

AMENDMENT NO. 134 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:

(Green signifies additional changes)

(Purple signifies changes made at the 11-9-2021 Highway Meeting)

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 Wis. Stat. §§ 23.33(8)(b), 23.33(11) and 59.02, as each may be amended. In addition, the provisions of Wis. Stat. § 23.33 and the provisions of Wisconsin Administrative Code Ch. NR 64 regulating ATV operations are hereby adopted and incorporated herein as each may be amended.
- (2) PURPOSE AND INTENT. Pepin County adopts the following ATV/UTV routes for the operation of ATV/UTVs 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)~~
All County Roads in Pepin County are ATV/UTV routes unless otherwise posted. The Highway Commissioner shall have the authority to temporarily close routes for safety, maintenance, or any other appropriate reasons (such as repeated complaints from residents, or damage caused by ATV/UTVs). Such closures shall be subject to review and final determination by the Pepin County Highway Committee at the next regularly-scheduled County Highway Committee meeting. The Pepin County Highway Department shall erect signage indicating route closure. A copy of a map showing the routes with closures shall be kept on file at the Pepin County Highway Department.

Town of Albany: (A)

- ~~A1. County Road T in its entirety~~
- ~~A2. County Road R in its entirety~~
- ~~A3. County Road W in its entirety~~
- ~~A4. County Road H in its entirety~~

Town of Durand: (D)

- ~~D1. County Road F in its entirety~~
- ~~D2. County Road FF in its entirety~~
- ~~D3. County Road B in its entirety~~
- ~~D4. County Road V in its entirety~~
- ~~D5. County Road VV in its entirety~~

- ~~— D6. County Road PP in its entirety~~
- ~~— D7. County Road M in its 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 (wrong on map)~~
- ~~— F3. County Rd SS in its entirety~~

- ~~— F4. County Road D in its entirety~~
- ~~— F5. County Road N between Town of Waterville border and Dead Lake Boat Landing~~
- ~~— F6. County Road N between County Road D and Ella Boat Landing~~

~~— Town of Lima: (L)~~

- ~~— L1. 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)~~
- ~~— L2. County Road BB from Prissel Road to County Road B~~
- ~~— L3. County Road B in its entirety~~
- ~~— L4. County Road T in its entirety~~
- ~~— L5. County Road R in its entirety~~
- ~~— L6. County Road M in its entirety~~
- ~~— L7. County Road MM in its entirety~~
- ~~— L8. County Road V from intersection of Koller Road to County Road B~~
- ~~— L9. County Road V V in its 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~~
- ~~— P9. County Road CC Between Sand Ridge Road and Village of Pepin~~
- ~~— P10. County Road J between Slough Road and junction of County Roads CC and SS~~

~~— Town of Waterville: (WV)~~

- ~~— WV1. County Road D in its entirety~~
- ~~— WV2. County Road G in its entirety~~
- ~~— 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~~
- ~~— WV4. County Road N in its entirety~~
- ~~— WV5. County Road NN in its entirety~~
- ~~— WV6. County Road O between County Road P and County Road D~~
- ~~— WV8. County Road P between County Road N and Silver Birch Road~~
- ~~— WV7. County Road P in its entirety~~
- ~~— WV8. County Road Z in its entirety~~
- ~~— WV9. County Road X in its entirety~~
- ~~— WV10. County Road XX in its entirety~~

~~— WV11. County Road ZX in its entirety~~

~~— Town of Waubeek: (WK)~~

- ~~—WK1. County Road D from Semple Road to South Prairie Lane~~
- ~~—WK2. County Road D from South Prairie Lane to County Road DC~~
- ~~—WK3. County Road DC in its entirety~~
- ~~—WK4. County Road DD in its entirety~~
- ~~—WK5. County Road P in its entirety~~
- ~~—WK6. County Road C in its entirety~~

(4) CONDITIONS. The operation of ATVs and UTVs 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 Wis. Stat. § 23.33., which is adopted and incorporated as part of this ordinance by reference to Wis. Stat. § 23.33(11).
- 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.~~
- D. All ATV/UTV operating on Pepin County roads must display a lighted headlamp and tail lamp at all times.
- E. All ATV/UTV operators born on or after January 1, 1988 shall possess a valid DNR issued ATV Safety Certificate.
- ~~A. 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.~~
- ~~B. ATV/UTV routes will be open for use from April 1 through December 1.~~
- F. On all roads shared with another jurisdiction the most restrictive ordinance shall apply.
- ~~H. All ATV/UTV drivers operators 16 years old and older must have a valid driver license.~~

~~C. All ATV certified operators 12-15 years old must be in direct supervision of a parent or legal guardian when operation on a designated route.~~

G. All ATV/UTV drivers must comply with the age restrictions as set forth under Wis. Stat. § 23.33(5)

H. The Pepin County 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.

I. All ATV and UTV operators and passengers under the age of 18 must wear helmets as required by Wis. Stat. § 23.33(3g).

J. Operating while under the influence of an intoxicant is prohibited per Wis. Stat. § 23.33(4c).

K. Pepin 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 Department, as the maintaining authority of the highway's designated ATV/UTV routes, shall initially install the legally required signage.

L. All ATV and UTV operators and passengers shall comply with all regulations set forth in the Wisconsin Statutes and the Wisconsin Administrative Code, as each may be amended, while operating in Pepin County.

(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 portions of any 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 Wis. Stat. § 23.33(13)(a), are adopted by reference.

(7) SEVERABILITY. The provisions of this ordinance shall be deemed severable, and it is expressly declared that Pepin 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 Pepin County Board of Supervisors and publication by the Pepin County Clerk as required by Wis. Stat. § 59.14.

Date of Publication: December 23, 2021

RECOMMENDED BY THE PEPIN COUNTY HIGHWAY COMMITTEE:

COMMITTEE MEMBERS VOTE

/s/ Tom Milliren
Committee Chair

In favor – 3 Oppose – 1 Absent – 1 Abstain – 0

COUNTY BOARD ACTION:

ADOPTED
 DEFEATED
 TABLED

by the Pepin County Board of Supervisors on this 15th day of December 2021
In favor – 9 Oppose – 3 Absent – 0 Abstain – 0

/s/ Audrey Bauer, County Clerk

/s/ Tom Milliren, County Board Chair