHAPTER 7,
ALL TERRIAN/UTLITIY TASK VECHICLE ROUTES AND MAP:**

**BE IT ORDAINED BY THE COUNTY BOARD OF SUPERVISORS OF PEPIN COUNTY:
7.07 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE
AND TITLE**

- (1) STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authority of §§ 23.33(8)(b), 23.33(11) and 59.02, Wis. Stats., as amended. In addition, the provisions of § 23.33, Wis. Stats., and the provisions of Wisconsin Administrative Code NR 64 regulating ATV operations are hereby adopted.
- (2) PURPOSE AND INTENT. Pepin County adopts the following ATV/UTV routes for the operation of ATV/UTV's upon the roadways listed in Section 3. Following consideration of the recreational value of ATV/UTV use to Pepin 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 Pepin County Highway Department.
- (3) ROUTES. The following roads are designated as ATV/UTV routes. (Am. #119- 05/15/2019)

Town of Albany: (A)

- A1. County Road T from intersection of Albany E to County Road H. (2.8 miles)
- A2. County Road W from intersection of County Road R to Albany Y (4.1 miles)
- A3. County Road R from intersection County Rd W to Albany E. (0.3 mile)
- ~~A4. County Road H from County Rd T to Albany I. (0.8 mile)~~
- A5. County Road R from County Road H and L Poeschel Road
- A6. County Road H in it's entirety

Town of Durand: (D)

- D1. County Road F in it's entirety
- D2. County Road FF in it's entirety

Town of Frankfort (F)

- F1. County Rd N between County Rd D and Byington Rd
- F2. County Rd N between Boyd Springs Rd and Plum Valley Rd
- F3. County Rd SS in it's entirety

Town of Lima: (L)

- L1. County Road T from intersection of Brantner Road to L Poeschel Road. (0.5 miles)
- L2. County Road R from intersection of L Poeschel Road to County Rd BB (1.0 miles)
- L3. County Road BB from intersection of County Road R to Prissel Road. (2.4 miles)
- L4. County Road M from intersection West County Line Rd to Rustic Rd. (0.4 mile)
- L5. County Road BB from Prissel Road to County Road B
- L6. County Road B in it's entirety

Town of Pepin: (P)

- P1. County Road CC from intersection of Lost Creek Road to Elberg Road. (1.0 miles)
- P2. County Road CC from Intersection of County Road I to County Road SS. (1.9 miles)
- P3. County Road I in its entirety. (4.3 miles)
- P4. County Road N from Trail Road into the Village of Pepin. (0.1 miles)
- P5. County Road N from intersection of County Road I to Pepin Hill Road. (0.3 miles)
- P6. County Road N from Back Valley Road to Big Hill Road (0.7 miles)
- P7. County Road SS from County Road CC to Pierce County. (0.6 miles)
- P8. County Road CC between Lost Creek Road and Sand Ridge Road

Town of Waterville: (WV)

- WV1. County Road D from Holden Road to County Road Y (0.6 miles)
- WV2. County Road D from County Road Y to Semple Road. (2.5 miles)
- WV3. County Road Y in its entirety. (2.0 miles)
- WV4. County Road D between Holden Rd and County Rd N
- WV5. County Road. N between intersection of County Road D to US Hwy 10
- WV6. County Road NN in it's entirety
- WV7. County Road O between County Road P and County Road D

WV8. County Road P between County Road N and Silver Birch Road

WV9. County Road Z in it's entirety

WV10. County Road X in it's entirety

WV11. County Road XX in it's entirety

WV12. County Road ZX in it's entirety

Town of Waubeek: (WK)

WK1. County Road D from Semple Road to South Prairie Lane

(4) CONDITIONS. The operation of ATV's and UTV's on any portion of a Pepin County Trunk Highway designated as an ATV/UTV route shall be subject to the following:

- A. Operation shall be subject to all provisions of § 23.33, Wis. Stats., which is adopted as part of this ordinance by reference to § 23.33(11), Wis. Stats.
- B. All ATV/UTV operators shall observe a speed limit of not more than 35 MPH or the posted roadway speed limit, whichever is lower.
- C. All ATV/UTV operators shall ride single file on the extreme righthand portion of road. (Not the ditch)
- D. 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 Pepin County for all liability arising from use or non-use of ATV and/or UTVs on Pepin County Trunk Highways.
- E. All ATV/UTV operating on town or county roads must be equipped with a functioning headlamp and tail lamp which must be turned on at all times when operating.
- F. All ATV/UTV operators born on or after January 1, 1988 shall possess a valid DNR issued ATV Safety Certificate.
- G. All ATV/UTV operators shall observe a night time curfew and shall not operate their ATV/UTV for the period of 60 minutes after sunset to 60 minutes before sunrise.
- H. ATV/UTV routes will be open for use from April 1 through December 1.
- I. On all roads shared with another jurisdiction the most restrictive ordinance shall apply.
- J. All ATV/UTV drivers must have valid driver license.

- K. The Pepin Co. ATV/UTV Club is responsible for purchasing and paying for maintenance of signage. Pepin County is responsible for installing signs at the Club's expense.
 - L. All operators under the age of 18 must wear helmets as required by § 23.33, Wis. Stats. The County, as the unit of government that designates the routes, is responsible by statute to post the proper route signs. Route signage must be clearly understandable. The Pepin County Highway Dept., as the maintaining authority of the highway's designated ATV/UTV routes, shall initially install the legally required signage.
- (5) **ENFORCEMENT.** This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

This ordinance or designated routes may be cancelled at any time by a majority decision of the Pepin County Board. The Pepin County Highway Committee will annually review each November the addition or deletion of any ATV/UTV routes if requested by any individual.

- (6) **PENALTIES.** The State of Wisconsin All-Terrain Vehicle penalties as found in § 23.33 (13) (a) Wis. Stats., are adopted by reference.
- (7) **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 or not 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 person's circumstances shall not be deemed affected.
- (8) **EFFECTIVE DATE.** This ordinance becomes effective upon the passage by the County Board of Supervisors and publication by the County Clerk as required by § 59.14, Wis. Stats.

Date of Publication: May 23, 2019

RECOMMENDED BY THE PEPIN COUNTY HIGHWAY COMMITTEE:

/s/ Bruce Peterson
Bruce Peterson, Chair

COMMITTEE MEMBERS VOTE
2 2 0 1
In favor Oppose Absent Abstain

COUNTY BOARD ACTION:

 X ADOPTED
 DEFEATED by the Pepin County Board of Supervisors on this 15th day of May, 2019
 TABLED

 8 3 0 1
In favor Oppose Absent Abstain

/s/ Audrey Bauer
County Clerk

/s/ Steven L. Anderson
County Board Chair