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## Sec. 7.125. All-terrain vehicles and utility terrain vehicles.

- (1) *Intent.* To create uniform procedures and requirements for the use and operation of All-Terrain Vehicles and Utility Terrain Vehicles on Marathon County routes and trails.
- (2) *Definitions.* In this section, words and phrases used herein shall have the meaning as defined by § 23.33(1), Wis. Stats., unless otherwise defined herein. All-terrain vehicles (hereinafter referred to as ATVs) shall have the definition given in § 340.01(2g), Wis. Stats. Utility terrain vehicles (hereinafter referred to as UTVs) shall have the definition given in § 23.33(1)(ng), Wis. Stats. Any reference to a Wisconsin Statute Section or Administrative Code Regulation is a reference to that specific chapter, section, code, or its successor chapter, section, or code. Any future amendments, revisions, or modifications of the statutes or administrative code incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of all-terrain vehicles.
- (3) *Statutory authority.* Marathon County is authorized to designate highways as ATV/UTV routes pursuant to §§ 23.33(8)(b) and 59.02, Wis. Stats., and is authorized to enact ordinances regulating ATVs and UTVs on designated routes and trails pursuant to § 23.33(11)(a), Wis. Stats.
- (4) *Designation of ATV/UTV routes.*
  - (a) *Designation of County Highways.* The Highway Commissioner shall designate highway segments within Marathon County as ATV/UTV routes if, during a biannual review of all County highways, the Commissioner determines that the segment meets all of the following criteria:
    - (i) The highway segment has a traffic volume of 1,500 vehicles per day or less; and
    - (ii) The highway segment is located outside the boundaries of the Wausau Metropolitan Planning Organization's Planning Boundaries, as designated by the Wausau Metropolitan Planning Organization; and
    - (iii) The municipality (town, village, or city) in which the highway segment is located has adopted an ordinance opening its local roadways to ATV/UTV traffic. In the event that a county highway segment serves as a border between two municipalities, the segment will remain closed unless each bordering municipality opens roadways within its respective jurisdiction.
  - (b) *Public Safety Exception.* If, during the biannual review of County highways in (a) above, the Highway Commissioner determines that public safety necessitates that a highway segment be opened or closed to ATV/UTV traffic, the Commissioner may open or close that highway segment to ATV/UTV traffic in his or her discretion. The Highway Commissioner may consider the volume of traffic on the segment, the need to provide a safer connection between existing routes, the frequency of traffic incidents on the segment, the input of law enforcement, citizen input, or other factors relevant to public safety.
  - (c) *Publication of Routes.* After completion of the biannual review of highway segments, the Highway Commissioner shall publish, in a format accessible on the County website, a map of ATV/UTV routes within Marathon County.
  - (d) *Appeal.* Any determination of the Highway Commissioner relative to whether a segment of County Highway meets the criteria as set forth above may be appealed in writing to the County Administrator.
  - (e) *Temporary Closure of Routes.* The Highway Commissioner has authority to temporarily close, terminate, or modify routes at any time if conditions require such a temporary action.
  - (f) *Highways not designated shall be posted.* All County Highways not designated as ATV/UTV routes shall be posted to prohibit ATV/UTV use.

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- (g) *Authority of County Board.* The County Board of Supervisors may rescind or modify the designation of an ATV/UTV route by enactment of an ordinance rescinding or modifying the designation.
- (5) *Designation of ATV/UTV trails.* The Wausau and Marathon County Parks, Recreation, and Forestry Director (Director) may designate ATV/UTV trails following due consideration of the recreational value and after weighing possible dangers, public health, liability concerns, and terrain involved.
- (a) *Duties of Director.*
- (i) The Director shall designate which portions of county land are designated as ATV/UTV trails. The Director will update the Infrastructure Committee with respect to the status of, and changes to, ATV/UTV trails.
  - (ii) The Director shall ensure that all trails designated pursuant to this section are properly posted.
  - (iii) The Director shall establish the official ATV/UTV trail opening and closing dates for each year. Dates shall be posted on the Marathon County website in a place visible to the public.
  - (iv) All trails established pursuant to this section shall be reviewed annually by the Director to consider the continued value, efficacy, and need for the ATV/UTV trails.
- (b) *Application process for trail designation.* The Director shall develop policies and procedures for consideration of, and designation of, ATV/UTV trails in accordance with the requirements of § 23.33, Wis. Stats, Wis. Admin. Code NR § 64, and the provisions of this section.
- (i) *Municipalities.* Any town, village, or city in Marathon County may apply to the Director and request that portions of county lands be designated as ATV/UTV trails. Applications shall be completed on a form prescribed by the Director and must be in compliance with the policies and procedures developed by the Director for the designation of ATV/UTV trails. The town, village, or city must further affirm that the municipality will pay for the costs to make, install, and maintain ATV/UTV trail signs.
  - (ii) *ATV/UTV clubs.* An organization that has assembled as a recognized ATV/UTV club may apply to the Director and request that the Director designate an ATV/UTV trail within Marathon County. Applications shall be completed on a form prescribed by the Director and must be in compliance with the policies and procedures developed by the Director for the designation of ATV/UTV trails. An ATV/UTV club must further affirm that the club will pay for the costs to make, install, and maintain ATV/UTV trail signs. The Director may require an ATV/UTV club to execute a trail maintenance contract and obtain or maintain insurance as required by Marathon County.
  - (iii) The County Board of Supervisors may rescind or modify the designation of an ATV/UTV trail by enactment of an ordinance rescinding or modifying the designation.
  - (iv) *Application requirements.* An application for designation of an ATV/UTV trail must, at a minimum, include the following:
    - 1. A map showing the proposed ATV/UTV trail in relation to the county highway system.
    - 2. A map showing any ATV/UTV routes leading to the proposed trail.
    - 3. A statement explaining why the proposed trail should be designated as an ATV/UTV trail.
    - 4. If the applicant is an ATV/UTV club, the names and addresses of its officers, the date when the organization was established or incorporated, and the number of members.
    - 5. A statement that the applicant will be financially responsible for payments for the installation and maintenance of required ATV/UTV trail signs.

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6. If the proposed trail travels on private property, a statement from the owner of said property attesting that the landowner will consent to the creation of a trail on said property.
- (c) *Appeal.* The Director's determination regarding an application for or continuation of a designated ATV/UTV trail may be appealed by the person aggrieved as provided in Chapter 24 of the Marathon County Code of Ordinances. In the event of an appeal, the review of the Director's initial determination shall be conducted by the county administrator or his or her designee.
- (6) *Regulation of ATVs and UTVs.* Any and all routes and trails opened within Marathon County are opened subject to the conditions and requirements contained within this section. Any operator or passenger on an ATV/UTV route or trail shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including those outlined in § 23.33, Wis. Stats., § 346.02(11), Wis. Stats., and Wis. Admin. Code NR § 64. All ATV/UTV rules of operation outlined in § 23.33, Wis. Stats., § 346.02(11), Wis. Stats, and Wis. Admin. Code NR § 64 are adopted and incorporated in this section.
- (a) *Operator and rider requirements for routes.* In addition to those regulations identified in Wis. Stat. § 23.33, Wis. Stat. § 346.02(11), and Wis. Admin. Code NR § 64, any person who operates or rides as a passenger on an ATV or UTV on a roadway that is an ATV/UTV route in Marathon County designated pursuant to § 23.33(8)(b)1, Wis. Stats. must meet the following requirements:
- (i) No person may operate an ATV or UTV without having attained the age of 16, except as set forth in Wis. Stat. § 23.33(5).
- (ii) No person may operate an ATV or UTV without a valid driver's license, except as set forth in Wis. Stat. § 23.33(5).
- (iii) All operators shall have a liability insurance policy in force on any ATV or UTV operated on an ATV/UTV route. The liability insurance policy must have the following minimum coverages:
1. Ten thousand dollars for property damage.
  2. Twenty-five thousand dollars for the injury or death of one person.
  3. Fifty thousand dollars for the injury or death of more than one person.
- (b) *Operator and rider requirements for trails.* In addition to those regulations identified in Wis. Stat. § 23.33, Wis. Stat. § 346.02(11), and Wis. Admin. Code NR § 64, any person who operates or rides as a passenger on an ATV or UTV on a trail that is an ATV/UTV trail in Marathon County designated pursuant to § 23.33(8)(c), Wis. Stats. must meet the following requirements:
- (i) Any operator between the ages of 12 and 15 years must have a valid ATV Safety Certificate to operate an ATV on a designated ATV/UTV trail system.
- (ii) Any person aged 16 years or older must have a valid driver's license, except as set forth in Wis. Stat. § 23.33(5).
- (iii) The legal owner of the ATV/UTV shall have a liability insurance policy in force on any ATV or UTV operated on an ATV/UTV trail. The liability insurance policy must have the following minimum coverages:
1. Ten thousand dollars for property damage.
  2. Twenty-five thousand dollars for the injury or death of one person.
  3. Fifty thousand dollars for the injury or death of more than one person.
- (c) *Rules of operation.* The operation of an ATV or UTV on a roadway that is an ATV/UTV route in Marathon County designated pursuant to § 23.33(8)(b)1, Wis. Stats., or an ATV/UTV trail in Marathon

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County designated pursuant to § 23.33(8)(c), Wis. Stats., is subject to the following rules of operation in addition to those outlined in Wis. Stat. § 23.33, Wis. Stat. § 346.02(11), and Wis. Admin. Code NR § 64:

- (i) Operators may only operate on a designated ATV/UTV route or trail if said route or trail is signed in accordance with § 23.33(8)(e), Wis. Stats., and Wis. Admin. Code NR § 64.12(7).
- (ii) Operators on ATV/UTV trails shall observe a speed limit not to exceed 35 miles per hour or the posted speed limit on the trail, whichever is less.
- (iii) Operators on ATV/UTV routes shall observe the posted speed limit on the roadway. In the event permitted by law, the maximum speed permitted for ATV/UTV operation on any route is 35 miles per hour.
- (iv) Operators shall ride in single file on the far right edge of the pavement.
- (v) Operators may not operate an ATV or UTV on an ATV/UTV route at any time before or after Operating Hours Operating Hours on routes are designated as 5:00 AM through 10:00 PM.
- (vi) All ATVs and UTVs must operate with fully functional headlamps, tail lamps, and brake lights.
- (vii) Every ATV or UTV shall be equipped, maintained, and operated to prevent excessive or unusual noise. No person shall operate an ATV or UTV on an ATV/UTV Route unless the vehicle is equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation.

(d) *Agricultural Purpose.*

- (i) *Definition.* In this subsection, the definition of agricultural purpose as set forth in § 23.33(1)(ag), Wis. Stats., is adopted. Agricultural purpose includes a purpose related to the transportation of farm implements, equipment, supplies, or products on a farm or between farms.
- (ii) *Regulations not Applicable.* As set forth in State law, Subsections (a) through (c) above do not apply to an ATV or UTV being utilized for an agricultural purpose.
- (iii) *State Law Applies.* Operators of ATVs and UTVs utilized for an agricultural purpose must comply with all applicable state law and administrative regulations.

(e) *Enforcement.*

- (i) Any act that is required or is prohibited by any statute or administrative code provision incorporated herein by reference is required or prohibited by this Code.
- (ii) The Marathon County Sheriff's Office, local law enforcement agencies, and the Marathon County Parks, Recreation and Forestry Department shall have authority to enforce this section pursuant to § 23.33(12), Wis. Stats.

(e) *Penalties.*

- (i) Any forfeiture for a violation of State Statute or Administrative Code adopted by reference in this section shall conform to the forfeiture permitted to be imposed for violation of said statutes or code provisions as set forth therein.
- (ii) Any violation of a section of this section without a penalty specified by statute or administrative code shall have a cash deposit requirement of \$50.00 plus court costs. A cash deposit requirement of \$150.00 plus court costs will be required for a second violation of this section within a 12-month period.

- (7) *Severability.* The provisions of this section shall be deemed severable and it is expressly declared that Marathon County would have passed the other provisions of this section irrespective of whether or not one

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or more provisions may be declared invalid. If any provision of this section or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.

(8) *Effective Date.* This ordinance becomes effective upon passage, posting of all signs and publication.

(O-4-97; O-31-13; O-5-19; O-28-19; O-36-19; O-27-21; O-39-21)