

STATE OF WISCONSIN
Town of Washington, Green County

Ordinance# 21-12-13

All-Terrain Vehicle and Utility Terrain Vehicle Routes and Regulations

A. Intent.

The intent of this ordinance is to establish routes and provide for the safe operation of ATVs and UTVs upon all town roads within the Town of Washington

B. Authority.

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

C. Definition

All-terrain vehicle (ATV) — a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of not more than 50 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation, is equipped with a seat designed to be straddled by the operator, and travels on three or more tires.

Utility terrain vehicle (UTV) — 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 weight, without fluids, of 3000 lbs. or less
- Four or more tires
- A steering wheel
- A tail light ♦ A brake light ♦ Two headlights
- A width of not more than 65 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation
- A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident
- 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

ATV/UTV Route — shall have the meaning specified within Wis. Admin code NR 64.02 (2) which states: a highway or sidewalk designated for use by ATV and/or UTV operators by the governmental agency having jurisdiction.

D. Designation and Regulation of ATV and UTV Routes.

1) Adoption of State ATV and UTV Laws and Definitions:

State ATV and UTV laws and definitions found in Wisconsin State Statutes 23.33 and Wisconsin Administrative Code NR 64 are adopted by reference and fully incorporated herein by reference, pursuant to Wisconsin State Statutes 23.33 (11)(a).

2) Routes

a. Any paved Town Road that is signed in accordance with NR 64.12 and NR 64.12(7)c (as those sections may hereafter be amended) may be used by ATVs and UTVs in accordance with such signage and as provided by the applicable portions of s 23.33 Wis. Stats. and this ordinance

b. The following roads within the limit of the Town of Washington cannot be used by ATVs or UTVs:

1. All lettered County Highways (C, J, N) unless County opens portions or all County highways

2. State Highway 69

3) General Age and Safety Certification Requirements under Wisconsin State Statute 23.33

a. No person under 16 may operate an UTV.

b. No person under 12 may operate an ATV

-All ATV operators at least age 12 and born on or after January 1, 1988 must possess a valid ATV safety certificate issued by this state or any other state or province. Operators must be in possession of this certificate while operating.

- All ATV safety certified operators age 12-15 must also be accompanied by an adult (subject to continuous direction or control, but not necessarily on same machine), while operating on a designated ATV route.

c. All ATV/UTV operators and passengers under the age of 18 are required to wear a minimum DOT standard ATV or motorcycle helmet with the chin strap properly fastened.

4) Local Regulation:

All ATV/UTV operators shall obey all State of Wisconsin laws regarding the operation of ATVs/UTVs and the following conditions:

a. All ATV/UTV operators shall operate only on the roadway portion of any town road in the town unless it has been designated and properly signed, in accordance with Wisconsin Natural Resources Administrative Code NR 64.12(7)(c) as an ATV and/or UTV route, by this ordinance.

b. No ATV/UTV may be operated on any designated route between the hours of 1am to 5am.

c. All ATV/UTV operators shall ride on the extreme right side of the pavement except that left turns may be made from any part of the roadway which is safe given prevailing conditions, but shall not operate on the shoulders or in the ditch.

d. All ATV and UTV operators on any portion of a designated route shall not exceed 35 miles per hour, nor above any lesser speed where posted at a lower limit.

e. All ATV/UTV operators on any portion of a designated route shall be single file in a line of ATVs and/or UTVs arranged one behind another.

f. All ATV/UTV operators on any portion of an established designated ATV or UTV route shall always display lighted headlights and taillights conforming to Wisconsin State Statute 23.33 equipment requirements.

g. All ATV/UTV machines operating on Town of Washington routes must be registered through WI DNR and display registered decals and plates.

-NOTE (Dual Registration requirement): *Agricultural purpose registration is defined as "a purpose related to the transportation of farm implements, equipment, supplies, or products on a farm or between farms. This form of registration is valid during operation on public roads for agricultural purposes, but is not valid for operation on public, frozen waterways or public lands otherwise open to ATVs/UTVs. If you want to use your ATV or UTV recreationally as well, you may dual register it for public use also.*

g. No ATV/UTV may be operated on any designed route unless such ATV/UTV meets all applicable State noise standards.

-Section 23.33(6)(e), Stats., requires every ATV to be equipped with a functioning muffler to prevent excessive or unusual noise and with a functioning spark arrester of a type approved by the U.S. forest service. Section 23.33(6m)(a), Stats., was created by Act 251 and prohibits ATVs from emitting noise above 96 decibels when tested according to rules promulgated by the department. NR 64.085 Refusal to allow testing. No operator or owner of any all-terrain vehicle may deny inspection or may refuse to operate his or her all-terrain in a manner prescribed by the law enforcement officer who reasonably suspects a violation of all-terrain equipment requirements found in s. 23.33, Stats.

5) SIGNAGE OF ATV/UTV ROUTES

a. Routes shall be marked with uniform all-terrain vehicle route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code.

-All required designated route sign shall be paid for and maintained by any ATV/UTV club or donations, approved under the direction of the Town of Washington Board.

-The quantity and location of signage shall be reviewed and approved by the Town of Washington Board, where appropriate, placed at the beginning of an ATV/UTV route within the Township and such locations and intervals deemed necessary to enable the ATV/UTV operators to follow the route.

- No person may intentionally remove, damage, deface, move or obstruct any uniform ATV/UTV route sign.

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

6) ENFORCEMENT

This ordinance shall be enforced by any law enforcement officer with jurisdictional authority to enforce the laws of the State of Wisconsin, within the Town of Washington, Green County.

7) Penalties.

a. Any person who violates this ordinance shall forfeit \$150.00-\$2000.00, plus court costs.

b. Nothing in this ordinance is intended to foreclose the enforcement of the provisions of state law with regard to ATV and UTV operation, specifically including Wisconsin State Statute 23.33 in a court of competent jurisdiction.

E. The provision of this ordinance shall be deemed severable, and it is expressly declared that the Town would have passed the other provisions of this ordinance irrespective of whether one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to the other person's circumstances shall not be deemed affected.

F. The Town Clerk shall immediately send a copy of the ordinance to the Wisconsin Department of Natural Resources (WDNR), the state traffic patrol, and to the Green County Sheriff's Department per Wisconsin State Statute 23.33(11)(b).

G. This ordinance shall become effective upon its passage and publication according to law AND upon the installation of appropriate route signage as stipulated in 23.33 (8)(e.) and NR 64.12 and NR64.12(7)c.

Passed this 11 day of December, 2021.

Nannette Hilliard Nannette Hilliard, Chairman

Eldon Grossen Eldon Grossen, Supervisor

Chad Cassidy Chad Cassidy, Supervisor

Attest: Janet Carley Lawson, Clerk

Roll Call Vote:

Chairman Hilliard X Aye ___ / Nay ___

Supervisor Grossen X Aye ___ / Nay ___

Supervisor Cassidy X Aye ___ / Nay ___