

Sawyer County

All-Terrain Vehicles and Utility Terrain Vehicles Ordinance

Section 1. General

1.01 Purpose Following due consideration of the recreational value to connect trail opportunities and weighed against the possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, Sawyer County enacts this ordinance for the purpose of designating routes and regulating the operation of All-terrain Vehicles (ATV's) and Utility Terrain Vehicles (UTV's) on Sawyer County highways. This ordinance is applicable to County Highways under jurisdiction of the County. ATV/UTV operators should be aware the Townships may enact regulations applicable to Town roads under their authority, and the Lac Courte Oreilles Tribe has enacted regulations applicable to roads and lands within their reservation boundaries.

1.02 Statutory Authority This ordinance is enacted pursuant to County Board authority under Wisconsin Statutes 59.02, as authorized by 23.33(11)(am) and 23.33 (8)(b). In addition, except as otherwise specifically provided in this chapter, the provisions and standards of Wisconsin Administrative Code NR 64, as amended, and Wisconsin Chapter 23, as amended, describing and defining regulations with respect to ATV/UTVs and traffic are hereby adopted and by reference made a part of this chapter as if fully set forth herein.

1.03 Cooperation This ordinance was assembled with the cooperation of other regulating local governments and nations within Sawyer County. All Townships and the Lac Courte Oreilles Tribe are able to develop, regulate, and enforce their own ATV/UTV trails and routes within their jurisdiction to the extent permitted by applicable law. These bodies have made efforts to cooperate and provide ATV/UTV access within the County, and also respecting the residents, visitors, and property owners within the County.

1.04 Jurisdiction The existing government bodies (County, Townships, and Lac Courte Oreilles) maintain the ability to regulate ATV/UTV activity within their jurisdiction to the extent permitted by applicable law. The County is able to regulate and enforce County regulations on roads/routes within Sawyer County, and Townships are able to regulate and enforce Township regulations roads/routes within their respective Township. Use of ATV/UTV's on roadways (Town, County, and Tribal) on tribal lands of the Lac Courte Oreilles Band of the Lake Superior Chippewa Indians (LCO), even though such lands may be located within the Town and County, are subject to the laws, rules, and enforcement of the LCO, to the extent permitted by applicable law. Nothing in this Ordinance is intended to modify, release or waive any right or obligation that Sawyer County may have subject to the Wisconsin Statutes or other applicable law.

Section 2. Regulated Operation of All-Terrain Vehicles and Utility Terrain Vehicles

2.01 Pursuant to Wisconsin Statute 23.33 (4)(b), except as provided in Wisconsin Statute 23.33, no person may operate an ATV or UTV on any part of Sawyer County highways except those portions of County highways that are designated as ATV/UTV routes in Section 3.

2.02 The operation of ATV's and UTV's on any portion of County highway designated as an ATV/UTV route shall be subject to the following:

- a. ATV's and UTV's shall be operated on the extreme right side on the roadway on the paved surface. Operation on the gravel shoulder, grassy inslope, ditches, or other highway right-of-way is prohibited and illegal (unless designated a route or trail).
- b. ATV's and UTV's shall be operated in compliance with all applicable Wisconsin laws, orders, regulations, restrictions and rules, including Wisconsin Statute 23.33 and Wisconsin Administrative Code NR64, as amended.
- c. ATV's and UTV's shall be operated within applicable speed limits.
- d. All ATV/UTV operators shall ride in single file.
- e. All ATV's/UTV's are required to display a lighted headlamp and tail lamp while operating on a county highway.
- f. All ATV/UTV operators and passengers under the age of 18 are required to wear a minimum DOT standard ATV or motorcycle helmet with the chin strap properly fastened.
- g. No person under 12 may operate an ATV, unless specifically excepted under Wis. Stat. 23.33 (5)(a) 1.a. and b. No person under 16 may operate a UTV, unless specifically excepted under Wis. Stat. 23.33 (5)(am) 1.a. and b. All ATV safety certified operators age 12-15 must also be accompanied by their parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian, while operating on a designated ATV route. Accompanied to be defined as subject to continuous verbal direction or control, but not necessarily on the same machine.
- h. All ATV/UTV operators who are at least age 12 and born on or after January 1, 1988 and operating on a county highway must possess a valid ATV safety certificate issued by this state or any other state or province.

2.03 Hours of Operation

ATV/UTV's are able to be operated 24 hours a day on Sawyer County Road routes except those identified in section 3.01 as being within the reservation boundaries of the Lac Courte Oreilles Band of the Lake Superior Chippewa Indians (LCO). Those identified in Section 3.01 as being within the LCO reservation boundaries – are only able to be operated on from 6:00am to 11:00pm within the reservation boundaries.

Section 3 Designated Routes

3.01 The following segments of Sawyer County highways are designated as ATV/UTV routes:

County Road B (Chippewa Trail-east to CTH K)
County Road B (Frogg Road to Richardson's Bay Road)
County Road B (Forest Road 319 to Musky Tale Resort)
County Road B (Fishtrap Road to STH 70)
County Road BB (Washburn County line to STH 70)
County Road C (STH 27/70 to Chafer Road)
County Road C (13116 CTH C to STH 48)
County Road CC (Flowage Road to CTH B)
County Rd CC (CTH B to Carpenter Lake S)

County Road D (STH 40 – STH 27)
County Road E (STH 27/70 to Thors Lane)
County Road E (Williams Rd. to Tribal Boundary by Norwis Rd.)
County Road EE (Forest Road 161 to Price County line)
County Road F (Right-of-Way Road to STH 27/70)
County Road F (Badger Bay Lane to Chapel Road)
County Road F (Stoney Hill Road to Rusk County line)
County Road G (CTH W to STH 27/70)
County Road GG (STH 70 to Ashland County line)
County Road H (STH 27/70 to Beaverbrook Road)
County Road K (CTH KK to Indian Dr.)
County Road KK (Circle Drive to CTH K)
County Road M -north (CTH W to STH 70)
County Road M (S. side of Flambeau River bridge to N. side of Flambeau River Bridge)
County Road M (Bebak Road to CTH W)
County Road OO (USH 63 to Northern Lights Road)
County Road S (Moose Lake Road-west to Moose Lake Road-east)
County Road S (Moose Lake Road to STH 77)
County Road T (Nelson Lake Road – STH 27)
County Road W-south (Crawford Street to Price County Line)
County Road W-north (STH 70 to CTH B)

Sawyer County highways designated as ATV/UTV routes with all or a portion within the boundaries of the Lac Courte Oreilles Band of the Lake Superior Chippewa Indians (LCO):

County Road H (Blueberry Fire Lane to Blueberry Avenue)
County Road NN (Green Lake Road to Chief Lake Road)
NOTE: County Road NN from Green Lake Rd to Gurno Lake Rd is a temporary bypass and will be closed to use after both sections of trail 777 (from Green Lake Rd to Indian Lake Rd, and from Indian Lake Rd to Gurno Lake Rd) are rehabilitated so they are safe and passable for the majority of ATV users.
County Road CC (CTH B to Flowage Rd is whole route, Carpenter Lake S to Flowage Rd within tribal boundaries)
County Road E (CTH K to Williams Road is whole route, CTH K to Tribal boundary N by Norwis Rd.)
County Road K (County Road E to Indian Drive)
County Road S (CTH B to Reservation boundary)
County Road NN (Chief Lake Rd. to Gurno Lake Rd.)

3.02 The Sawyer County Public Works Committee may amend the designated ATV/UTV routes on adoption of a committee resolution which adds or removes segment from the routes listed in 3.01. Such committee resolution shall be effective immediately and the Clerk shall cause to be posted and published an amended listing of ATV/UTV designated routes in at least one public place and on the County website.

Section 4 Administration

4.01 All requests for new or revised ATV/UTV route designations shall first be submitted to the Sawyer County Highway Department for review prior to the second Wednesday in May or the second Wednesday in August, or the second Wednesday in October for any request to be considered for the calendar year. All requests must be submitted by the Sawyer County Snowmobile and ATV Alliance to be considered. A copy of approved local jurisdiction minutes, approving the road/route, must accompany the request. The highway department shall review such requests for county trunk highway route designations and make a recommendation to the Sawyer County Public Works Committee. All route requests within the Lac Courte Oreilles reservation shall be provided to the Lac Courte Oreilles Tribal Council for their review and input prior to approval. The Public Works Committee shall review the ATV/UTV route request, including appropriate criteria for making a designation and make a decision approving or denying the request. Decisions of approval will be posted as amendments to this ordinance.

4.02 Safety of the traveling public is of great concern to Sawyer County. Below is a list of factors that shall be considered when determining whether a county highway will be considered for an ATV/UTV route. This list is not exhaustive as every county highway has their own unique features that may need additional consideration:

- (1) ADT (average daily traffic).
- (2) Sawyer County Sheriff Department concerns.
- (3) Accident history within proposed route.
- (4) Verification that all other route options have been considered.
- (5) Presence of school zones or other special consideration areas.
- (6) Will the requested route connect segments of other ATV/UTV trail network?
- (7) Vertical/horizontal highway alignment issues.
- (8) Sight distance issues at the posted highway speed.
- (9) Pavement width.
- (10) Commercial heavy truck volumes.
- (11) Environmental hazards.

4.03 All existing ATV/UTV routes shall be reviewed in May of each year by the Sawyer County Public Works Committee to consider the continued value, efficacy or need for the ATV/UTV route. This renewal process shall also include a report from the Sheriff's Department on ATV/UTV violations, crashes, and safety concerns.

4.04 The Sawyer County Highway Department shall have sole authority and responsibility for placement of signage on the designated county highway routes. The county highways designated as ATV/UTV routes will not be open until they are marked with appropriate signage.

4.05 The Sawyer County Snowmobile and ATV Alliance shall provide all necessary signs, posts, etc. required for the proper installation of ATV/UTV route signs.

4.06 The Sawyer County Highway Commissioner is authorized to enter into on behalf of Sawyer County contracts that provide for the reimbursement of the costs incurred by the County for the installation of the ATV/UTV route signs.

Section 5 Enforcement

5.01 This ordinance shall be enforced by all enforcement jurisdictions as listed in Wisconsin Statute 23.33(12) and Wisconsin Administrative Code NR 64, as amended.

5.02 This ordinance may be enforced in accordance with Wisconsin Statutes 23.33(12), as amended, including the issuance of a citation under Section 66.0113, Wisconsin Statutes, as amended.

5.03 The penalties as set forth in Wisconsin Statutes 23.33(13)(a), as amended, are adopted by reference.

Section 6 Severability

6.01 Should any sub-section, clause, or provision of this Ordinance be declared by a Court to be invalid, the same shall not affect the validity of the section as a whole or any part thereof, other than the part so declared to be invalid.

Section 7 Effective Date

7.01 This ordinance becomes effective immediately upon passage by the Sawyer County Board of Supervisors and publication.