RESOLUTION 33 - 16

REVISIONS TO LAFAYETTE COUNTY ATV ORDINANCE ROUTES

WHEREAS, the Highway Safety Commission has reviewed the existing ATV approved routes as they traverse sections of Lafayette County highways; and,

WHEREAS, the Lafayette County Economic Development Committee feels that additional segments of Lafayette County highways should be approved to further enhance the ATV system.

NOW THEREFORE BE IT RESOLVED that the Highway Safety Commission recommends that the revisions to the existing Lafayette County ATV Ordinance be made to include two additional segments of Lafayette County Highways as new sections to Lafayette County Ordinances Chapter 8 and which will be inserted as section 8-2-6 (oo) through 8-2-6 (pp).

Respectfully submitted

LAFAYETTE COUNTY HIGHWAY SAFETY COMMITTEE

BY:

Thomas R. Jean
Tom Jean, Chair and Lafayette County Highway Commissioner

Dwayne Larson
Dwayne Larson
County Board Supervisor

Reg M. Gill
Reg M. Gill, Sheriff

Carla Jacobson, Chief Deputy

I, ~~Linda L. Bawden~~, Clerk of the County of Lafayette, State of Wisconsin, do certify that this resolution was adopted by the Lafayette County Board of Supervisors at a meeting held on July 19, 2016.

Carla M. Jacobson
~~Linda L. Bawden~~ Chief Deputy Clerk
Lafayette County Clerk

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.

The County Board of Supervisors of the County of Lafayette, Wisconsin, in legal session assembled, does hereby ordain and adopt an ATV Ordinance as Chapter 8 of the Lafayette County Code of Ordinances as follows:

LAFAYETTE COUNTY ALL-TERRAIN VEHICLE ROUTE ORDINANCE

Chapter 8-2

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ALL-TERRAIN VEHICLE ROUTE ORDINANCE

8-2-1 APPLICATION:

An ordinance to establish all-terrain vehicle routes pursuant to section 23.33 (8)(b) and section 23.33(11) of the Wisconsin Statutes.

8-2-2 BOARD OF SUPERVISORS:

The Lafayette County Board of Supervisors in Legal session Assembled

8-2-3 PURPOSE:

The purpose of this ordinance is to establish an all-terrain vehicle route and provide safe and enjoyable all-terrain vehicle recreation consistent with public rights and interests.

8-2-4 APPLICABILITY AND ENFORCEMENT:

(a) The provisions of this ordinance shall apply to the areas designated in §8-2-6, including roadways within the jurisdiction of the County. The provisions of this ordinance shall be enforced by the Lafayette County Sheriff's Department.

(b) 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.

8-2-5 LIMITATIONS:

The following limitations apply on all areas designated in section 8-2-6 of this ordinance.

(a) No ATV shall be operated at a speed greater than 30 miles per hour unless posted at a lower limit.

(b) No ATV may be operated on any designated route without fully functional headlights, tail-lights, and brake lights.

(c) ATV's may be operated on paved roadway surfaces only.

(d) No ATV may be operated on any designated route between the hours of 1:00A.M. to 5:00A.M. daily.

(e) No person under the age of sixteen (16) may operate an ATV on any designated route.

(f) No person under the age of eighteen (18) may operate an ATV on any designated route unless wearing approved protective head gear.

(g) No ATV may be operated on any designated route which ATV does not meet all applicable Federal noise and air pollution standards.

8-2-6 **AREAS DESIGNATED:** The area designated as an all-terrain vehicle route shall be as follows:

(a) County Highway F - .5 mile South of County Highway G West - distance about 100 feet; and

(b) County Highway D from County Highway F in Fayette Township to Cannon Road; and

(c) County Highway F from Gant Road to Paulson Road in the Town of Blanchard; and

(d) County Highway D from Barnes Road to Spore Road in the Town of Lamont; and

(e) County F from Brush Road north to Blanchardville, in the Town of Blanchard; and

(f) County Highway N from Gunderson Road to Everson Road in the Town of Argyle; and

(g) County Highway G from Everson Road to Church Road in the Town of Argyle; and

(h) County Highway G from Bethel Grove Road to the Pecatonica Trail in Belmont Township; and

(i) County Highway O from Jackson Road South to the City of Shullsburg; and

(j) County Highway D from Canon Road to English Hollow Road in Fayette Township; and

(k) County Highway M from Fork Road to Tish Road; and

(m) County Highway G from Mitchell Hollow Road to the Belmont Travel Center at State Highway 151; and

(n) County Shop Road to Ames Road to County Highway K to Center Drive; and

(o) County Highway D from the Village of South Wayne to County Highway DD; and

(p) County Highway DD from County Highway D to County Highway KK; and

(q) County Highway KK from County Highway DD to the Illinois State Line; and

(r) County Highway G from Deery Road East to Shortcut Road; and

(s) County Highway Z from Deery Road West to Wood Road; and

(t) County Highway A from Dunbarton Road to the City of Shullsburg; and

(u) County Highway PP from County Highway W to the State of Illinois border; and

(v) County Highway G from Prairie Road West to Bethel Grove Road; and

(w) County Highway Z from Deery Road South to Holland Road; and

(x) County Highway K from West Riverside Road to Riverside Road; and

(y) County Highway Z from Woods Branch Road to County Highway O; and

(z) County Highway O from Rock Road to Tibbets Road; and

(aa) County Highway N from County Highway G to County Highway F; and

(bb) County Highway F from Furnace Hill Road to Hirshbrunner; and.

(cc) County Road M ¼ mile section connecting Berry Road to West Dobbs Road; and

(dd) County Road A small section connecting Laverty Road to Renneck Road.

(ee) County Road I from Silverthorn Road in the Township of New Diggings to Bean Street in the Township of Benton and the Village of Benton

(ff) County Road J from State Road 11 North to County Road H at Crabtree Corner Road; and County Road H West to the Cuba City City Limits; and

(gg) County Road J at State Road 11 in the Village of Benton South to County Road W and then East on County Road W to White Oak Cemetery Road

(which is a designated route); and

(hh) County Road I from Aetna Road in Leadmine North to Bean Street; and

(ii) County Road W from Dump Road to the Grant County Line; and

(jj) County Road H from County J & H intersection to State Road 81; and

(kk) County Road X from Sales Barn Road to County Road XX; and

(ll) County Road XX from County Road X to the Village of Belmont; and

(mm) County Road D at Cheese Trail North to County Road N North to Philippine Road; and

(nn) County Road M from State Road 78 East to Woodford; and

(oo) County Road F from Furnace Hill Road to East Mary Street, and

(pp) County Road N from Philippine Road to State Road 78.

(1) 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.

(2) Every area authorized as an all-terrain vehicle 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 all-terrain vehicle route and at such locations and intervals as necessary to enable the all-terrain vehicle operators to follow the route.

8-2-7 ROUTE SIGNS:

(a) All required designated route signs shall be paid for and installed by an ATV club, approved and under the direction of the Lafayette County Highway Commissioner.

(b) All 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 by the Lafayette County Highway Commissioner.

(e) No person shall operate an ATV contrary to any authorized and official posted sign.

8-2-8 PENALTIES:

8-2-8.1a Penalty for violation of Sections 8-2-5(a), 8-2-5(c), 8-2-5(d), 8-2-7(a), 8-2-7(b), 8-2-7(c), 8-2-7(d), and 8-2-7(e), shall be a Class 3 forfeiture of not more than $200.00.

8-2-8.1b Penalty for violation of Sections 8-2-5(b), 8-2-5(e), 8-2-5(f) and 8-2-5(g), shall be a Class 4 forfeiture of not more than $100.00.

8-2-8.1c 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

8-2-9 SCHEDULE OF FORFEITURES:

8-2-9.1a 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.

8-2-9.1b 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.

8-2-91c 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.

8-2-9.1d 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

8-2-9.1e 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.

8-2-10 VIOLATIONS, JUDGMENTS, RESTITUTIONS:

8-2-10.1a 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 Section 8-1-2.4 of the Lafayette County Code as hereinafter enacted. The procedure set forth in S. 800.09, Wisconsin Statutes, shall apply to all violations of the sections and subsections of Chapter 8 of the Lafayette County Code.

8-2-10.1b 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 Section 8-1-2.7 of 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 in Section 8-1-2.8 of the Lafayette County Code 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 S. 800.095, Wisconsin Statutes, 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 S. 800.095(4)(b), Wisconsin Statues.

8-2-10-1c 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 statue 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 S. 800.093, Wisconsin Statutes.

8-2-11 JUVENILE PENALTIES:

8-2-11.1a Any juvenile who violates this Section shall be subject to the forfeitures prescribed in subsection 8-1-2.3 and 8-1-2.4 of this Section except that the provisions for the incarceration in jail for the nonpayment of forfeiture shall not apply to juveniles.

8-2-11.1b 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 subsection 340.01(40) of the Wisconsin Statutes 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.

8-2-12 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.

8-2-13 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.

8-2-13.1a	Class One Forfeiture:	Two hundred fifty ($250.00) dollars plus costs.
8-2-13.1b	Class Two Forfeiture:	One Hundred ($100.00) dollars plus costs.
8-2-13.1c	Class Three Forfeiture:	Seventy-five ($75.00) dollars plus costs.
8-2-13.1d	Class Four Forfeiture:	Fifty (50.00) dollars plus costs.
8-2-13.1e	Class Five Forfeiture:	Twenty-five ($25.00) dollars plus costs.

8-2-14 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.

8-2-15 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.

8-2-16 EFFECTIVE DATE:

This ordinance becomes effective upon passage and publication.

Carla Jacobson, Chief Deputy

I, ~~Linda L. Bawden~~, Clerk of the County of Lafayette, State of Wisconsin, do certify that this Ordinance was passed by the Lafayette County Board of Supervisors at a meeting held on July 19, 2016.

Carla Jacobson

~~Linda~~ L. Bawden, Lafayette County Clerk

Chief Deputy