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RESOLUTION #80-2011

**GENERAL CODE OF ONEIDA COUNTY, WISCONSIN
ORDINANCE AMENDMENT #**

Ordinance Amendment offered by Supervisors of the Highway Committee

Whereas, the Oneida County Board of Supervisors approved Resolution #63-2011 allowing for the use of ATV's on County Trunk Highways subject to regulation by the Highway Commissioner and Highway Committee; and

Whereas, the Oneida County Highway Committee has approved the attached policy as a means to regulate the use of County Trunk Highways as ATV trails and routes; and

Whereas, the Wisconsin Department of Natural Resources requires that the County Board adopt an ordinance allowing ATV's on County Trunk Highways before said County Trunk Highways can be used for trails or routes.

**NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS
DOES ORDAIN AS FOLLOWS:**

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Section 7.095 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

7.095 ATV TRAIL AND ROUTES ON COUNTY HIGHWAYS
ATV'S are allowed to be operated on County Trunk Highways as designated by the Highway Commissioner and Highway Committee. The trails and routes that are to be on County Trunk Highways shall be reviewed and approved according to the "Oneida County Highway Committee Policy for ATV Routes and Trails", or any successor policy adopted by the Highway Committee.

Approved by the Highway Committee this _____ day of _____, 2011.

Vote Required: Majority = _____ 2/3 Majority = _____ 3/4 Majority = _____

The County Board has the legal authority to adopt: Yes _____ No _____ as reviewed by the Corporation Counsel, _____, Date: _____

Offered and passage moved by: _____

Supervisor

Supervisor

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Supervisor

Supervisor

Supervisor

_____ Ayes

_____ Nays

_____ Absent

_____ Abstain

_____ Enacted

by the County Board of Supervisors this ____ day of _____, 2011.

_____ Defeated

Mary Bartelt, County Clerk

Ted Cushing, County Board Chair

Oneida County Highway Committee Policy for ATV Routes and Trails

THIS POLICY IS FOR ALL-TERRAIN VEHICLES (ATV) ROUTES AND TRAILS ON THE COUNTY TRUNK HIGHWAY SYSTEM AND THE ADJACENT RIGHT OF WAY.

The Oneida County Highway Committee recognizes that ATV use within the County is on the increase and has been increasing despite the lack of ATV Routes on the Oneida County Trunk Highway System. An ATV route is a highway, or section of highway designated for the use of ATV's by the governmental agency having jurisdiction. A route is generally recognized as a means to connect the terminal ends of a trail when it is obstructed by a city, village, river, railroad track or other impediment. State statute 23.33 gives the Counties the authority to accommodate all-terrain vehicles on County Trunk Highways designated as routes.

Before a highway segment can be considered for designation as an ATV route, the petitioner(s) shall demonstrate to the Highway 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.

When considering designation of ATV routes, the following criteria shall be followed:

1. Requests for ATV routes must be made by a recognized ATV Club on permit established by the Highway Department. A map of the route will accompany the permit application.
2. An evaluation of establishing a trail versus a route shall be completed and submitted to the Committee for review.
3. Requests for routes must be for one of the following:
 - a. To connect a trail to a trail or route to a route. Need must be demonstrated by attaching statements from landowners denying access for trails.
 - b. Safety issues.
 - c. To access businesses or services.
4. Accident data will be gathered for each proposed route and analyzed for any potential safety issues.
5. ADT will be reviewed for each potential route.

The County, as the unit of government that designates the routes, is responsible by statute to post the proper route signs. Route signing must be clearly understandable to everyone. As the maintaining authority of the highways designated as routes, the Highway Department shall furnish, install, and maintain the proper signs. Costs of the signs, installation and maintenance shall be charged to the requesting ATV Club. The requesting ATV Club must provide a \$500 deposit per route upon approval of an ATV route request. This money will be deposited into an account for the ATV Club, which will be credited with the initial deposit, and charged as work is performed for ATV route sign purchase, installation and maintenance. The club may assist the department in the installation of signs under the direction of department staff to help defer costs of installation.

All maintenance costs that arise to the highways due to ATV traffic shall be charged to the requesting ATV Club. The club will be charged if maintenance work is necessary due to ATV damage.

When an ATV Club's account balance falls below \$50, a letter will be sent to the Club requesting a deposit of more funds. If that request is not honored, the ATV route will be automatically shut down, and any money remaining in the account will be used to remove the signs.

Following due consideration of the economic and recreational value to connect trail opportunities and weighted against public dangers, public health, liability aspects, terrain involved, traffic density, and history of automobile traffic; the Oneida County Highway Committee authorizes the Highway Commissioner, with Highway Committee review and approval, to establish the ATV Routes as deemed necessary and reasonable on the County Trunk Highway System. The Oneida County Highway Department shall retain the sole authority for closure or termination of any ATV Route on the County Trunk

Highway System, at any time, for any reason.

Adopted this _____ day of _____, 2011 by the Oneida County Highway Committee.

John Hoffman Chair

Scott Holewinski

Peter Wolk

Sonny Paszak

Jim Sharon

**Application to Designate an ATV Route
on the Oneida County Trunk Highway System**

ATV Route on CTH: _____

Starting at (be specific): _____

Ending at (be specific): _____

State why the CTH segment described above should be designated as an ATV Route:

IMPORTANT: Please attach statements from landowners denying access for trails, if lack of access is a reason for requesting route designation.

Application Submitted by: _____

Recognized ATV Club Affiliation: _____

For Highway Department Use:

Comments/restrictions applying to this application: _____

Approved/Denied by Oneida County Highway Committee:

_____	_____
_____	_____
_____	Dated: _____