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**RESOLUTION #63-2012**

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

**Ordinance Amendment offered by Supervisors of the Forestry, Land, & Recreation Committee.**

**Whereas**, on July 1, 2012 the State of Wisconsin formally created a permanent Utility Terrain Vehicle Program with the adoption of new language in §23.33 Wis. Stats; and

**Whereas**, the Oneida County ATV Association, and Little Rice ATV Riders have requested that designated all terrain vehicle trails located in Oneida County be opened to utility terrain vehicle use; and

**Whereas**, the Forestry, Land, and Recreation Department, has implemented trail modifications in order to accommodate utility terrain vehicles on the designated all terrain vehicle trail system; and

**Whereas**, the Forestry, Land, and Recreation Committee has reviewed the use of utility terrain vehicles on the designated all terrain vehicle trail system and have determined that Sections 14.17 of the Oneida County General Code should be amended to include said regulations and administrative policies.

**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existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.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. Sections 14.17 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

**14.17 ALL TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES.** (Cr. #114-99)

(1) DEFINITIONS.

*All terrain vehicle.* Is defined in §340.01(2g), Wis. Stats.

*Approved Designated all terrain vehicle trails.* ~~All ATV trails~~ Trails that have been designated by the Oneida County Forestry Department as being open for use by operators of all terrain and utility terrain vehicles, and are identified that receive State funding under §23.33, Wis. Stats., and are sponsored by the Oneida County Forestry Department or trails in which Oneida County holds the land use agreement, or trails on land owned by Oneida County. These trails are designed on the official County ATV All Terrain Vehicle Trail map, a copy maps, copies of which is are kept on file in the Oneida County Forestry Office, Court House, Rhinelander, Wisconsin. All other motorized vehicles are prohibited on designated all terrain vehicle trails when said trails are officially classified as open for all terrain vehicle use, except for those motorized vehicles used for forest management, logging, and trail maintenance activities.

*All terrain vehicle route.* A highway or sidewalk designed for use by all terrain vehicle and/or utility terrain vehicle operators by the governmental agency having jurisdiction as authorized by §23.33, Wis. Stats.

*All terrain vehicle trail.* A marked trail way on public property or on private lands subject

52 to public easement or lease, designated for use by operators of all terrain vehicles and  
53 utility terrain vehicles by the Oneida County Forestry Department, but excluding  
54 roadways or highways except those roadways which are not seasonally maintained for  
55 motor vehicle traffic.

56 *Official all terrain vehicle trail closing.* That date selected by the Oneida County Forestry  
57 Department and which is published in the official County newspaper ~~designating~~  
58 ~~classifying the approved~~ designated all terrain vehicle trails are as being closed for all  
59 terrain vehicle and utility terrain vehicle use.

60 *Official all terrain vehicle trail opening.* That date selected by the Oneida County Forestry  
61 Department and which is published in the official County newspaper ~~designating~~  
62 ~~classifying the approved~~ designated all terrain vehicle trails are as being opened for all  
63 terrain vehicle and utility terrain vehicle use.

64 Utility terrain vehicle. Is defined in §23.33, Wis. Stats.

65 (2) RESTRICTED USE OF ALL TERRAIN VEHICLES AND UTILITY TERRAIN  
66 VEHICLES.

67 (a) No person shall ~~drive~~ operate any a motorized vehicle other than an ~~all terrain~~ all  
68 terrain vehicle or utility terrain vehicle, as defined by Oneida County, on ~~any approved a~~  
69 designated all terrain vehicle trails without the written permission of the Oneida County  
70 Forestry Department, except for motorized vehicles used for forest management,  
71 logging, and trail maintenance activities.

72 (b) No person shall drive an all terrain vehicle or utility terrain vehicle at speeds in  
73 excess of 10 mph on any portion of an approved all terrain vehicle trail that is posted  
74 with a yellow sign indicating "slow," "steep hill," "dip," "turn," or other caution.

75 (c) The operator of an all terrain vehicle or utility terrain vehicle on ~~approved a~~  
76 designated all terrain vehicle trails must stop at all locations marked with a red sign  
77 indicating "stop."

78 (d) No person shall operate an all terrain vehicle or utility terrain vehicle with tire chains  
79 or studded tires on ~~any approved a~~ designated all terrain vehicle trail or on land owned  
80 by Oneida County that is entered under the County Forest Law §28.11, Wis. Stats.,  
81 either as Forest Lands or as Special Use Designation Lands.

82 (e) No person shall operate an all terrain vehicle or utility terrain vehicle on any trail  
83 ~~designated~~ classified as being opened for ~~both~~ public snowmobile, and all terrain  
84 vehicle, and utility terrain vehicle use by the Oneida County Forestry Department when  
85 the temperature on the trail at a point 4 feet above the trail surface, measured in the  
86 shade, is 28 degrees Fahrenheit or higher.

87 (f) No person shall deface, destroy, or remove any all terrain vehicle trail signs posted  
88 on ~~any approved a~~ designated all terrain vehicle trail.

89 (g) No person shall operate an all terrain vehicle or utility terrain vehicle at a rate of  
90 speed that is unreasonable or improper under the circumstances, or in any careless way  
91 so as to endanger the person or property of another.

92 (h) No person shall operate an all terrain vehicle or utility terrain vehicle which has been  
93 mechanically or otherwise altered from the manufacturers specifications so as to  
94 generate additional speed, traction, or noise.

95 (i) All terrain vehicles (ATVs), utility terrain vehicles (UTV's), off-road motorcycle, mini-  
96 bikes, go carts, and other nonstreet legal vehicles may not be operated on the County  
97 forest road system, except that ATVs and UTV's may travel on that segment of the  
98 Camp Six Road from a point 0.6 mile north of the intersection of the Camp Six Road and  
99 the Wickham Road to a point on the Camp Six Road 0.2 mile south of the intersection of  
100 the Camp Six Road and the Wickham Road, and the entire length of Rozell Road, a  
101 distance of 5.50 miles, between Kelly Fire Lane and McCord Road. The aforementioned  
102 segments of the County Forest road system shall be signed with ATV route signs to

103 indicate the road is legal for ATV and UTV operation. (Am. #22-2003; #63-2003)  
104 (j) All terrain vehicles and utility terrain vehicles are authorized for use on existing  
105 woodland trails that have not been designated as closed to motorized use by the  
106 placement of a gate, sign, earthen berm, or other similar blockade across said trail. Any  
107 attempt to circumvent a gate, sign, earthen berm, or other similar blockade with ~~an ATV~~  
108 any motorized vehicle is prohibited. All terrain ~~vehicles,~~ vehicles and utility terrain  
109 vehicles are prohibited from traveling off-road, off-trail, or cross-country in the County  
110 Forest and must remain on roads or woodland trails designated as open for ~~ATV~~ all  
111 terrain vehicle and utility terrain vehicle use.

112  
113 Approved by the Forestry, Land, & Recreation Committee on August 1, 2012.

114  
115 Vote Required: Majority = \_\_\_\_\_ 2/3 Majority = \_\_\_\_\_ 3/4 Majority =  
116 \_\_\_\_\_

117  
118 The County Board has the legal authority to adopt: Yes \_\_\_\_\_ No \_\_\_\_\_ as  
119 reviewed by the Corporation Counsel, \_\_\_\_\_, Date:  
120 \_\_\_\_\_

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123 Offered and passage moved by: \_\_\_\_\_  
124 Supervisor  
125 \_\_\_\_\_  
126 Supervisor  
127 \_\_\_\_\_  
128 Supervisor  
129 \_\_\_\_\_  
130 Supervisor  
131 \_\_\_\_\_  
132 Supervisor

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135  
136 \_\_\_\_\_ Ayes  
137  
138 \_\_\_\_\_ Nays  
139  
140 \_\_\_\_\_ Absent  
141  
142 \_\_\_\_\_ Abstain  
143  
144  
145 \_\_\_\_\_ Enacted

146  
147 by the County Board of Supervisors this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

148  
149 \_\_\_\_\_ Defeated

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151  
152 \_\_\_\_\_  
153 Mary Bartelt, Clerk Ted Cushing, County Board Chair