

Sec. 58-39. Designating and Regulating All-Terrain and Utility Terrain Vehicle Routes

- (a) *Intent.* The County of Chippewa adopts the following All-Terrain Vehicle (ATV) and Utility Terrain Vehicle (UTV) routes for the operation of ATV's and UTV's upon all Chippewa County ("County") highways under the County's jurisdiction with the exceptions listed in subsection (c). Following due consideration of the recreational value of ATV and UTV use in the County, including but not limited to outdoor enjoyment, sight-seeing, and the connection of trail opportunities and weighed against possible dangers of such ATV and UTV use to the public health, safety and welfare, such as the risk of injury over the terrain involved and the relationship between ATV and UTV use with vehicular traffic and traffic density on County highways, this section has been created for designating and regulating ATV's and UTV's upon County highways.
- (b) *Statutory Authority and State Regulations.* These ATV/UTV Routes are created pursuant to Wis. Stats. §§ 23.33(8)(b) and (11). In addition, the provisions of Wis. Stats. § 23.33, and the provisions of Wis. Admin. Code § NR 64 regulating ATV/UTV operation are hereby adopted as follows:
- (1) Any act required to be performed or prohibited by any statute or administrative code incorporated in this section by reference shall be required or prohibited by this section.
 - (2) Any future amendments, revisions, or modifications of statutes or administrative code incorporated herein are intended to be made part of this section in order to secure regulation of ATVs and UTVs between the statewide regulations and those of the county.
- (c) *ATV/UTV Routes and Signage.* Except as provided in Wis. Stats. § 23.33, Wis. Admin. Code § NR 64, or subsections (f) and (g) below, no person may operate an ATV or UTV on any part of County highways unless those portions of County highways have been designated as ATV/UTV Routes. ATV/UTV Routes shall be marked with uniform ATV/UTV route signs in accordance with Wis. Stat. § 23.33(8)(e) and Wis. Admin. Code § NR 64.12(7). The Chippewa County Highway Department shall have sole authority and responsibility for placement of signage on designated routes on county highways. Each municipality or its designee shall have sole authority and responsibility of signage on designated ATV/UTV Routes within the municipality. All County highways are designated as ATV/UTV Routes except for the following sections of County highways which are not designated for ATV or UTV use, unless otherwise authorized for ATV/UTV use by a city, village or town ordinance pursuant to Wis. Stat. § 23.33(11)(am):
- (1) C.T.H. "B", beginning at C.T.H. "F" and ending at S.T.H. 124.
 - (2) C.T.H. "CC", within the City of Cornell corporate limits.
 - (3) C.T.H. "CC", beginning at the City of Cornell west corporate limits and ending at C.T.H. "M".
 - (4) C.T.H. "D", within the Village of Boyd corporate limits.
 - (5) C.T.H. "F", within the City of Eau Claire corporate limits.
 - (6) C.T.H. "F", beginning at the City of Eau Claire north corporate limits and ending at the City of Bloomer south corporate limits.
 - (7) C.T.H. "F", within the City of Bloomer corporate limits.
 - (8) C.T.H. "F", beginning at S.T.H. 64 and ending at C.T.H. "M".
 - (9) C.T.H. "H", beginning at 50th Avenue and ending at the City of Stanley south corporate limits.
 - (10) C.T.H. "H", within the City of Stanley corporate limits.

- (11) C.T.H. "H", beginning at the City of Stanley north corporate limits and ending at 165th Avenue.
- (12) C.T.H. "H", beginning at Polley Lane and ending at S.T.H. 64.
- (13) C.T.H. "I", within the City of Chippewa Falls corporate limits.
- (14) C.T.H. "J", beginning at the City of Chippewa Falls east corporate limits and ending at 40th Avenue.
- (15) C.T.H. "K", beginning at C.T.H. "X" and ending at the intersection of C.T.H. "K" and 200th Street.
- (16) C.T.H. "M", beginning at the west leg of 50th Street North and ending at C.T.H. "SS".
- (17) C.T.H. "M", beginning at the Barron County Line and ending at S.T.H. 40.
- (18) C.T.H. "N", beginning at 40th Street and ending at the City of Chippewa Falls west corporate limits.
- (19) C.T.H. "NN", within the City of Stanley corporate limits.
- (20) C.T.H. "O", beginning at C.T.H. "S" and ending at C.T.H. "K".
- (21) C.T.H. "O", beginning at C.T.H. "XX" and ending at S.T.H. 27.
- (22) C.T.H. "O", within the City of Stanley corporate limits.
- (23) C.T.H. "OO", within the Village of Lake Hallie corporate limits.
- (24) C.T.H. "OO", beginning at the Village of Lake Hallie east corporate limits and ending at 172nd Street.
- (25) C.T.H. "OO", beginning at 180th Street South and ending at C.T.H. "K".
- (26) C.T.H. "P", beginning at C.T.H. "UN" and ending at the Village of Lake Hallie south corporate Limits.
- (27) C.T.H. "P", within the Village of Lake Hallie corporate limits.
- (28) C.T.H. "Q", beginning at the City of Chippewa Falls north corporate limits and ending at C.T.H. "C".
- (29) C.T.H. "Q", within the City of Bloomer corporate limits.
- (30) C.T.H. "R", beginning at S.T.H. 64 and ending at S.T.H. 178.
- (31) C.T.H. "S", beginning at 120th Street and ending at 143rd Avenue.
- (32) C.T.H. "S", beginning at C.T.H. "K" and ending at 250th Street.
- (33) C.T.H. "SS", beginning at S.T.H. 124 and ending at the City of Bloomer east corporate limits.
- (34) C.T.H. "SS", within the City of Bloomer corporate limits.
- (35) C.T.H. "SS", beginning at 200th Avenue and ending at the Village of New Auburn south corporate limits.
- (36) C.T.H. "SS", within the Village of New Auburn corporate limits.
- (37) C.T.H. "T", within the City of Eau Claire corporate limits.
- (38) C.T.H. "T", beginning at the City of Eau Claire north corporate limits and ending at C.T.H. "N".
- (39) C.T.H. "V", within the Village of Boyd corporate limits.
- (40) C.T.H. "X", beginning at C.T.H. "T" and ending at the City of Chippewa Falls west corporate limits.
- (41) C.T.H. "X", beginning at a point 407 feet west of 169th Street and ending at the Village of Cadott west corporate limits.
- (42) C.T.H. "X", within the Village of Cadott corporate limits.
- (43) C.T.H. "X", beginning at the Village of Cadott east corporate limits and ending at 270th Street.
- (44) C.T.H. "X", within the Village of Boyd corporate limits.

- (45) C.T.H. "X", beginning at the Village of Boyd east corporate limits and ending at the City of Stanley south corporate limits.
 - (46) C.T.H. "X", within the City of Stanley corporate limits.
 - (47) 90th Street (Business 29), beginning at S.T.H. 29 Eastbound On-Ramp and ending at C.T.H. "X".
- (d) *Creation of New Routes.* The County will consider applications for new ATV/UTV Routes submitted by the Chippewa Valley ATV Council or local municipality. All new ATV/UTV Routes shall be created pursuant to procedures that are adopted by the Highway Committee. Any changes to those procedures shall be approved by the Highway Committee. The procedures shall be available to the public at the Chippewa County Highway Department as well as on the Highway Department's website.
- (e) *Closure of Routes.* The Highway Commissioner shall have the authority to temporarily or permanently close ATV/UTV Routes for safety, maintenance or other appropriate reasons. The Highway Committee is authorized to review this section at any time to consider amendments or to consider the continued value, efficacy or need for the designated ATV/UTV Routes or the addition or deletion of County highways or segments of County highways as designated ATV/UTV Routes, pursuant to the intent of this section.
- (f) *Annual Reviews of ATV/UTV Routes.* All ATV/UTV Routes established pursuant to this ordinance shall be reviewed annually by the Chippewa County Highway Committee to consider the continued value, efficacy or need for the ATV/UTV Routes or the inclusion of additional ATV/UTV Routes, all pursuant to the intent of this ordinance.
- (g) *Conditions.* The following conditions shall apply to all ATV/UTV operators (and passengers) when operating on ATV/UTV Routes:
- (1) Operators and passengers shall comply with all other federal, state, and local applicable laws, orders, regulations, restrictions and rules, including Wis. Stats. § 23.33 and Wis. Admin. Code Chapter NR 64.
 - (2) The speed limit on all ATV/UTV Routes shall be forty-five (45) miles per hour, or the posted speed limit, whichever is lower.
 - (3) ATVs and UTVs shall be operated in single file on the extreme right side of the roadway on the paved portion of the roadway. Operation on the shoulder, or in the ditch or right-of-way is prohibited, unless yielding the right-of-way.
 - (4) Every person who operates an ATV or UTV on an ATV/UTV Route, and/or every ATV and UTV operated on an ATV/UTV Route, shall carry liability and other insurances consistent with Wisconsin state law for the operation of a motorized vehicle. All operators shall carry proof of such insurance while operating an ATV or UTV on an ATV/UTV Route.
 - (5) ATV/UTV operator and/or passenger(s) shall not possess any opened or unsealed bottle or receptacle containing an intoxicating beverage.
 - (6) No person shall operate an ATV or UTV contrary to any authorized and official posted sign.

- (7) No person may erect, remove, obscure, or deface any official designated ATV/UTV Route Sign unless authorized, in writing, by the County Highway Commissioner and/or Highway Committee.
 - (8) Operation on ATV/UTV Routes shall be permitted year-round unless otherwise posted.
 - (9) Every ATV and UTV operating on an ATV/UTV Route shall utilize head lamps (white light), tail lamps (red light), and stop lamps (red light) so long as that ATV or UTV was originally manufactured with head lamps, tail lamps, or stop lamps. Operators shall have head lamps and tail lamps turned on at all times.
 - (10) All ATV/UTV operators on ATV/UTV Routes must have a valid driver's license.
 - (11) All persons under 18 years of age operating and/or riding on an ATV/UTV must wear a helmet approved by the Wisconsin Department of Transportation.
 - (12) Use of ATV/UTV Routes is only allowed during daylight hours which shall be defined as from one-half hour before sunrise to one-half hour after sunset, unless the ATV/UTV is equipped with and properly utilizing adequate turn signal lights (amber lights in front, red light in back).
 - (13) Every ATV and UTV operating on an ATV/UTV Route shall be equipped, maintained, and operated to prevent excessive or unusual noise. No person shall operate an ATV or UTV on an ATV/UTV Route unless such ATV or UTV is equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation. It shall be unlawful to use a muffler cutout, bypass, or similar device on any ATV or UTV upon any ATV/UTV Route. No person shall modify or change the exhaust muffler, the intake muffler, or any other noise-abatement device of an ATV or UTV in a manner such that the noise emitted by the ATV or UTV increases above that emitted by the ATV or UTV as originally manufactured.
- (h) *Enforcement.* This section may be enforced by the Chippewa County Sheriff's Office or any other law enforcement official as set forth in Wis. Stat. § 23.33(12), including the issuance of a citation under Wis. Stat. § 66.0113. Enforcement of this section may include requests for injunctive orders against a violator.
- (i) *Penalties.* The penalty for violation of any provision of this section shall be a forfeiture as hereinafter provided, together with court costs:
- (1) The penalties as set forth in Wis. Stats. § 23.33(13)(a) are adopted by reference. Any forfeiture for a violation of a state statute adopted by reference in this section shall conform to the forfeiture permitted to be imposed for violation of such statutes, including any variations or increases for subsequent offenses.
 - (2) The penalty for exceeding a posted or fixed speed limit in violation of subsection (g)(2) shall be a forfeiture as set forth in the following schedule:
 - a. 1-10 miles per hour over posted or fixed speed - \$25.00
 - b. 11-15 miles per hour - \$50.00
 - c. 16-19 miles per hour - \$75.00
 - d. 20-24 miles per hour - \$100.00
 - e. 25 miles per hour and over - \$125.00

- (3) Any violation of this Chapter not included for which no forfeiture is specified shall result in a forfeiture of \$75.00 for each offense.
- (j) *Severability.* The provisions of this ordinance shall be deemed severable and it is expressly declared that Chippewa 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.

(Ord. No. 01-10, 02-19-10; Ord. No. 18-12, 07-10-2012; Ord. No. 03-16, 03-08-2016; Ord. No. 01-18, 01-09-2018; Ord. No. 05-18, 08-14-2018; Ord. No. 06-19, 04-09-2019; Ord. No. 03-20, 03-10-2020; Ord. No. 08-20, 06-09-2020; Ord. No. 01-22, 04-19-2022; Ord. No. 03-23, 04-18-2023; Ord. No. 06-24, 03-12-2024)

CODE OF ORDINANCES

Town of Lake Holcombe, Chippewa County, Wisconsin

Chapter 10

ATV/UTV DESIGNATED ROUTES AND REGULATIONS

10A.01 ATV/UTV ORDINANCE

- (1) TITLE/PURPOSE.** This ordinance is entitled the Town of Lake Holcombe ATV/UTV Designated Routes and Regulations Ordinance. The purpose of this ordinance is to adopt ATV/UTV routes for the Town of Lake Holcombe and regulate the operation of ATV/UTV thereon. The enactment of this ordinance is deemed in the best interests of the health, safety and welfare of the general public after due consideration of the recreational opportunities as weighed against public dangers, public health, liability aspects, terrain involved, traffic density, and history of automobile traffic.
- (2) AUTHORITY.** The Town Board has the specific authority under Wisconsin Statutes, and the Town’s Village Powers, to adopt and enforce this ordinance.
- (3) ADOPTION OF ORDINANCE.** The Town Board, has by adoption of this ordinance, confirmed specific statutory authority, duties and powers of the Town, its officers, its employees, and its agents as established, by these sections and this ordinance, the regulations, controls and enforcement against certain uses, activities, businesses and operations by persons that may affect ATV/UTV routes and use in the Town of Lake Holcombe.

10A.02 ATV/UTV VEHICLE REGULATIONS

(1) ATV/UTV LAW ADOPTED. Except as specifically noted otherwise in this ordinance, Section 23.33, (2005-2006) Wisconsin Statutes, describing and defining regulations with respect to ATV/UTVs and ATV/UTV routes for which the penalty is a forfeiture, including penalties to be imposed and procedure for prosecution, are hereby adopted and incorporated herein by reference by the Town of Lake Holcombe and made a part of this ordinance as if fully set forth herein. Any future amendments, modifications, revisions, additions, or deletions of the above-noted statutory section shall be incorporated herein and made a part of this ordinance in order to secure uniform State regulation of ATV-UTV routes and use on the public roadways of the State of Wisconsin.

(2) APPLICABILITY OF RULES OF THE ROAD TO ATV / UTV’S

The operator of an ATV/UTV shall in addition to the provisions of Section 23.33, Wisconsin Statutes, be subject to Sections 346.04, 346.05, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1) and 346.94(1), (6), (6m) and (9), Wisconsin Statutes.

(4) DEFINITIONS. As used in this ordinance.

All-terrain vehicle (ATV)—a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator and on 3 or more low-pressure or non-pneumatic tires..

Utility Terrain Vehicle (UTV)—means any of the following:

• A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:

- A net weight, without fluids, of 2,000 pounds or less.
- Four or more low pressure or non-pneumatic tires.
- A steering wheel.
- A tail light.
- A brake light.
- Two headlights.
- A width of not more than 65 inches.
- A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
- A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device

B "ATV/UTV route" means a roadway designated for use by ATV/UTV operators by the Town of Lake Holcombe.

c "Operate" means to exercise physical control over the speed or direction of an ATV/UTV or to physically manipulate or activate any of the controls of an ATV/UTV necessary to put it in motion.

D "Operation" means the exercise of physical control over the speed or direction of an ATV/UTV or the physical manipulation or activation of any of the controls of an ATV/UTV necessary to put it in motion.

E."Operator" means a person who operates an ATV/UTV who is responsible for the operation of an ATV/UTV or who is supervising the operation of an ATV/UTV

(5) ROUTES. The following are designated ATV/UTV routes as authorized by Section 23.33 (8)(b):

A. All Town roadways in their entirety located within the corporate limits of the Town of Lake Holcombe.

(6) REGULATION OF ATV/UTV'S ON DESIGNATED ROUTES.

A. ATV/UTVs may be operated on ATV/UTV routes in the Town of Lake Holcombe only during daylight hours (the hours between sunrise and sunset).

B. ATV/UTV operators shall observe all speed limits but in no event shall an ATV/UTV be operated on an ATV/UTV route at a speed in excess of thirty-five (35) miles per hour.

C. All ATV/UTV operators shall slow the all-terrain vehicle to ten (10) miles per hour or less when operating the ATV/UTV within one hundred-fifty (150) feet of any residence.

D. ATV/UTV vehicle operators shall ride single file.

E. Operation of ATV/UTVs on ATV/UTV routes is authorized only for the extreme right side of the ATV/UTV route except that left turns may be made from any part of the ATV/UTV route which is safe given prevailing conditions.

F. When operating an all-terrain vehicle on designated ATV/UTV routes all ATV/UTV operators shall have the vehicles headlight(s) and tail lights illuminated at all times.

G. No person who is at least twelve (12) years of age and who is born on or after January 1, 1988, may operate an ATV/UTV on any ATV/UTV route in the Town of Lake Holcombe unless he or she holds a valid safety certificate.

H. No person under sixteen (16) years of age may operate an ATV/UTV on any ATV/UTV route in the Town of Lake Holcombe.

1. All ATV/UTV operators and passengers under eighteen (18) years of age shall wear a helmet.

(7) SIGNS DESIGNATING ATV/UTV ROUTES. The Town of Lake Holcombe shall maintain the supervisory responsibility to ensure that all- ATV/UTV routes identified in Paragraph (5) above have signs in compliance with the standards, requirements and regulations established by federal, state, and local governments and their respective departments and agencies, including, but not limited to, The Wisconsin Department of Natural Resources installed along all such ATV/UTV routes. The actual installation and maintenance of signs is hereby delegated to the area all-terrain vehicle club. The area ATV/UTV club shall also be responsible for the purchase of, and associated costs related to, the necessary signs for installation along all ATV/UTV routes. All signs and sign materials shall be subject to the approval of the Town Board prior to installation.

(8) ENFORCEMENT/PENALTIES. This ordinance shall be enforced by any law enforcement officer authorized pursuant to Section 23.33 (12), (2005-2006) Wisconsin Statutes. The Town of Lake Holcombe establishes by this ordinance that the enforcement of all-terrain vehicle routes and regulations will be in accordance with Section 23.33 (12), Chapter 66 and Sections 345.20 through 345.53, (2005-2006) Wisconsin Statutes. Citations shall conform to the form contained in the Uniform Traffic Citations. Stipulations and deposits may be accepted by the Town Clerk or the Town Constable of the Town of Lake Holcombe. Deposits shall be made in conformance with Section 345.26, (2005-2006) Wisconsin Statutes, and the revised Uniform State Traffic Deposit Schedule. If a particular deposit is not established by the Wisconsin Statutes or the

Uniform State Traffic Deposit Schedule, then the person shall deposit a forfeiture penalty of \$50 00 for each offense, together with the costs of prosecution.

10A.05FILING. This ordinance and revisions thereof shall be filed with the Department of Natural Resources and with the offices of any law enforcement agency of the state, county or municipality having jurisdiction over any roadway designated as an ATV/UTV route in accordance with Section 23.33(11).

Section 2 This ordinance shall take effect upon its adoption and publication as required by law, and the installation of the proper signs on all ATV/UTV routes located within the Town of Lake Holcombe, as required by this ordinance, whichever occurs last.