

LAFAYETTE COUNTY ALL-TERRAIN VEHICLE AND UTILITY-TERRAIN VEHICLE (ATV/UTV) ROUTE ORDINANCE

Date Revised and Approved: August 18, 2020
Resolution: None

SECTION 2.0 ALL-TERRAIN VEHICLE/UTILITY-TERRAIN VEHICLE ROAD ROUTES

2.1 Application

An ordinance to establish ATV/UTV routes pursuant to Wis. Stat. § 23.33 (8)(b) and 23.33(11).

2.2 Board of Supervisors

The Lafayette County Board of Supervisors in Legal Session Assembled.

2.3 Purpose

The purpose of this ordinance is to establish an ATV/UTV route and provide safe and enjoyable ATV/UTV recreation consistent with public rights and interests.

2.4 Applicability and Enforcement

The provisions of this ordinance shall apply to the areas designated in Chapter 8 - Section 2 - 2.6, including roadways within the jurisdiction of the County. The provisions of this ordinance shall be enforced by the Lafayette County Sheriff's Department. Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed under this section.

2.5 Limitations

The following limitations apply on all areas designated in Chapter 8 – Section 2 – 2.6

- A. No ATV/UTV shall be operated at a speed greater than 30 miles per hour, nor above any lesser speed where posted at a lower limit.
- B. No ATV/UTV may be operated on any designated route without fully functional headlights, tail-lights, and brake lights.

- C. ATV's/UTV's may be operated on paved roadway surfaces only.
- D. No ATV/UTV may be operated on any designated route between the hours of 1:00 a.m. to 5:00 a.m. daily.
- E. No person under the age of sixteen (16) may operate an ATV/UTV on any designated route.
- F. No person under the age of eighteen (18) may operate an ATV/UTV on any designated route unless wearing approved protective head gear.
- G. No ATV/UTV may be operated on any designated route unless such ATV/UTV meets all applicable Federal noise and air pollution standards.

2.6 Areas Designated

- A. The areas designated as an ATV/UTV vehicle route shall be as follows:
 - 1. State Road 78/81 (Milwaukee Street) from South River Street to Railroad Street, which includes the Bridge over the Pecatonica River; and
 - 2. All lettered County Highways unless posted otherwise.
- B. The Lafayette County Highway Commissioner shall have the authority to suspend operation in any of the above areas for up to ninety (90) days due to hazard, construction, or emergency conditions in any highway segment listed above. The Lafayette County Highway Commissioner shall also have the authority to designate for up to ninety (90) days alternate routes for any of the above authorized highway segments that might be so closed.
- C. Every area authorized as an ATV/UTV route shall be designated by an all-terrain vehicle route sign having a reflectorized white all-terrain vehicle symbol, bordered and message on a reflectorized green background with a minimum size of 24 inches by 18 inches with directional arrow, where appropriate, placed at the beginning of an ATV/UTV route and at such locations and intervals as necessary to enable the ATV/UTV operators to follow the route.

2.7 Route Signs

- A. All required designated Route Signs shall be paid for and installed by an ATV/UTV club, with prior approval and under the direction of the Lafayette County Highway Commissioner.
- B. All Route Signs posted shall be in compliance with the Federal manual on uniform traffic control devices.
- C. No sign may be mounted on any existing County sign post.
- D. No person may erect, remove, obscure, or deface any official designated Route Sign unless authorized, in writing, by the Lafayette County Highway Commissioner.
- E. No person shall operate an ATV/UTV contrary to any authorized Route Sign and/or any other sign posted or provided by Lafayette County or under the direction and/or supervision of Lafayette County.

2.8 Penalties

- A. Penalty for violation of Chapter 8 – Section 2 – 2.5(a), (c), (d), 2.7(a), (b), (c), (d), (e), shall be a Class 3 forfeiture of not more than \$200.00 per violation.
- B. Penalty for violation of Chapter 8 – Section 2 – 2.5(b), (e), (f) and (g), shall be a Class 4 forfeiture of not more than \$100.00 per violation.
- C. Penalty for violation of any other provision of this ordinance for which no specific penalty is specified shall be a Class 5 forfeiture of not more than \$50.00 per violation.
- D. Pursuant to the above, instances involving multiple violations may, at the discretion of Lafayette County, be charged separately and severally. Where multiple violations arise relating to a single instance or related instances of conduct, operation, noncompliance, and/or otherwise within the terms or application of this Chapter, each violation may be charged without merger or reduction with total penalties exceeding the per violation amounts noted in herein.

2.9 Schedule of Forfeitures

- A. **Class One Forfeiture:** Any person who violates this ordinance punishable by Class One forfeiture shall be subject to a forfeiture of not less than one hundred (\$100.00) nor more than five hundred (\$500.00) dollars.
- B. **Class Two Forfeiture:** Any person who violates this ordinance punishable by a Class Two forfeiture shall be subject to a forfeiture of not more than five hundred (\$500.00) dollars.
- C. **Class Three Forfeiture:** Any person who violates this ordinance punishable by a Class Three forfeiture shall be subject to a forfeiture of not more than two hundred (\$200.00) dollars.
- D. **Class Four Forfeiture:** Any person who violates this ordinance punishable by a Class Four forfeiture shall be subject to a forfeiture of not more than one hundred (\$100.00) dollars
- E. **Class Five Forfeiture:** Any person who violates this ordinance punishable by a Class Five forfeiture shall be subject to a forfeiture of not more than fifty (\$50.00) dollars.

2.10 Violations, Judgments, Restitutions

- A. A judgment obtained under the sections and subsections of Chapter 8 of the Lafayette County Code may be enforced in the same manner as any civil judgment. Penalties imposed for violations of said ordinances of Lafayette County shall be made according to the schedule of forfeitures listed in Chapter 8 – Section 2 -2.9 of the Lafayette County Code as hereinafter enacted. The procedure set forth in Wis. Stats. § 800.09, shall apply to all violations of the sections and subsections of Chapter 8 of the Lafayette County Code.
- B. Persons accused of violating such ordinances may be cited and summoned to appear in the Lafayette County Circuit Court by use of one of the forms of

appropriate municipal citations as set forth by the the Lafayette County Code as hereinafter set forth. A uniform appearance deposit may be required of any person issued a citation and summons for a violation of any ordinance enacted under Chapter 8 of the Lafayette County Code as set forth herein as hereinafter enacted. Upon default in payment of the prescribed forfeiture plus all applicable court costs and restitution, the Lafayette County Circuit Court shall follow the procedures set forth in Wis. Stats. § 800.095, including imprisonment in the County Jail for a period not to exceed ninety (90) days, performance of a community service work or suspension of the person's Wisconsin operating privileges as set forth in Wis. Stats. § 800.095(4)(b).

- C. If the circuit court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and further finds that the violation resulted in damage to the property or physical injury to a person other than the alleged violator, the circuit court may order restitution to be paid by the violator as part of the judgment pursuant to Wis. Stats. § 800.093.

2.11 Juvenile Penalties

- A. Any juvenile who violates this Section shall be subject to the forfeitures prescribed in Chapter 8 – Section 2 - 2.8 and 2.9 of this Section except that the provisions for the incarceration in jail for the nonpayment of forfeiture shall not apply to juveniles.
- B. Upon default of payment of any forfeiture imposed by this Section, a court may order any license issued to a juvenile under Chapter 29 of the Wisconsin Statutes suspended or may order the child's operating privileges as defined in Wis. Stats. § 340.01(40), suspended for not less than thirty (30) days or more than ninety (90) days. Prior to suspension of licenses under this subsection, the court shall make a finding that the juvenile alone is financial able to pay the amount of the forfeiture and shall allow up to twelve (12) months for the juvenile to make payment. The court shall immediately take possession of any suspended license and forward it to the department which issued the license together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the first thirty (30) days after the license is suspended, the suspension shall be reduced to the minimum period of thirty (30) days. If it is paid thereafter, the court shall immediately notify the appropriate department which will thereupon return the license to the person.

2.12 Uniform Citation and Summons

A uniform county ordinance violation citation shall be created and reproduced in such a fashion as to provide alleged violators with proper notice of the ordinance violation alleged and date, time and place of said violation along with a summons to appear before the circuit court for Lafayette County at the courthouse in Darlington, Wisconsin, at a date and time specified in the citation and shall provide an option of posting a

uniform forfeiture deposit in lieu of the defendant's appearance on that date. The form of such citation and summons shall be on file in the office of the Clerk of Court.

Other uniform citations adopted by the State of Wisconsin for the use of counties and other municipalities may be used in the prosecution of violations under this ordinance.

2.13 Uniform Deposit Schedule

The uniform deposit on forfeitures covered under this ordinance shall be the following, plus all applicable costs in cases where court costs and penalty surcharges may be applied.

- A. **Class One Forfeiture:** Two hundred fifty (\$250.00) dollars plus costs.
- B. **Class Two Forfeiture:** One Hundred (\$100.00) dollars plus costs.
- C. **Class Three Forfeiture:** Seventy-five (\$75.00) dollars plus costs.
- D. **Class Four Forfeiture:** Fifty (50.00) dollars plus costs.
- E. **Class Five Forfeiture:** Twenty-five (\$25.00) dollars plus costs.

2.14 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 persons and circumstances shall not be deemed affected.

2.15 Saving Clause

This ordinance shall in no way be deemed to supplant or otherwise invalidate any provision of state statutes relating to the subject matter hereof. Any person entrusted with the enforcement of this ordinance may, in the exercise of his or her discretion, proceed under applicable state statutes.

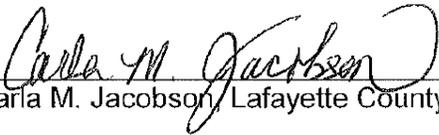
2.16 Effective Date

This ordinance becomes effective upon passage and publication.

Fiscal Note: No direct fiscal impact.

Legal Note: Within County Board authority. Ordinance change requires two successive readings unless rules are suspended by formal vote of Board.

I, Carla Jacobson, Clerk of the County of Lafayette, State of Wisconsin, do certify that this ordinance was approved by the Lafayette County Board of Supervisors at a meeting held on August 18, 2020.



Carla M. Jacobson, Lafayette County Clerk