

Chapter 15.04

ALL-TERRAIN VEHICLE ROUTES AND REGULATIONS

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15.04(1) Authority.

The Town Board of the Town of Lyons, Walworth County, Wisconsin has the specific authority to adopt this All-Terrain Vehicle ordinance under Wis. Stat. §§ 23.33(8)(b) and (11).

15.04(2) Purpose.

The purpose of this chapter is to establish routes in the Town of Lyons for All-Terrain and Utility-Terrain Vehicles, hereafter referred to as All-Terrain Vehicles and abbreviated as ATV, and to regulate the operation of these vehicles in the Town.

15.04(3) Definitions.

This chapter adopts Wis. Stat. § 23.33 and NR 64.03 Wis. Adm. Code, describing and defining All-Terrain Vehicles and Utility-Terrain Vehicles, and the definition of All-Terrain Vehicles and Utility-Terrain Vehicles found therein by reference as part of this ordinance.

15.04(4) Severability.

Should any portion of this chapter be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected.

15.04(5) Applicability of rules of the road to All-Terrain Vehicles.

These All-Terrain Vehicle regulations are created pursuant to Town authority by Wis. Stat. § 23.33(8)(b). This chapter is intended to facilitate the implementation of Wis. Stat. §§ 23.33(8) and 23.33(11). To the extent necessary to accomplish this, Wis. Stat. § 23.33 is hereby adopted by reference as part of this chapter. Additionally, this chapter incorporates and adopts the provisions of Wisconsin Administrative Code NR 64. In the event that any provision of this chapter is inconsistent or conflicts with that statute, the statute shall govern, and not this chapter.

15.04(6) Operation of All-Terrain Vehicles.

Pursuant to Wis. Stat. § 23.33(4)(d)(4), except as otherwise provided in Wis. Stat. § 23.33(4), no person may operate an All-Terrain Vehicle upon any public right-of-way, in any public park, in cemeteries, or on any other public property in the Town except upon ATV routes designated by the Town Board in this chapter. All ATV routes shall be marked with uniform ATV route signs in accordance with Wis. Stat. § 23.33(8)(e), and Wis. Admin. Code NR 64.12(7).

15.04(7) Regulations relating to All-Terrain Vehicle signs.

No person may do any of the following in regard to signs marking town ATV routes: intentionally remove, damage, deface, move or obstruct any uniform ATV route or trail sign or standard or intentionally interfere with the effective operation of any uniform All- route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.

No person may possess any uniform All-Terrain Vehicle route or trail sign or standard of the type established by the Department of Natural Resources for the warning, instruction, or information of the public, unless he or she obtain the uniform ATV route or trail sign or standard in a lawful manner. Possession of a uniform ATV route or trail sign or standard creates a rebuttable presumption of illegal possession.

15.04(8) Designation of All-Terrain Vehicle routes.

All Town of Lyons roads shall be All-Terrain Vehicle routes, unless otherwise posted.

15.04(9) Route maintenance.

The designation of town roads as an All-Terrain Vehicle route does not impose upon the Town a greater duty of care or responsibility for maintenance of those roads. Operators of All-Terrain Vehicles on town roads assume all the usual and normal risks of riding that vehicle. The Town accepts no liability for the operation of All-Terrain Vehicles on any town roads under this ordinance section.

15.04(10) Additional conditions of operation.

Operation of an All-Terrain Vehicle on a posted ATV route shall, in addition to all of the statutory regulations found in Wis. Stat. § 23.33, adhere to the following provisions:

The speed limit for All-Terrain Vehicles shall be established at the same speed limit as the speed limit posted for automobiles on each town road. All other All-Terrain Vehicle speeds shall conform to the speed limitations found in Wis. Stat. § 23.33(3).

All-Terrain Vehicles shall be operated on paved surfaces only, unless yielding the right-of-way.

All-Terrain Vehicle operators shall ride single file.

No All-Terrain Vehicle may be operated on any designated town ATV route without fully functional headlights, tail-lights, and brake lights.

No All-Terrain Vehicle can be operated on any designated town ATV route between the hours of 11:00 p.m. and 5:00 a.m. daily, unless a different restriction on the hours of operation has been specified by the Town Board and notice of the same has been duly posted on the designated town all-terrain route.

All-terrain vehicle operators shall ride on the right-hand side of the paved portion of the town ATV route unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches or other town road right-of-way is prohibited, unless yielding the right-of-way.

No All-Terrain Vehicle may be operated in any careless way so as to endanger the person or property of another.

No person under the age of 16 may operate an All-Terrain Vehicle on a designated town ATV route unless accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian.

No person under the age of 18 may operate an All-Terrain Vehicle on any designated town ATV route unless wearing a minimum DOT standard ATV or motorcycle helmet with chin strap properly fastened. Bicycle helmets do not meet this requirement.

No All-Terrain Vehicle operator under the age of 12 may operate on a town designated ATV route under any circumstances.

No person who is under current driver's license suspension, revocation, or cancellation for any reason may operate an All-Terrain Vehicle upon any town roads.

All-Terrain Vehicle operators shall yield the right-of-way to all other vehicular traffic and pedestrians.

No All-Terrain Vehicle operator shall have a passenger riding in or on any part of an All-Terrain Vehicle that is not designated or intended to be used by passengers.

All-Terrain Vehicles cannot be operated on anything else other than tires. This restriction does not apply to private property or frozen waters.

An All-Terrain Vehicle operating on a town road may not be modified so that its maximum width exceeds the width allowed for an All-Terrain Vehicle.

No person shall, while operating an All-Terrain Vehicle, engage in the practice of cruising on any town designated ATV route. Cruising is defined as running all or part of the length of a roadway multiple times per day, back and forth, for any purpose other than departing or arriving at their residence or place of lodging, or departing or arriving at a public boat landing.

15.04(11) License and insurance.

Unless otherwise stated elsewhere in this chapter, every person who operates an All-Terrain Vehicle on a town designated 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. § 23.33(12). Every person who operates an All-Terrain Vehicle on a town designated ATV route, and every All-Terrain Vehicle operated on a town designated ATV route, shall carry liability and/or other insurances consistent with Wisconsin state law for the operation of an All-Terrain Vehicle.

15.04(12) Enforcement.

This chapter shall be enforced by any law enforcement official as set forth in Wis. Stat. § 23.33(12), including the issuance of a citation under Wis. Stat. § 66.0113.

15.04(13) Penalties.

All penalties found in Wis. Stat. § 23.33(13)(a) are adopted by reference.

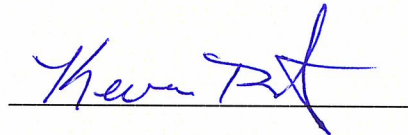
15.04(14) Filing.

This ordinance and revisions thereof shall be sent by the Town Clerk to the Department of Natural Resources, the Walworth County Sheriff's Department and any other law enforcement agency servicing the Town of Lyons jurisdiction.

This ordinance is effective on the 23rd day of November, 2023.

Or as properly posted and published under '60.80, Wis. Stats.

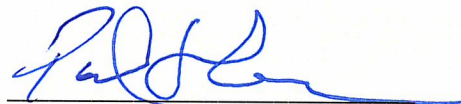
By:



Chairman



Supervisor



Supervisor

ATTEST:



Clerk