ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTE ORDINANCE

Town of Black Wolf
Winnebago County, Wisconsin

SECTION 1.0 PURPOSE

The purpose of this ordinance is to establish all-terrain and utility terrain vehicle routes in the Town of Friendship and to regulate the operation of all-terrain and utility terrain vehicles in the Town.

SECTION 2.0 AUTHORITY

The Town Board of the Town of Black Wolf, Winnebago County, Wisconsin, has the specific authority to adopt this All-Terrain and Utility Terrain Vehicle Ordinance under s. 23.33(8)(b) and (11), Wis. Stats.

SECTION 3.0 ADOPTION OF ORDINANCE

This ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town to designate all-terrain vehicle and utility terrain vehicle routes in the Town and to regulate the use of those routes and all-terrain vehicles and utility terrain vehicles in the Town.

SECTION 4.0 DEFINITIONS

For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The words "shall", "will", and "must" are always mandatory. The words "may" and "should" are discretionary terms. The masculine shall include the feminine. Terms not defined in this Section, shall be interpreted based on common usage.

All-Terrain Vehicle (ATV): means a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more low-pressure tires or non-pneumatic tires.

Town: means the Town of Black Wolf, the Town Board or any other Town of Black Wolf official(s) authorized by the Town Board to act on behalf of the Town of Black Wolf.

Utility Terrain Vehicle (UTV): means any of the following:

1. A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:

a. A weight, without fluids, of 2,000 pounds or less.
b. Four or more low-pressure tires or non-pneumatic tires.
d. A steering wheel.
e. A tail light.
f. A brake light.
g. Two headlights.
h. A width of not more than 65 inches.
j. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
k. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.

2. A commercially designed and manufactured motor driven device to which all of the following applies:

a. It has a weight, without fluids, of more than 900 pounds but not more than 2000 pounds.
b. It has a width of 50 inches or less.
c. It is equipped with a seat designed to be straddled by the operator.
d. It travels on 3 or more low-pressure tires or non-pneumatic tires.

SECTION 5.0 OPERATION OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLES

Pursuant to s. 23.33(4)(d)4, Wis. Stats., except as otherwise provided in s. 23.33(4), Wis. Stats., no person may operate an all-terrain or utility terrain vehicle on the roadway portion of any highway in the Town except on roadways that are designated as all-terrain and utility terrain vehicle routes by this ordinance.

SECTION 6.0 DESIGNATION OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTES

The Town of Black Wolf hereby designates the following Town roads as all-terrain vehicle and utility terrain vehicle routes: Lone Elm Road from Townline East to Swiss Road, Loan Elm Road from County Road RP east to Howlett Road.

SECTION 7.0 CONDITIONS APPLICABLE TO ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTES

Pursuant to s. 23.33(8)(d), Wis. Stats, the following restrictions are placed on the use of the Town all-terrain and utility terrain vehicle routes designated by this resolution:

7.1 Routes shall be marked with uniform all-terrain and utility terrain vehicle route signs in accordance with s. NR 64.12 (7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking Town all-terrain and utility terrain vehicle routes:

(a) Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain and utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain and utility terrain vehicle route or trail sign

or standards if the sign or standard is legally placed by the State, any municipality, or any authorized individual.

(b) Possess any uniform all-terrain and utility terrain vehicle route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform all-terrain and utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain and utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

7.2 Operation shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33(11), Wis. Stats.

7.3 Operators must abide by all traffic laws unless further restricted by this Ordinance.

7.4 The speed limits for ATVs and UTVs shall be as follows:

(a) On the following roads the speed limit shall be 30 mph: Lone Elm Road from Townline East to Swiss Road, Loan Elm Road from County Roasd RP east to Howlett Road.

7.5 ATVs/UTVs may be operated on paved surfaces only, unless yielding the right of way.

7.6 All all-terrain and utility terrain vehicle operators shall ride single file.

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

7.8 No ATV/UTV may be operated on any designated route between the hours of 11:59 p.m. and 5:00 a.m. daily, unless a different restriction on hours of operation has been specified by the Town and notice of the same is duly posted on the segment.

7.9 All ATV/UTV operators shall ride on the right hand side of the paved portion of the highway, unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way is prohibited, unless yielding right of way.

7.10 No ATV/UTV may be operated on any designated ATV route if the ATV/UTV does not meet all applicable Federal noise and air pollution standards.

7.11 No person under the age of sixteen (16) may operate an ATV/UTV on any segment of Town Road which is a designated ATV route.

7.12 No person under the age of eighteen (18) may operate an ATV/UTV on any designated route unless wearing approved protective head gear.

7.13 Every person who operates an ATV/UTV on a segment of Town road which is designated as an ATV route shall have in his or her immediate possession a valid motor vehicle operator's license, and shall display the license document upon demand from any law enforcement officer or official described in Wis. Stat., Section 23.33(12).

SECTION 8.0 ENFORCEMENT

This ordinance may be enforced by the Town Board or law enforcement officer authorized to enforce the laws of the state of Wisconsin. A copy of this ordinance shall be sent by the Town Clerk to the Department of Natural Resources, the Winnebgo County Sheriff's Department and any other law enforcement agency serving the Town of Black Wolf's jurisdiction.

SECTION 9.0 PENALTIES

9.1 The penalties under s. 23.33(13), Wis. Stats., are adopted by reference.

SECTION 10.0 MAINTENANCE

Designation of segments of the Town road system as ATV/UTV routes does not impose upon the Town a greater duty of care or responsibility for maintenance of those segments than for any other segment of Town road. Operators of ATV/UTV's on Town roads assume all the usual and normal risks of ATV/UTV operation.

SECTION 11.0 SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 12 EFFECTIVE DATE

This ordinance is effective on publication or posting. The Town clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

Dated this 24th day of August, 2018.

TOWN OF BLACK WOLF

By: _____
Frank Frassetto, Town Chairperson

Attest:
Susan Snyder
Susan Snyder, Town Clerk