

**ADAMS COUNTY ORDINANCE
ESTABLISHING ATV HIGHWAY CROSSING/ROUTE ORDINANCE**

The County Board of Adams County, State of Wisconsin, does hereby ordain as follows:

SECTION 1: AUTHORITY AND GENERAL

1.1 STATE TRAFFIC LAWS ADOPTED. Except as otherwise specifically provided in this code, the statutory provisions in Chapter 23, 340 to 348, and 350 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, and Chapter NR 64, All Terrain Vehicles, WDNR, as amended, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this chapter in order to secure uniform statewide regulation of traffic on highways, streets and alleys of the State of Wisconsin.

1.2 Following due consideration of the recreational and economic value to connect trail opportunities and weighted against protecting the safety of motorists by maintaining the road edge, surface and integrity of the right-of way, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created pursuant to County Board authority under Wis. Statutes 59.02, 23.33(11)(am), and 23.33(8)(b) as amended.

The Adams County Highway Department (hereinafter “Highway Department”) has the authority over and is responsible for the maintenance of the county trunk lettered highway system and all other county owned town roads (both referred to hereinafter “county highway”). The Highway Department oversees the ATV Route/Crossing process, including surveillance and issuance of permits.

1.3 ATV route changes noted through monitoring are investigated to insure that they have been authorized and that they do not adversely affect the use of the highway. All changes must conform to the standards set forth by this policy and the Highway Department's discretion.

The purpose of the design standards are to promote orderly and safe movement in and out of ATV trails and other ATV routes, to minimize interference with highway traffic, and to preserve the physical structure of the highway for convenience, general welfare, and economic viability.

1.4 DEFINITIONS.

All-Terrain Vehicle (ATV) as defined in §340.01(2g), Wis. Stats., means an engine device which has a width of 48” or less, which is equipped with a seat designed to be straddled by the operator and which is designed to travel on three or more low-pressure tires. A low-pressure tire is a tire which as a minimum width of 6”, which is designed to be mounted on a rim with a maximum diameter of 12” and which is designed to be inflated with an operating pressure not to exceed six pounds per square inch as recommended by the manufacturer.

All-Terrain Vehicle Route is a highway or sidewalk designated for use by an ATV operator by the governmental agency having jurisdiction as authorized by §23.33, Wis. Stats.

All-Terrain Vehicle Trail is a marked corridor on public property or on private lands subject to public easement or lease, designated for use by ATV operators by the governmental agency having jurisdiction, but excluding roadways of highways except those roadways that are seasonally not maintained for motor vehicle traffic.

SECTION 2.: DESIGNATING ALL-TERRAIN VEHICLE ROUTES AND REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES ON THE COUNTY TRUNK HIGHWAY SYSTEM.

2.1 ATV ROUTES. County trunk highways designated as ATV routes shall be established and approved by the Highway Committee. The Highway Committee shall approve any modification to a designated ATV route. A copy of those ATV routes, along with a map showing their location, shall be kept on file at the Highway Department. The Adams County Highway Department shall retain the sole authority for the closure or termination of any ATV route on the County Trunk Highway System.

(1) ATV ROUTES ONLY OFF ROADWAY. All ATVs shall not operate on the roadway. Operation on the signed ATV route is required.

(2) ATV ROUTE VIOLATIONS. (1) Penalty. The penalty for operating an ATV on the roadway of a designated ATV route (i.e., the paved surface) shall result in a forfeiture of not less than \$25.00 or more than \$250.00, plus court costs.

SECTION 3.: PERMIT PROCESS

3.1 Any municipality or organization, that desires a route along, or a crossing over, a County Highway may request a route or crossing permit. Anyone requesting a permit shall complete an application in compliance with this policy and the Wisconsin Statutes and file the application with the Highway Department. The Highway Department will review the application using the process in this ordinance. No person shall commence or

continue using the County Highway, or request or allow others to commence or continue use of that County Highway, unless a permit has been issued in accordance with this policy.

3.2 Procedure to follow in considering a permit for an ATV Route/Crossing:

- a) The Municipality or organization shall apply for a permit. The application shall be filled out completely and returned to the Highway Department.
- b) The permit application will be reviewed by the Highway Department for conformance with this policy and with all applicable state, federal, and local laws, regulations, and policies.
- c) The Highway Department shall review the permit request with the applicant so that all needed information can be obtained and all requirements and restrictions can be explained.
- d) The Highway Department shall notify all landowners whose property is under the proposed route/crossing in writing via certified mail. That written notice shall contain the proposed route/crossing location, the name of the applicant and the date of the Highway Committee review of the application. The applicant will pay the costs for these notices to the Department prior to the Highway Committee review of the permit application.
- e) The Adams County highway Committee shall have the authority to approve applications for permits under this ordinance. The Highway Committee Chair shall indicate approval by signature before any permit may be issued.
- f) The Highway Department will retain a copy of the application on file. The permittee shall retain the original.

3.3 Before a highway segment can be considered for designation as an ATV route, the petitioner(s) shall demonstrate to the Department and Highway Committee that no other practical option as a trail exists. The single most important route consideration is the safety of all users: ATV riders, pedestrians, bicyclists, motorcyclists, automobile operators, truck operators and others.

3.4 During the review process for a crossing, the following criteria shall be considered:

- a. Pullout Distance - A safe pullout distance is required to provide a safe entry onto a highway for a crossing.
- b. Crossing Grade - A crossing approach grade or intersecting area at the edge of the shoulder shall be provided adjacent to the highway to insure drainage away from the highway surface.

- 3.5 If the application is approved as provide in section 3.2(e), a permit will be issued. The applicant shall construct the route/crossing utilizing a pre-approved traffic control procedure explained by an authorized Highway Department employee. Each permit will be valid for one route or crossing location only.
- 3.6 Construction must proceed in accordance with this policy, and in conformance with all specifications, limitations, and conditions set out in the application and permit, unless the Highway Committee approves modification in writing. The Highway Department shall inspect the site of each route/crossing before and during construction to ensure compliance.
- 3.7 If the application is denied, the Highway Department shall notify the applicant in writing and explain the reason for denial.
- 3.8 A permit is valid for construction of a route/crossing within one year of issuance. After one year has expired, the permit will no longer be valid and a new permit must be applied for and issued before construction may be commenced or continued.
- 3.9 The applicant shall pay to the Highway Department a fee for each permit application according to a fee schedule as established by the Adams County Highway Committee.
- 3.10 This section applies to all route/crossing construction.

SECTION 4: EXISTING ROUTE/CROSSING REGULATIONS

- 4.1 This section applies only to routes/crossings, which were approved prior to the effective date of this ordinance. Any routes or crossings that were not approved prior to the effective date of this ordinance will be required to comply with the permit process.
- 4.2 No route or crossing constructed before the effective date of this ordinance may be altered unless a permit has been issued for the route or crossing and the route or crossing meets the standards prescribed by this policy. This does not pertain to surface maintenance. Route/crossing surface maintenance is permissible without issuance of a permit.
- 4.3 Salvaged culverts considered surplus by the County shall be offered for sale first to the local governing body from which removed, then to other locally governed bodies. No sale or conveyance shall be made to private individuals.
- 4.4 Headwalls or riprap at the ends of crossing culverts are not permitted under this policy.
- 4.5 Maintenance of routes/crossings is the responsibility of the municipality or club that originally applied for the permit. The Highway Department will review the routes/crossings on an annual basis. The results of these reviews may indicate a need for

maintenance, if that is so then the Highway Department will notify the permittee of those needs and the permittee will have 30 days to complete the maintenance or the route/crossing will be closed until such time as the maintenance is done.

SECTION 5: PERMIT REQUIREMENTS

5.1 The permittee in making the application agrees to the following:

- a) The permittee shall furnish all materials, do all work, and pay all costs in connection with the construction of the route/crossing and its appurtenances on the right-of-way.
- b) The permittee shall make the installation without jeopardy to or interference with traffic using the highway. Highway surfaces, shoulders, ditches, and vegetation disturbed outside of the designated route/crossing location, shall be restored to equivalent of original condition by the permittee.
- c) No revisions or additions shall be made to the route/crossing or its appurtenances on the right-of-way without the written permission of the Highway Committee.
- d) The Highway Department reserves the right to make such changes, additions, repairs, and relocations within statutory limits to the route/crossing or its appurtenances on the right-of-way as may at any time be considered necessary to permit the relocation, reconstruction, widening, and maintaining of the highway or to provide proper protection to life and property on or adjacent to the highway.
- e) That the permittee agrees to hold harmless the county of Adams and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of the permit.
- f) The Highway Department does not assume any responsibility for the removal or clearance of snow, ice, or sleet or the opening of windrows of such materials upon any portion of any route or crossing along any county highway even though snow, ice, or sleet is deposited or wind rowed on said route or crossing or entrance by its authorized representatives engaged in normal winter maintenance operations.
- g) The permit shall contain the statement and be subject to the condition that the work shall be constructed subject to the rules and regulations prescribed by the Highway Department and be performed and completed to the Highway Department's satisfaction.
- h) In case of temporary alterations the County Highway shall be restored to its former condition and the permittee shall be liable to Adams County for all damages which occur during the progress of said work or as a result thereof.
- i) Nothing herein shall abridge the right of the Highway Department, the County Board, or Highway Committee to make such additional rules, regulations and

conditions as may be deemed necessary and proper for the preservation of highways and for the safety of the public.

SECTION 6: LOCATIONS, DESIGNS, AND CONSTRUCTION

6.1 Spacing standards crossings. Highway crossings from abutting properties shall comply with the following sight distance requirements that are consistent with AASHTO Geometric Design of Highways and Streets:

Design Speed (mph)	Stopping sight distance (feet)
15	80
20	115
25	155
30	200
35	250
40	305
45	360
50	425
55	495
60	570
65	645
70	720
75	820
80	910

6.2 Crossing Surfaces. The surface of the crossings shall be a flexible bituminous asphalt type of pavement. Crossing approaches will be paved a distance out of a minimum of 8 feet from the edge of pavement. Crossing surfaces will be paved a minimum of 8 feet wide. There will not be any portland cement surfaces accepted within the right-of-way unless the county trunk highway had been laid with portland cement.

6.3 Crossing Slope. The surface of the crossing connecting with rural type highway sections shall slope down and away from the highway shoulder a sufficient amount and distance to preclude ordinary surface water drainage from the driveway area flowing onto the highway roadbed. Every crossing shall have sloped sides at a minimum of 4:1 grade ratio or flatter and should be laid as shown on figure 15.

6.5 Culverts, Drainage, Curbs, and Gutters. The crossing shall not obstruct or impair drainage in highway side ditches or roadside areas. Crossing culverts, where necessary, shall in no case be less than the equivalent of 15-inch diameter pipe. Endwalls are

preferred, but not mandatory. When any curb or gutter is removed for constructing a crossing, the new connection shall be restored.

- 6.6 Driveway Crossing. A driveway crossing will be constructed in an identical manner as a road crossing. If the driveway is unpaved it shall be the responsibility of the permittee to pave that driveway from the crossing to the edge of pavement.
- 6.7 Waterway Crossings. When crossing a waterway all possibilities of installing an independent bridge structure shall be explored and exhausted prior to the route being allowed to use the County Highway structure over that waterway.
- 6.8 Route Direction of Travel. In the interests of public safety all routes will travel the same direction as traffic flow on the associated County Highway. When a route is approved it is approved for both sides of the County Highway, unless the Highway Committee makes a specific written exception.
- 6.9 Route/Crossing Location. The physical location of the route within the right-of-way will be at the edge of the right of way where practical. The applicant will stake the physical location of the route/crossing. The Highway Department will review that location prior to the Highway Committee review of the application.
- 6.10 Removal of Obstructions. All obstructions in the right-of-way that will impede the route are the responsibility of the permittee for removal, including, but not limited too, trees, woody vegetation, rocks, etc.
- 6.11 Route Surface. All routes shall be constructed with either a double chip seal or a minimum of a one-inch, compacted asphaltic mat; the resulting hard surface shall be a minimum of eight-feet wide. All routes shall be constructed with sufficient base materials to adequately support the surface used.
- 6.12 Drainage. All routes and crossings shall be constructed in a manner that does not adversely impact the area drainage system.
- 6.13 Permits. All required local, State, and Federal permits will be obtained prior to construction of any route or crossing. A copy of those permits must be filed with the application at the Highway Department prior to any work being started. All requirements of those permits will be explicitly followed or the route/crossing permit will be voided.

SECTION 7: ROUTE/CROSSING SIGNAGE

- 7.1 Initial Installation. During the Highway Department review of the route or crossing, the Department will determine the necessary signage on the route or crossing and the necessary signage on the County Highway. At such time as the permit is approved the Highway Department shall install the necessary signage, the costs for that installation shall be paid by the permittee prior to construction.

- 7.2 Sign Maintenance. The Highway Department will maintain the signage necessary for the route/crossing and bill the permittee for that maintenance. Should the permittee refuse to pay for that maintenance then the route will be removed until such time as the removal costs, the sign maintenance costs, and the resigning costs are paid in full.

SECTION 8: REVIEW OF DENIAL OF PERMIT

- 8.1 If the Highway Department denies a request for a permit under this policy or revokes a permit issued under this policy, the Adams County Highway Committee shall, upon written request by the applicant within 30 days after the denial, review the Highway Department's decision. A written request shall be deemed made when it is received at the Highway Department office.
- 8.2 The Adams County Highway Committee shall schedule a hearing at which it will consider such a request to be held within 60 days after receipt of the request. The person making the request shall be given notice of that hearing, and at the hearing shall have the opportunity to present evidence to the committee concerning the reasons for the request.
- 8.3 Within 30 days after the hearing the Adams County Highway Committee shall make its decision regarding the request. It may reverse, confirm, or modify the decision of the Highway Department. The Highway Department shall thereafter take action in conformance with the committee's decision.

SECTION 9: PENALTIES AND REMEDIES

- 9.1 Any person who violates any section of this policy shall be punished by a forfeiture of not less than \$50.00 nor more than \$500.00 for each offense. In case of a continuing violation, each day that the violation continues may be considered a separate violation.
- 9.2 This policy may be enforced by injunction issued by the Adams County Circuit Court or any other court having jurisdiction.
- 9.3 Any property altered by construction or other action in violation of this policy must be restored to its former condition at the permittee's expense. If the permittee fails to restore such property to its former condition within 30 days after notice to do so is given by the Highway Department, then the Highway Department may in its discretion restore the property to its former condition and recover the cost of doing so from the permittee. If the permittee refuses to pay the associated costs then the route/crossing will be removed, and all associated costs/fines will be pursued through the legal collection process.

SECTION 10: RULES OF CONSTRUCTION

- 10.1 The prohibitions expressed in this policy do not apply to the Highway Department and its authorized personnel in the performance of their duties.

- 10.2 Nothing in this policy shall be construed to conflict with any State Statute or other County Ordinance. If any rule is held invalid by operation of law or by any court of jurisdiction, the remainder of the rules shall not be affected thereby.
- 10.3 All rules, regulations and ordinances previously adopted conflicting with the provisions of the County ATV Highway Crossing Ordinance, not in accordance with sub (2) above, are hereby rescinded.
- 10.4 The County ATV Highway Crossing Ordinance shall be effective upon the date of publication.

Dated this 11 day of Nov., 2004.

Submitted for enactment by the Adams County Highway Committee.

<u>Garry Balecock</u>	<u>Dean R. Morgan</u>
<u>Joyce Kessendick</u>	<u>Paul Sebald</u>
<u>Rob Dyer</u>	

Enacted X
Defeated by the Adams County Board of Supervisors this 21st day of Dec, 2004.
Tabled

Cindy Gullippi
County Clerk

Al Sebastian
County Board Chairman