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Timothy J. Sullivan

September 5, 2019

TO: JON JOHNSON, HIGHWAY DEPT.

FROM: TIM SULLIVAN

RE: ORDINANCE TO LICENSE HORSE DRAWN VEHICLES

QUESTION: Can Eau Claire county adopt an ordinance to license horse drawn vehicles?

ANSWER: No

In asking me this question you sent me copy of an ordinance from Adams County Indiana that requires horse drawn vehicles to register with the county highway department and pay an annual registration fee. The question from our highway committee is: can we adopt a similar ordinance in Eau Claire County?

The Adams county ordinance is somewhat unique. If you search these types of ordinances on the internet you very quickly learn that Adams County was able to adopt such an ordinance because the state of Indiana allows its counties on a county by county basis to determine if they are going to adopt an ordinance requiring the registration of horse drawn vehicles. Not all counties in Indiana have adopted such an ordinance. Most states are like Wisconsin in that they do not allow individual counties to adopt an ordinance to register vehicles locally.

Wisconsin Statutes §349.03


(1). *Chapters 341 to 348 and 350 shall be uniform in operation throughout the state. No local authority may enact or enforce any traffic regulation unless such regulation:*

- (a). Is not contrary to or inconsistent with Chapters 341 to 348 and 350; or,*
- (b). Is expressly authorized by ss. 346.06 to 349.25 or some other provision of the statutes.*

(2). No local authority may enact or enforce any traffic regulation providing for suspension or revocation of motor vehicle operator's licenses, or requiring local registration of vehicles except as authorized by s. 341.35 . . . (emphasis added).


To adopt an ordinance like the one in Adams County, Indiana would be adopting an ordinance requiring the local registration of vehicles, which is prohibited by Wis. Stats. §349.03(2).

I am not aware of another statute that give express authority to allow local registration of vehicles. Section 341.35 referenced above is the wheel tax that is imposed during registration, and renewal of registration of vehicles.



Timothy J. Sullivan
Corporation Counsel
TJS

ATV Route Designation Application for the Public Roadways

ALL APPLICATIONS	Municipality	<u>Clear Creek</u>	Date of Application	<u>9-9-19</u>
	Contact Name	<u>Lotty Macik</u>	Contact Phone	<u>715-538-3752</u>
	Street Address	<u>513087 U.S. Hwy 53</u>	City, State, Zip	<u>Osseo WI 54758</u>
	Email Address	_____		
** NEW APPLICATIONS	1) Attach a map of the requested Route. Indicate the trail-ends and approved municipal routes to be connected. Additionally, highlight and list businesses that will be served.			Attached? <input type="checkbox"/>
	2) Attach a list of all property owners on the proposed route and the notice mailed to them.			<input type="checkbox"/>
	3) Indicate the date that the Town Meeting was held by the affected jurisdiction to discuss the route.			<u>9-9-19</u>
	4) Attach the municipal ordinance authorizing the route.			<input type="checkbox"/>
	Route on County Trunk	<u>HH & K</u>	Length of Route	<u>2.25</u> Miles
	Starting	<u>14th. east of R 194 Interchange to County K</u>	GPS	-----
	Ending	<u>East Robin & K</u>	GPS	-----
	Route Justification	<u>connect one route to another</u>		
	Are there any restrictions recommended by the jurisdiction? (i.e. speed limit, hours of operations, open/close dates?)			
ALL APPS	 Applicant Signature (Municipality)		<u>9/9/19</u> Date	

FOR EAU CLAIRE HIGHWAY PERSONNEL USE ONLY

Comments/restrictions applying to this application: _____

SIGNAGE MUST MEET ALL APPLICABLE MUTCD STANDARDS; STATUTES 23.33 (8) (e) AND NR64.12 (7)

# of Signs Needed:	ATV Silhouette _____	Route Arrows _____	Start/End _____	Total \$ _____
Purchase \$ _____	Installation \$ _____	Annual Mainten. \$ _____		

Reviewed with Applicant on _____ By _____

Highway/Street Dep't: Approved Disapproved By _____

Law Enforcement: Approved Disapproved By _____

Highway Committee: Approved Denied Date _____

Were there any incidents in the prior year? Yes No Count _____

Were there significant complaints? Yes No Count _____

Comments: _____

**NEW APPLICATIONS

****All ordinances granting road routes must be on file with the DNR**