

CHAPTER 26
REGULATIONS ON USE OF HIGHWAY RIGHTS-OF-WAY

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26.01 DEFINITIONS.

"Highway" means all county roads, highways, and bridges located within the unincorporated areas of the County of Sheboygan and over which this County has jurisdiction. This includes all lands within the right-of-way, whether paved or unpaved.

"Obstruction" means all materials placed within a right-of-way without a written permit issued by the Highway Commissioner or his designee that may impede the flow of drainage water, obstruct visibility of highway users, increase the risk of injury to a highway user who collides with the material, or interfere with highway maintenance operations, including the ability of County employees or agents to access or occupy any portion of the right-of-way. As illustrations, obstructions include stones or rocks; snow and/or ice; railroad ties, landscape timbers, other decorative landscaping; fences; garbage, rubbish, refuse, or other discarded materials; all agricultural crops regardless of height; and trees, shrubs, bushes, and other decorative plantings that extend above the natural or established grade by more than six (6) inches.

"Right-of-way" means the full extent of the lands acquired for highway purposes, whether by deed, easement, statute, patent, court order, or prescriptive use.

26.02 CULTIVATION AND LANDSCAPING.

- (1) No person may cultivate, plant, harvest, or maintain agricultural crops, trees, or shrubs within a right-of-way.
- (2) No person may cultivate, plant, or maintain grasses, flowers, or other vegetative plants in any manner that obstructs the visibility of the highway by highway users.

26.03 ALTERATION OF GRADE. No person may alter or change the depth or contour of any portion of any ditch or embankment in a right-of-way without a written permit issued by the Highway Commissioner or his designee.

26.04 MAILBOXES, SIGNS, AND NEWSPAPER BOXES.

- (1) No sign of any nature may be placed or allowed to remain in any right-of-way except an official traffic sign placed by a governmental authority and except other signage permitted by the Wisconsin Administrative Code.
- (2) Mailboxes and newspaper boxes are permitted within a right-of-way if the installation complies with all requirements of the U.S. Postal Service and guidelines of the Wisconsin Department of Transportation.

26.05 OTHER OBSTRUCTIONS. No person may place, maintain, or allow any obstruction in a right-of-way other than those specifically permitted by this Ordinance, by other laws, or by a written permit issued by the Highway Commissioner or his designee.

26.06 PRIVATE CULVERTS. Any adjoining land owner or tenant may install a culvert in a right-of-way if all applicable local, County, and State regulations and policies have been observed and a written permit has been issued by the Highway Commissioner or his designee.

26.07 ALL-TERRAIN VEHICLE ROUTES AND REGULATION

- (1) STATUTORY AUTHORITY. Open usage of County roads designated in Subsection (3) below, is done pursuant to Wis. Stat. § 23.33(8)(b) and Wis. Admin. Code § NR 64.12 and the provisions of Wis. Stat. § 23.33 and Wis. Admin. Code Ch. NR 64, including amendments, regulating all-terrain vehicle/utility-terrain vehicle (ATV/UTV) operation are adopted and incorporated herein by reference.
- (2) REQUIREMENTS FOR REQUESTING ATV/UTV ROUTE.
 - (a) Any request for an ATV/UTV route must be submitted to the Sheboygan County Transportation Department in writing and must be accompanied by a supporting resolution of the municipality in which the ATV/UTV route is located. The submittal letter must contain the County highway(s) involved and the beginning and end location. A copy of said request for any new route shall also be provided to the Planning, Resources, Agriculture, and Extension Committee.
 - (b) The request must indicate the need for the route.
 - (c) The request must indicate who will be responsible for purchasing signs, the maintenance of signs, and name the contact person who will be responsible for this activity.
 - (d) The group requesting the County road use shall be responsible for installing and maintaining appropriate signage subject to the approval of the Sheboygan County Transportation Director. Signage designating such roads shall be placed in accordance with Wis. Admin. Code § NR 64.12. Signs shall be inspected annually and be maintained by the group which requested route designation or its successor. The County shall be notified immediately of any change in responsibility for maintenance of signage.
 - (e) Any requested route must connect two ATV/UTV routes and shall be minimized to the extent possible and use lower classification highways whenever possible.
 - (f) Any request must be accompanied by a highlighted map illustrating the connecting route.
 - (g) A right-of-way permit application and the associated fee must be submitted at the time of the request.
- (3) ROUTES. County roads, as designated by the Transportation Committee, will be open to all-terrain vehicle/utility-terrain vehicle (ATV/UTV) usage. The Transportation Director shall have authority to suspend operation on designated routes due to hazard, construction, or emergency conditions.
- (4) CONDITIONS. The following conditions shall apply to all operators and passengers operating ATV/UTVs on County highways:
 - (a) All ATV/UTV operators shall observe posted speed limits or maximum speed of 35 miles per hour, whichever is less.
 - (b) No person under 18 years of age may operate or be a passenger on an ATV/UTV without wearing protective headgear of the type required under Wis. Stat. § 347.485(1)(a) and with the chin strap properly fastened except as specifically exempted under Wis. Stat. §§ 23.33(3g)(b),(c), and (d).
 - (c) Operation of ATVs and UTVs on roadways designated as ATV/UTV routes are authorized only for the extreme right side of the roadway on the paved surface (if the roadway is paved), except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
 - (d) All ATV/UTV operators shall ride single file.

- (e) The operator of an ATV/UTV shall obey all traffic laws, local ordinances, and Department of Natural Resources regulations.
 - (f) The operator of an ATV/UTV shall display a lighted headlamp, tail lamps, and brake lights on the ATV/UTV and display the registration or license plate at all times.
 - (g) ATV/UTV operation is at the risk of the operator. Sheboygan County has no liability for any damage or injury to persons, real property, or personal property arising out of the operation of ATVs and UTVs on designated ATV/UTV routes.
 - (h) The operator of an ATV/UTV shall operate an ATV/UTV only on such highways approved for ATV/UTV operation.
 - (i) Except as otherwise allowed by Wis. Stat. § 23.33(5), no person under age 16 may operate an ATV/UTV on a designated route unless accompanied by his or her parent or guardian or person who is at least 18 years of age.
- (5) PENALTIES. Wisconsin State ATV and UTV penalties as found in Wis. Stat. § 23.33(13) are adopted by reference, and any law enforcement officer may issue citations for violation of this Section 26.07 as authorized by Chapter 90 of this Code. Issuance of the citation and payment does not preclude compliance with the terms and conditions of this Ordinance.

26.08 ENFORCEMENT AND PENALTIES.

- (1) Correction Order. Upon being informed of a violation of this Ordinance, the Highway Commissioner or his designee shall notify the adjoining land owner or tenant of the violation in writing and shall order removal and correction of the violation within thirty (30) days. If the Highway Committee determines that the degree of hazard constitutes an emergency risk to public safety, the Highway Commissioner or his designee may immediately correct the violation after diligent attempts to notify the adjoining owner or tenant.
- (2) Failure to Comply. If compliance with the correction order is not made by the deadline set, the violator shall be subject to a forfeiture of not less than Ten Dollars (\$10.00) and not more than Five Hundred Dollars (\$500.00) per day of violation retroactive to the date the violator received the correction order. In addition, the Highway Commissioner may then make the necessary arrangements for removal and correction of the violation. All expenses of correction, including reasonable attorneys' fees, shall be billed to the violator.

History: Ord. No. 6 (2010/11); Ord. No. 4 (2019/20);