

Designation of ATV/UTV Routes/Trails on the State Highway System

1 To the Honorable members of the Burnett County Board of Supervisors;

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3 WHEREAS, tourism is important to the economic livelihood of Burnett County and the use of All
4 Terrain Vehicles (ATV/UTV)s supports and promotes tourism in Burnett County; and

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6 WHEREAS, in an effort to support the use of ATVs/UTVs within Burnett County, the county Forestry
7 Department has developed and maintains ATV trails and some towns within Burnett County have
8 established ATV routes on their town roads; and

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10 WHEREAS, these ATV/UTV trails and routes occasionally dead end and need the use of short spans
11 of State Highways as connectors; and

12
13 WHEREAS, the State of Wisconsin Department of Transportation (DOT) through Memorandum of
14 Understanding (MOU) agreements, will allow counties to operate ATV/UTV routes and trails on
15 State Highways and to create ordinances regulating those routes and trails through Wisconsin Statutes
16 §23.33(8)(b) and §23.33(11)(am) respectively; and

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18 WHEREAS, the DOT has approved the use of State Road 77 and State Road 35, from Gandy Dancer
19 Trail to 26 Lake Road and a 1,400-foot segment of State Road 35 right-of-way (ROW) for a state
20 funded ATV/UTV trail between Gold Smith Trail and the St. Croix River Bridge Recreational Trail
21 crossing in the Town of Blaine, ending at South Markville Road.

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23 NOW, THEREFORE BE IT RESOLVED, THAT the Burnett County Board of Supervisors approves
24 the designated trails as stated above.

25
26 **Ordinance Language**

27 **Sec. 66-49. Designation of ATV/UTV routes and trails and regulations of the operation of**
28 **ATVs/UTVs on the state highway system.**

29 Following due consideration of the recreational and economic value to connect trail opportunities and
30 weighted against possible dangers, public health, liability aspects, terrain and waterways involved,
31 this section has been created pursuant to county board authority under Wis. Stats. ss. 59.02, 23.33(4),
32 23.33(8)(b) and (11)(am), as amended.

33
34 (1) *ATV/UTV routes.* State highways designated as ATV/UTV routes within Burnett County shall be
35 approved by WisDOT prior to becoming a route. An agreement with WisDOT shall be approved by
36 the Burnett County Board and signed outlining each route segment.

37
38 (2) *ATV/UTV trails.* All ATV/UTV trails shall be located where identified in the agreement with
39 WisDOT for each trail segment. (Example: ROWs)

40
41 (3) *Operation of ATVs/UTVs on state highways.*

42 a. All ATV/UTV operators shall observe posted roadway speed limits for ATV/UTV operation.

43 b. All ATV/UTV operators shall ride in single file on the right-hand side of the designated trail
44 surface.

45 c. All ATV/UTV operators shall have their headlight illuminated, and taillight if available, while
46 operating on a state highway route.

Designation of ATV/UTV Routes/Trails on the State Highway System

1 d. All ATV/UTV operators who are born after January 1, 1988, and operating on a state highway are
2 required to have an ATV safety certificate. No one under 12 years of age is allowed to operate an
3 ATV/UTV on a state highway route.

4 e. All ATV/UTV operators under the age of 18 years old shall wear protective headgear while
5 operating on a state highway route.

6 f. All operation of ATVs/UTVs on the state highway trail shall be in compliance with all applicable
7 Wisconsin State laws.

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9 (4) *Signage of ATV/UTV routes.* Pursuant to Wis. Stats. 23.33 (8)(d), the following restrictions are
10 placed on the use of ATVs/UTVs routes designated by this section:

11 a. Routes shall be marked with uniform ATV/UTV vehicle route signs in accordance with Wis.
12 Admin. Code NR 64.12(7).

13 b. ATV/UTV operation shall be subject to all applicable provisions of Wis. Stats. 23.33, which is
14 adopted.

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16 (5) *Enforcement.* This section shall be enforced by the Burnett County Sheriff's Department.

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18 (6) *Violations penalty.* The penalty for operating an ATV/UTV off the designated ATV/UTV route
19 or violating any other provision of this section shall result in a forfeiture of not less than \$25.00 or
20 more than \$500.00, plus court costs. See Deposit Schedule in section 66-48 for forfeiture amounts.

21
22 (7) *Approved State Road Trails.*

23 a. State Road 77 & State Road 35, from the Gandy Dancer Trail to 26 Lake Road.

24 b. Use of a 1,400-foot segment of State Road 35 right-of-way (ROW) for a state funded snowmobile
25 and ATV/UTV trail between Gold Smith Trail and the St. Croix River Bridge Recreational Trail
26 crossing in the Town of Blaine, ending at South Markville Road.

27
28 Respectfully submitted by the Burnett County Natural Resources Committee. All above stated trail
29 requests were approved at the February 14, 2019, committee meeting. The ordinance and resolution
30 language has been slightly modified. These slight modifications do not reflect a change in the
31 resolution or ordinance description of the two state road segments.

32 State of Wisconsin

33 County of Burnett

34
35 I, Wanda Hinrichs, the duly elected and qualified County Clerk in and for Burnett County, do hereby
36 certify that the attached Resolution 2019-18, "Designation of ATV/UTV Routes/Trails on the State
37 Highway System" was adopted by the Burnett County Board of Supervisors at a legally assembled
38 meeting at which a quorum was present and acted throughout. The date of passage was March 21,
39 2019.

40
41 *Wanda Hinrichs*

42 _____
43 Wanda Hinrichs,
44 Burnett County Clerk

Sec. 66-49. Designation of ATV/UTV routes and trails and regulations of the operation of ATVs/UTVs on the state highway system.

Following due consideration of the recreational and economic value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain and waterways involved, this section has been created pursuant to county board authority under Wis. Stats. ss. 59.02, 23.33(4), 23.33(8)(b) and 23.33(11)(am) as amended.

- (1) *ATV/UTV routes.* State highways designated as ATV/UTV routes within Burnett County shall be approved by WisDOT prior to becoming a route. An agreement with WisDOT shall be approved by the Burnett County Board and signed outlining each route segment.
- (2) *ATV/UTV trails.* All ATV/UTV trails shall be located where identified in the agreement with WisDOT for each trail segment. (Example: ROWs)
- (3) *Operation of ATVs/UTVs on state highways.*
 - a. All ATV/UTV operators shall observe posted roadway speed limits for ATV/UTV operation.
 - b. All ATV/UTV operators shall ride in single file on the right-hand side of the designated trail surface.
 - c. All ATV/UTV operators shall have their headlight illuminated, and taillight if available, while operating on a state highway route.
 - d. All ATV/UTV operators who are born after January 1, 1988, and operating on a state highway are required to have an ATV safety certificate. No one under 12 years of age is allowed to operate an ATV/UTV on a state highway route.
 - e. All ATV/UTV operators under the age of 18 years old shall wear protective headgear while operating on a state highway route.
 - f. All operation of ATVs/UTVs on the state highway trail shall be in compliance with all applicable Wisconsin State laws.
- (4) *Signage of ATV/UTV routes.* Pursuant to Wis. Stats. 23.33 (8)(d), the following restrictions are placed on the use of ATVs/UTVs routes designated by this section:
 - a. Routes shall be marked with uniform ATV/UTV vehicle route signs in accordance with Wis. Admin. Code NR 64.12(7).
 - b. ATV/UTV operation shall be subject to all applicable provisions of Wis. Stats. 23.33, which is adopted.
- (5) *Enforcement.* This section shall be enforced by the Burnett County Sheriff's Department.
- (6) *Violations penalty.* The penalty for operating an ATV/UTV off the designated ATV/UTV route or violating any other provision of this section shall result in a forfeiture of not less than \$25.00 or more than \$500.00, plus court costs. See Deposit Schedule in section 66-48 for forfeiture amounts.

(7) Approved State Road Trails.

- a. State Road 77 & State Road 35, from the Gandy Dancer Trail to 26 Lake Road.
- b. Use of a 1,400-foot segment of State Road 35 right-of-way (ROW) for a state funded snowmobile and ATV/UTV trail between Gold Smith Trail and the St. Croix River Bridge Recreational Trail crossing in the Town of Blaine, ending at South Markville Road.

(8) Approved State Road Routes

- a. None at this time (or leave blank)