

**ORDINANCE NO. -2023**

**Amending Chapter 257, Vehicles, All-Terrain/Utility Terrain**

The County Board of Supervisors of Green Lake County, Green Lake Wisconsin, duly assembled at its regular meeting begun on the 18th day of April 2023, does ordain as follows:

1 WHEREAS, the Green Lake County Highway Committee has given due consideration to the  
2 recreational and economic value of designating all County Trunk Highways as an ATV/UTV route  
3 and weighed the recreational and economic value against protecting the safety of motorists by  
4 maintaining the road edge, surface and integrity of the right-of-way, public safety, terrain  
5 involved, traffic density and history of automobile traffic; and,  
6

7 WHEREAS, the Green Lake County Highway Committee and the Highway Department have  
8 received requests for designation of portions of County Trunk Highways as ATV/UTV routes.  
9

10 NOW, THEREFORE, THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF  
11 GREEN LAKE DOES ORDAIN AS FOLLOWS:  
12

13 Section 1. Green Lake County Ordinance, Chapter 257, Vehicles, All-Terrain/Utility Terrain,  
14 Ordinance Number 18-2017 enacted on August 15, 2017 be, and it hereby is, AMENDED.

Roll Call on Ordinance No. - 2023

Aye , Nay , Absent , Abstain

Submitted by Highway & Judicial Law  
Enforcement and Emergency  
Management Committees:

Passed & Enacted/Rejected this 18th  
day of April 2023

\_\_\_\_\_  
Dennis Mulder, Chair, Highway

\_\_\_\_\_  
David Abendroth, County Board  
Chairman

\_\_\_\_\_  
Charles Buss

\_\_\_\_\_  
Attest: County Clerk  
Approved as to Form: Elizabeth Otto

\_\_\_\_\_  
Charlie Wielgosh

\_\_\_\_\_  
Robert Schweder

\_\_\_\_\_  
Corporation Counsel Jeff Mann

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Joe Gonyo, Chair, Jud/Law

\_\_\_\_\_  
Don Lenz

\_\_\_\_\_  
Ken Bates

\_\_\_\_\_  
Bill Boutwell

\_\_\_\_\_  
Sue Wendt, Vice Chair, Jud/Law

\_\_\_\_\_  
Gene Thom

15 Section 2. Chapter 257, All-Terrain/Utility-Terrain Vehicles is amended as follows:

16

17 §257-1. Authority.

18

19 This Chapter is adopted under the authority granted by §§59.02 and 23.33 (8)(b) and (11) Wis.  
20 Stats. and Wis. Admin. Code NR §64.12.

21

22 §257-2. Title.

23

24 This Chapter shall be known as, referred to, or cited as the “Green Lake County All-Terrain/Utility  
25 Terrain Vehicle, (ATV/UTV) Ordinance.”

26

27 §257-3. Jurisdiction.

28

29 This Chapter shall regulate the operation of all all-terrain/utility-terrain vehicles in all areas of  
30 Green Lake County.

31

32 §257-4. Adoption of Statutory Provisions.

33

34 Except as otherwise specifically provided in this Ordinance, the statutory provisions in Chapters  
35 23, 340 to 348 and 350 of the Wisconsin Statutes, establishing regulations with respect to all-  
36 terrain vehicles (ATVs), utility terrain vehicles (UTVs) and Wisconsin Administrative Code  
37 Chapter NR 64, All Terrain Vehicles and Utility Terrain Vehicles are hereby adopted by reference  
38 and made a part of this chapter as if fully set forth herein. Unless otherwise provided in this  
39 ordinance, any act required to be performed or prohibited by any statute incorporated herein by  
40 reference is required or prohibited by this ordinance. Any future amendments, revisions or  
41 modifications of the statutes or administrative codes incorporated herein are made a part of this  
42 chapter to secure uniform statewide regulation of ATVs and UTVs.

43

44 §257-5. Definitions.

45

46 A. The definitions of words and phrases as they appear in §§23.33(1), 340.01, 341.01,  
47 342.01, 343.01, 344.01, 345.01, 346.01, 347.01 and 348.01 Wis Stats. and Wis. Admin.  
48 Code NR §64.02, unless the word or phrase is defined differently in this chapter, are  
49 hereby adopted and made a part of this chapter as if fully set forth herein. Any future  
50 amendments, revisions or modifications of the statutes or administrative codes  
51 incorporated herein are made a part of this chapter to secure uniform statewide regulation  
52 of ATVs and UTVs.

53

54 §257-6. Delegation to Highway Committee.

55

56 The Green Lake County Highway Committee (“the Highway Committee”) is authorized to  
57 designate or rescind segments of Green Lake County Trunk Highways as ATV or UTV routes, in  
58 accordance with the provisions of §23.33 Wis. Stats., Wis. Admin. Code Ch. NR §64, and the  
59 provisions of this chapter. Final approval of any ATV or UTV route shall be by the County Board  
60 of Supervisors enacting an Ordinance.

61

62 §257-7. Designation, Modification, Suspension and Termination of ATV/UTV Routes.

63

- 64 A. All County Highway Roads Except the following segments shall be designated as  
65 ATV/UTV routes:
- 66 1) CTH A : Intersection of A & St Hwy 23 south to CTH I
  - 67 2) CTH K: Intersection of K & CTH A east to County Line
  - 68 3) CTH F: Intersection of F & CTH D east to Berlin City Limits; Berlin City Limits south to Town  
69 Line Rd
  - 70 4) CTH D: Intersection of D & Evergreen Dr south to St Hwy 73; the section of D between  
71 Roeder and Reetz Rds is exempted and ATV/UTV use is permitted
- 72
- 73 B. ATV/UTV routes and proposed routes on or across a County trunk highway shall be  
74 investigated and monitored to ensure that the ATV/UTV route has been authorized and  
75 that the ATV/UTV route does not adversely affect the use of the highway or unreasonably  
76 interfere with the peaceful enjoyment of private or public property.
- 77
- 78 C. The County Board of Supervisors may rescind or modify the designation of an ATV/UTV  
79 route by repeal of an ordinance granting final approval of the designation or by an  
80 enactment of an ordinance modifying the designation.
- 81
- 82 D. The Highway Committee may temporarily modify or suspend any designation of an  
83 ATV/UTV route.
- 84
- 85 E. The Highway Commissioner may, without prior approval of the Highway Committee,  
86 modify or suspend any designation of an ATV/UTV route whenever emergency conditions  
87 require closure, up to 120 days. The Green Lake County Sheriff may temporarily close  
88 any ATV/UTV route whenever emergency conditions require closure.
- 89
- 90 F. Upon County Board approval of a designated ATV/UTV route, the County Clerk shall  
91 immediately send a copy of the Ordinance designating the ATV/UTV route to the  
92 Wisconsin Department of Natural Resources, the state traffic patrol, the Green Lake  
93 County Sheriff and any law enforcement agency of each town, city or village having  
94 jurisdiction over any of the county trunk highways to which the ordinance designating the  
95 ATV/UTV applies.
- 96
- 97 G. The designation of any segment of a County Trunk Highway as an ATV/UTV route within  
98 an incorporated municipality shall become effective upon passage of this ordinance or until  
99 the municipality passes an ordinance restricting ATV/UTV routes within the municipality.

100  
101 §257-9. Maintenance of ATV/UTV Routes.

- 102
- 103 A. Designation of segments of the Green Lake County Highway System as ATV/UTV routes  
104 does not impose upon the Green Lake County Highway Department a greater duty of care or  
105 responsibility for maintenance of those segments than for any other segment of county  
106 highway. Operators of ATVs/UTVs on county highways designated as an ATV/UTV route  
107 assume all the usual and normal risks of ATV/UTV operation.

108  
109 §257-10. Signage of ATV/UTV Routes.

110

- 111 A. The Green Lake County Highway Department is solely responsible for ATV/UTV route  
112 signing. All required designated ATV/UTV route signs shall be installed and maintained by  
113 the Highway Department.  
114
- 115 B. All required signs shall be in accordance with state statutes and administrative codes  
116 applicable to ATV/UTV routes on County trunk highways.  
117
- 118 C. No person may erect, remove, obscure, or deface any official designated ATV/UTV route sign  
119 unless authorized by the Highway Commissioner.  
120

121 §257-11. Operation on All-terrain/Utility-terrain Vehicle Routes.  
122

- 123 A. No person shall operate an ATV or UTV on a county trunk highway that has been designated  
124 by the County Board or municipality to not allow ATV/UTV traffic, except for operation that is  
125 allowed under state statute or administrative code. Operators are responsible for being aware  
126 of those routes where ATV/UTV use is permitted on county highways.  
127
- 128 B. No person shall operate an ATV or UTV on a county trunk highway designated as an  
129 ATV/UTV route if the County trunk highway is closed for any reason.  
130
- 131 C. General limitations. The following limitations apply on all county trunk highways designated  
132 as ATV/UTV routes:  
133
- 134 1. Operators shall abide by all traffic laws unless further restricted by this chapter.  
135
  - 136 2. No ATV or UTV shall be operated at a speed greater than 35 miles per hour unless a  
137 reduced speed is otherwise required by state statute.  
138 [Amended 5-15-2018 by Ord. No. 21-2018]  
139
  - 140 3. All ATVs and UTVs must operate with fully functional headlights, taillights, and brake  
141 lights.  
142
  - 143 4. ATVs and UTVs may only be operated on an approved ATV route between 5:00 a.m. to  
144 midnight, year-round (January 1 through December 31).  
145 [Amended 2-18-2020 by Ord. No. 3-2020]  
146
  - 147 5. All ATV or UTV operators shall ride in single file on the extreme right-hand side of the  
148 paved portion of the highway. Operation on the gravel shoulders, grassy in-slope, ditches,  
149 or other highway right-of-way is prohibited unless yielding the right-of-way. Left turns may  
150 be made from any part of the highway when it is safe given prevailing conditions.  
151
  - 152 6. Crossings should be made only at a place where no obstruction prevents a quick and safe  
153 crossing. "Obstruction" includes, but is not limited to, impairment of view and potentially  
154 hazardous roadway conditions.  
155
  - 156 7. All ATV and UTV operators and passengers under 18 years old shall wear protective  
157 headgear while operating on County trunk highways.  
158

- 159 8. No person under the age of 16 may operate an ATV or UTV on any segment of a County  
160 trunk highway that is a designated ATV/UTV route.  
161
- 162 9. Every person who operates an ATV or UTV on any segment of a County trunk highway  
163 which is designated as an ATV/UTV route shall have in his or her immediate possession a  
164 valid motor vehicle operator's license and shall display the license document upon  
165 demand from any law enforcement officer, state patrol officer, inspector under Wis. Stat.  
166 §110.07(1), conservation warden or municipal peace officer.  
167
- 168 10. No ATV or UTV may be operated on any designated ATV/UTV route if the ATV or UTV  
169 does not meet all applicable federal noise and air pollution standards.  
170
- 171 11. No person may ride in or on any part of an ATV or UTV that is not designated or intended  
172 to be used by passengers.  
173

174 §257-12. Enforcement.

- 175
- 176 A. This Ordinance shall be enforced by any officer employed by the Green Lake County Sheriff's  
177 Office, or any other law enforcement official as set forth in Wis. Stats. §23.33(12).  
178
- 179 B. Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from  
180 proceeding under any other ordinance, regulation, statute, law or order that pertains to the  
181 subject matter under this chapter.  
182

183 §257-13. Violations and Penalties.

184

185 Any person violating any provision of this chapter shall, upon conviction, forfeit a dollar amount  
186 not to exceed the maximum dollar amount of the forfeiture provided in the subsection(s) of  
187 Wisconsin Statutes violated, together with all applicable costs, and in default of payment of such  
188 forfeiture and costs shall be confined in the Green lake County Jail until such forfeiture and costs  
189 are paid, but not to exceed 30 days.  
190

191 §257-14. Severability.

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193 Should any portion of this Ordinance be declared by a court of competent jurisdiction to be  
194 invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof,  
195 other than the part declared invalid.  
196

197 Section 3. This ordinance shall become effective upon passage and publication.  
198

199 Section 4. The amendment of this chapter herein shall not have any effect on existing litigation and  
200 shall not operate as an abatement of any action or proceeding then pending or by virtue of the  
201 repealed or amended sections.