

**CRAWFORD COUNTY BOARD OF SUPERVISORS**  
**August 18, 2015**

The Crawford County Board of Supervisors met in regular session at the Crawford County Administration Building in Prairie du Chien, Wisconsin on August 18, 2015.

The Board was called to order by Chairman Pete Flesch. Roll was called with all members present except Supervisor Mueller.

Chairman Flesch led the Board in the Pledge of Allegiance. The meeting was verified as being properly posted.

**Motion by Cornford, second by Olson to approve the minutes of the previous meeting. Motion carried unanimously.**

Chairman Flesch announced the appointment of Donna Bell to the Human Services Board replacing Kay Garvey who has moved from the area.

Brad Niemcek appeared before the Board. He serves on the Board of the Gays Mills Economic Development Association which has been commissioned by the Village of Gays Mills to develop a Stump Dodger Recreational Non-Motorized trail. The trail would run from the Kickapoo Bottoms Conservancy area which is adjacent to the Crawford County Fairgrounds to County Road B. The committee assumed that the County would have no problem with asking for access to the Kickapoo Bottoms along the fairgrounds property, however the County has not been formally asked. Mr. Niemcek is requesting that approval today.

This trail would be a tourism asset for the County and Village. A trail easement has been prepared. A legal accurate description of the easement has not yet been prepared. A map was provided for the Board members showing the proposed location of the trail. The County would not be responsible for any harm or damage to anyone using the trail.

Mr. Niemcek has spoken with the Fair Board committee and they have approved the trail in concept and agree that it would not interfere with fairgrounds. Chairman Flesch stated that the fairgrounds belongs to the public.

The easement will be reviewed by Corporation Counsel, sent to the Fair Board for approval, and then brought back to the County Board in October for approval.

Chairman Flesch stated we will now consider the Ordinance Repealing and Recreating Chapter 20 Floodplain Zoning.

Due to the length of the ordinance the Clerk gave the first reading by title only.

**ORDINANCE NO. 191-2015**

**AN ORDINANCE REPEALING AND RECREATING CHAPTER 20 OF THE CRAWFORD COUNTY CODE OF ORDINANCES, THE FLOODPLAIN ZONING ORDINANCE**

The Crawford County Board of Supervisors does ordain as follows:

**Section I:** That Chapter 20 of the Crawford County Code of Ordinances is repealed and recreated in its entirety and that the attached Crawford County Floodplain Zoning Code is hereby adopted;

**Section II:** This ordinance shall be effective from and after its passage and publication as required by law.

Dated this 18<sup>th</sup> day of August, 2015

**Land Conservation, Planning and Zoning Committee:**

Henry Esser, Chairman	Wade Dull
David Olson	Harriet Behar
Jerry Achenbach	

**Published this    day of September, 2015.**  
**Effective this    day of September, 2015.**

**Motion by Dull, second by Kelley to give the second reading by title only. The motion carried and the Clerk gave the second reading by title only.**

Chairman Flesch asked for any questions or appearances. John Rybarczyk, Zoning Administrator, appeared before the Board and explained that the ordinance contains the new official maps. The text of the ordinance has been changed very little, just some clarifications and definitions added. There is no difference between what we had in the original ordinance and what is being presented in the text section. The last set of maps was from 2010.

**Motion by Olson, second by Esser that the ordinance be ordered engrossed and given the third reading by title only. The motion carried and the Clerk gave the third reading by title only.**

Chairman Flesch stated the ordinance having been read three several times the question is, "Shall the ordinance pass?"

**Motion by Leys, second by Esser to adopt the ordinance. Motion carried unanimously upon call of the roll.**

**NOTE: A copy of the entire Floodplain Zoning Ordinance is available from the County Clerk's Office.**

Chairman Flesch stated we will now consider the Ordinance Repealing and Recreating Section 7.08 Relating to All-Terrain Vehicle (ATV)/Utility Vehicle Routes.

Due to the length of the ordinance the Clerk gave the first reading by title only.

**Motion by Kelley, second by Krachey to give the second reading by title only. The motion carried and the Clerk gave the second reading by title only.**

Chairman Flesch asked for any questions or appearances. Highway Commissioner, Dennis Pelock appeared and explained the changes that were made in the Ordinance from the original version sent to the supervisors. The changes were contained in Section 3(a) which changed the speed limit from 30 miles per hour to 35 miles per hour; Section 4(a) provided for a map of the routes to be kept on file in the Sheriff's department; Section 4(a)(1) closed routes from December 1<sup>st</sup> through March 1<sup>st</sup> with the exception of CTH K; Section 4(2)(b) provides for the towns to furnish a map to be filed in the Sheriff's department and Section 4(2)(b)(1) provides that the Town Board Supervisors or Village Board of Trustees shall have the authority to establish seasonal closings of ATV/UTV routes under their authority at their discretion.

A meeting was held with towns who would like to have ATV/UTV routes established but there was concern about enforcement. By drafting a County ordinance, the enforcement would fall onto the Sheriff's department. The towns would establish their own routes and still have authority. There were many questions by Supervisors regarding various portions of the ordinance. The following motions were made for revisions to the ordinance:

**Motion by Cornford, second by Leys to amend Section 4(a)(1) to read that designated ATV/UTV Routes on all roads in the County may be closed at the discretion of Crawford County Highway Commission or his/her designee. Motion carried unanimously.**

**Motion by Kelley, second by Dull to eliminate Section 4(b)(1) and change Section 4(b)(2) to 4(b)(1). Motion carried unanimously.**

**Motion by Russell, second by Krachey to change the hours of operation in Section 3(d) from 10:00 p.m. to 5:00 a.m. to read from 1:00 a.m. to 5:00 a.m. daily. The motion carried with Supervisors Kelley, Rocksvold and Leys opposed.**

**Motion by Rogers, second by Krachey to amend Section 4(b) to state that Town Boards and Village Trustees may establish fewer hours of operation within their jurisdiction. The motion carried with Supervisor Leys opposed.**

John Shimpach addressed the Board regarding the ordinance.

**Motion by Russell, second by Kelley that the ordinance be ordered engrossed and given the third reading by title only. Motion carried unanimously, and the Clerk gave the third reading by title only.**

Chairman Flesch stated the ordinance having been read three several times the question is, "Shall the ordinance pass?"

**Motion by Krachey, second by Dull to adopt the ordinance. Motion carried unanimously upon call of the roll.**

### **ORDINANCE NO. 192-2015**

#### **AN ORDINANCE REPEALING AND RECREATING SECTION 7.08 OF THE CRAWFORD COUNTY CODE OF ORDINANCES RELATING TO ALL-TERRAIN VEHICLE (ATV)/UTILITY-TERRAIN VEHICLE ROUTES**

The Crawford County Board of Supervisors do ordain as follows:

**Section I:** That Crawford County Ordinance Number 7.08 is hereby repealed and recreated to read as follows:

#### **"7.08 – ALL-TERRAIN VEHICLE (ATV)/UTILITY-TERRAIN VEHICLE (UTV) ROUTES**

(1) **PURPOSE:** The purpose of this ordinance is to establish All-Terrain Vehicle (ATV)/Utility-Terrain Vehicle (UTV) routes and to provide safe and enjoyable ATV/UTV recreation consistent with public rights and interests pursuant to Sections 59.02 and 23.33 Wis. Stats.

#### **(2) APPLICABILITY AND ENFORCEMENT:**

(a) The provisions of this ordinance shall apply to the areas designated in section 7.08(4) below, including all roadways within the jurisdiction of the County. The provisions of this ordinance shall be enforced by the Crawford County Sheriff's Department.

(b) Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed under this section.

**(3) LIMITATIONS:** The following limitations apply on all areas designated in section 7.08(4) of this ordinance:

(a) Speed. No ATV/UTV shall be operated at a speed greater than 35 miles per hour on any County Trunk Highway, Town or Village road or street. Each Town or Village may establish a lower speed limit on their ATV/UTV routes within their jurisdiction.

(b) Lights. No ATV/UTV may be operated on any designated route without fully functional headlights, tail-lights, and brake lights.

(c) Roadway Only. All ATVs and UTVs shall operate only on the roadway. Operation on paved shoulders intended for bicycle or pedestrians, gravel shoulders, grassy in-slope, ditches or other highway right-of-way is prohibited and illegal.

(d) Hours of Operation. No ATV/UTV may be operated on any designated route between the hours of 1:00 a.m. to 5:00 a.m. daily.

(e) Age, License and Protective Headgear. On any designated ATV/UTV route all operators must be sixteen (16) years of age or older and have a valid driver's license. No person under the age of eighteen (18) may operate an ATV/UTV on any designated route unless wearing approved protective headgear.

(f) Noise. No ATV/UTV may be operated on any designated route which ATV/UTV does not meet all applicable Wisconsin State noise pollution standards.

(g) Insurance. All ATV/UTVs operating on any designated ATV/UTV route or on any county trunk highway shall have proof of liability insurance for the ATV/UTV being operated.

(h) Registration. All ATV/UTVs being operated on any County Trunk Highway or route shall meet the registration requirements of the State of Wisconsin and Wisconsin Department of Natural Resources.

#### **(4) DESIGNATION OF ATV AND UTV ROUTES:**

(a) County Trunk Highways: ATV and UTV routes on County Trunk Highways shall be designated, established and approved by the Highway Committee. Any modifications to a designated ATV and UTV route shall be approved by the Highway Committee. A copy of those ATV and UTV routes, along with a map showing their location, shall be kept on file at the Crawford County Sheriff's Office and Highway Department. The Crawford County Highway Committee shall be responsible for signage and the establishment of speed limits regulating ATVs and UTVs. The Crawford County Highway Department shall retain the sole authority for the closure or termination of any ATV/UTV route on the County Trunk Highway System.

(1) Designated ATV/UTV Routes on all roads in the County may be closed at the discretion of Crawford County Highway Commissioner or his/her designee.

(2) The Crawford County Highway Commissioner shall have the authority to

suspend operation on any highway for up to ninety (90) days due to hazard, construction, or emergency conditions in any highway segment designated as an ATV/UTV route. The Crawford County Highway Commissioner shall also have the authority to designate for up to ninety (90) days alternate routes for any of the above authorized highway segments that might be so closed.

(b) Town and Village Roads and Streets: ATV and UTV routes on Town and Village Roads and Streets shall be designated, established and approved by the respective Town Board of Supervisors or the Village Board of Trustees. Any modifications to a designated ATV and UTV route shall be approved by the Town Board of Supervisors or the Village Board of Trustees. A copy of those ATV and UTV routes, along with a map showing their location, shall be kept on file at the Town Hall or Village Hall with a copy also filed at the Crawford County Sheriff's Department and Highway Office. The respective Town Board of Supervisors or the Village Board of Trustees shall be responsible for overseeing signage on their roads and streets and for the establishment of speed limits regulating ATVs and UTVs and may establish fewer allowed "Hours of Operation" within their jurisdiction. The Town Board of Supervisors or the Village Board of Trustees shall retain the sole authority for the closure or termination of any ATV/UTV route on town roads or village streets.

(1) The respective Town Board of Supervisors or the Village Board of Trustees shall have the authority to suspend operation on any road or street for up to ninety (90) days due to hazard, construction, or emergency conditions in any highway segment listed above. At the discretion Town Board of Supervisors or the Village Board of Trustees shall also have the authority to designate for up to ninety (90) days alternate routes for any of the above authorized road segments that might be so closed.

**(5) ROUTE SIGNS:** Every area authorized as an all-terrain vehicle/utility-terrain vehicle route shall be designated by an all-terrain vehicle/utility-terrain vehicle route sign having a reflectorized white all-terrain vehicle symbol, bordered and message on a reflectorized green background with a minimum size of 24 inches by 18 inches with directional arrow, where appropriate, placed at the beginning of an ATV/UTV route and at such locations and intervals as necessary to enable the ATV/UTV operators to follow the route. Existing 18"x18" signs shall be allowed until replacement is required.

(a) County Trunk Highways: All required designated route signs and posts shall be paid for by the ATV/UTV Club requesting the route. All signs and posts shall be installed by the Crawford County Highway Department at the direction of the Highway Commissioner or his designee.

(b) Town and Village Roads and Streets: All required designated route signs and posts shall be paid for by the ATV/UTV Club requesting the route. Signs shall be erected by the club at locations approved by the respective Town Board of Supervisors or the Village Board of Trustees.

(c) All signs posted shall be in compliance with the Federal manual on uniform traffic control devices.

(d) No sign may be mounted on any existing County sign post, unless authorized by the Crawford County Highway Commissioner or designee.

(e) No person may erect, remove, obscure, or deface any official designated route sign unless authorized by the Crawford County Highway Commissioner or respective Town Board of Supervisors or the Village Board of Trustees or their designee.

(f) No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

**(6) PENALTIES:** The penalty for violating any section of this code shall be according to the following schedule, plus the cost of damages or restoration and plus court costs:

(a) The penalty for a violation of Sections 3(c) and 3(d) and 5(a)-(f), shall be not more than \$200.00.

(b) The Penalty for a violation of Sections 3(b), (e), (f), (g), and (h), shall be not more than \$100.00.

(c) The Penalty for a violation of any other provision of this ordinance for which no specific penalty is specified shall be not more than \$50.00.

**(7) JUVENILE PENALTIES:** Any juvenile who violates this Section shall be subject to the forfeitures prescribed in Section 6 of this ordinance except that the provisions for the incarceration in jail for the nonpayment of forfeiture shall not apply to juveniles.

(a) Upon default of payment of any forfeiture imposed by this Section, a court may order any license issued to a juvenile under Section 29 Wis. Stats. suspended or may order the child's operating privileges as defined in subsection Section 340.01(40) Wis. Stats. suspended for not less than thirty (30) days or more than ninety (90) days. Prior to suspension of licenses under this subsection, the court shall make a finding that the juvenile alone is financially able to pay the amount of the forfeiture and shall allow u to twelve (12) months for the juvenile to make payment. The court shall immediately take possession of any suspended license and forward it to the department which issued the license together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the first thirty (30) days after the license is suspended, the suspension shall be reduced to the minimum period of thirty (30) days. If it is paid thereafter, the court shall immediately notify the appropriate department which will thereupon return the license to the person.

**(8) VIOLATIONS, JUDGMENTS, RESTITUTIONS:** A judgment obtained under

this section of the Crawford County Code may be enforced in the same manner as any civil judgment. Penalties imposed for violations of this ordinance shall be made according to the schedule of forfeitures listed in Section 7.08(6) and (7) of the Crawford County Code. The procedures and provisions set forth in Chapter 800 of the Wisconsin Statutes shall apply to all violations of the sections and subsections of this ordinance.

**(9) UNIFORM CITATION AND SUMMONS:** A uniform county ordinance violation citation shall be created and reproduced in such a fashion as to provide alleged violators with proper notice of the ordinance violation alleged and date, time and place of said violation along with a summons to appear before the circuit court for Crawford County at the courthouse in Prairie du Chien, Wisconsin, at a date and time specified in the citation and shall provide an option of posting a uniform forfeiture deposit in lieu of the defendant's appearance on that date. The form of such citation and summons shall be on file in the office of the Clerk of Court.

Other uniform citations adopted by the State of Wisconsin for the use of counties and other municipalities may be used in the prosecution of violations under this ordinance.

**Section II:** This Ordinance shall become effective in 2015 after its passage and publication as required by law.

Dated this 18<sup>th</sup> day of August, 2015

**Crawford County Highway Department**

**Tom Cornford, Chairman  
Henry Esser  
David Olson**

**Wade Dull  
Gerald Krachey**

Passed and approved this 18<sup>th</sup> day of August, 2015

**Peter Flesch, County Board Chairman  
ATTEST: Janet L. Geisler, County Clerk**

**Published this      day of September, 2015.  
Effective this      day of September, 2015.**

Chairman Flesch encouraged everyone to attend the upcoming Crawford County Fair. Volunteers are still needed for ticket sales.

There being no further business to come before the Board there was a motion by Krachey, second by Flansburgh to adjourn. The motion carried and the meeting was adjourned.

STATE OF WISCONSIN  
(ss)  
COUNTY OF CRAWFORD

I, Janet L. Geisler, Clerk of County of Crawford, State of Wisconsin, do hereby certify that the foregoing is a true and correct copy of the Journal of Proceedings of the Crawford County Board of Supervisors at the Regular Session on August 18, 2015.

**Janet L. Geisler, Crawford County Clerk**