

**STATE OF WISCONSIN  
TOWN OF SYLVESTER  
GREEN COUNTY, WISCONSIN**

**ATV/UTV Ordinance  
Ordinance #05-16-23  
Amended 08/15/23**

**The Town Board of the Town of Sylvester, Green County does hereby ordain as follows:**

**Section 1. Authority**

The Town Board of the Town of Sylvester, Green County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle and Utility Terrain Vehicle Ordinance pursuant to the powers granted under Wisconsin Constitution and Wisconsin Statutes including but not limited to Section 23.33(8)(b) and 23.33(11) of the Wisconsin Statutes and the powers granted to the Town Board under the grant of village powers pursuant to Sections 60.22 and 61.34 of the Wisconsin Statutes, for the management and control of highways, and for the protection and promotion of the health, safety and welfare of the public.

**Section 2. Purpose**

The Sylvester Town Board has considered the recreational and economic value of all-terrain vehicle (ATV) and utility-terrain vehicle (UTV) trail opportunities while also considering protecting the safety of all motorists and users of the roadway by maintaining the road edge, surface, and integrity of the right-of-way, public safety, liability aspects, terrain involved, traffic density, and history of automobile traffic. The establishment of this ordinance is for the recreational and economic value to the ATV/UTV users and the public. Sylvester Township makes no warranty expressed or implied that the routes, crossings, or trails are safe for the operation of ATVs and UTVs.

**Section 3. 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, designates all-terrain vehicle and utility terrain vehicle routes in the town and provides for the regulation of the use of those routes and of all-terrain vehicles and utility terrain vehicles in the town.

**Section 4. State Laws & Definitions Adopted**

A. Except as otherwise provided in this Chapter, the statutory provisions in Wis. Stats. Chapters 23, 340 to 348 establishing definitions and regulations with respect to ATVs and UTVs, and Wis. Adm. Code. Ch. NR 64, All-Terrain Vehicles, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made as if fully set forth herein. Unless otherwise provided in this chapter, any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the statutes or administrative codes incorporated herein are made a part of this chapter in order to secure uniform statewide regulation of ATVs and UTVs, except to the extent that the provisions of this chapter are more restrictive.

B. As used in this chapter, the following term shall have the following meaning: "Sponsor" means an individual, organization, or ATV or UTV club that submits an application to the Sylvester Town Board for the designation of a township road or township bridge crossing as an ATV/UTV route and agrees to pay for the costs to make, install, and maintain ATV/UTV route signs. Final approval shall require adoption of an ordinance by the Sylvester Town Board.

## **Section 5. Designation, Modification, Suspension, and Termination of ATV/UTV Routes**

- A. The Sylvester Town Board and Green County Sheriff's Department shall monitor existing and review proposed ATV/UTV routes for compliance with this ordinance and to prevent unauthorized or adverse use of township roadways or unreasonable interference with other private or public property uses.
- B. Any individual, ATV or UTV club, or organization may apply for an ATV/UTV route designation along, or a trail crossing over, a township roadway if they agree to sponsor the ATV/UTV route as required above. The Sylvester Town Board shall apply the criteria listed above when evaluating a proposed ATV/UTV route designation.
- D. The Sylvester Town Board may rescind or modify the designation of an ATV/UTV route by ordinance.
- E. The Sylvester Town Board may temporarily modify or suspend any ATV/UTV route designation upon recommendation of the County Highway Commissioner or Green County.
- F. The County Highway Commissioner may, without prior approval of the Sylvester Town Board, modify or suspend any ATV/UTV route designation for up to 120 days whenever conditions require closure, upon failure of sponsor to pay for repairs and maintenance as provided above, or upon recommendation of the Green County Sheriff. The County Highway Commissioner shall immediately notify the Sylvester Town Board Chair of such closure.
- G. The Green County Sheriff may temporarily close any ATV/UTV route whenever conditions require closure and shall immediately notify the Sylvester Town Board Chair of such closure.
- H. Upon Sylvester Town Board adoption of a designated ATV/UTV route ordinance:
1. The Sylvester Town Clerk shall immediately send a copy of the ordinance to the Highway Department, Wisconsin Department of Natural Resources, Wisconsin State Patrol, and the Green County Sheriff.
  2. A copy of designated ATV/UTV routes, along with a map showing their location, shall be kept on file at the Highway Department, provided to the Sheriff's Department, and posted on the Sylvester Township website.
- I. Designation of segments of the Sylvester Township Roads System as ATV/UTV routes shall not imply and does not impose upon the Sylvester Town Board a greater duty of care or responsibility for maintenance of those segments than for any other segment of Township roadway, nor does it guarantee the safety of the routes. Operators of ATVs/UTVs on Sylvester Town roads designated as an ATV/UTV route assume all the usual and normal risks of ATV/UTV operation.
- J. In addition to establishing ATV/UTV routes to connect ATV/UTV routes and trails as defined in Wis. Stat. §23.33(1)(d), the Sylvester Town Board may establish routes for the purpose of connecting off-road trails established by private entities for the exclusive use of their members, their invitees, or other persons paying a fee for use of the trail. However, the use of the route along the roadway may not be limited to those persons approved by or paying a fee to the private entity.

## **Section 6. ATV/UTV Routes**

- A. At the discretion of the Sylvester Town Board and per the vote of the electorate at the November 2022 election, all Town roads within the Town of Sylvester have been designated as ATV/UTV routes.
- B. All County roadways located within the Town of Sylvester are hereby declared as ATV/UTV routes only if authorized by the County of Green. All State highways in the Town of Sylvester are declared as ATV/UTV routes only if authorized by the State of Wisconsin.

- C. All authorized ATV/UTV routes shall be signed in accordance with Wisconsin State Statute 23.33(8)(e). Sylvester Township, or its designee, shall maintain all route signs within the Town.
- D. Any restrictions on authorized routes shall be designated by majority vote of the Town Board and shall be marked and/or signed accordingly.

### **Section 7. Signage of ATV/UTV Routes**

- A. The Township Clerk shall obtain an estimate of the cost of procurement and installation of the signage and furnish the estimate to the sponsor. The sponsor for an ATV/UTV route designation shall pay for the projected cost of procurement and installation of signs relating to the ATV/UTV route, as determined by the Sylvester Town Board.
- B. Upon passage of an ordinance designating an ATV/UTV route on a Township roadway, the sponsor shall provide the Sylvester Town Clerk payment of the full cost for procurement and installation of signs for the approved ATV/UTV route. Failure to make payment in full may result in the Sylvester Town Board suspending the designated ATV/UTV route until payment in full is received by the Sylvester Town Clerk.
- C. The Green County Highway Department, with approval from the Sylvester Town Board, is solely responsible for ATV/UTV route signage installation and no person may install any sign on a designated ATV/UTV route without written authorization of the Highway Commissioner. All required signs shall be in accordance with state statutes and administrative codes applicable to ATV/UTV routes on township roadways and bridge crossings.
- D. No person may erect, remove, obscure, or deface any authorized ATV/UTV route sign without written authorization of the Sylvester Town Board and Green County Highway Commissioner.
- E. A sponsor is solely responsible for all ATV/UTV route sign maintenance and repair costs. Upon determining need for repair or maintenance, the Green County Highway Commissioner shall provide to the Sylvester Town Board an approved ATV/UTV route a statement of the cost for repair and maintenance. The Sylvester Town Clerk shall then provide the sponsor with said route statement of the cost for repair and maintenance. Full payment for cost of repair and maintenance must be paid to the Sylvester Town Clerk within 30 days of receipt of statement. Failure to make payment in full may result in temporary suspension of the designated ATV/UTV route until payment is made in full.

### **Section 8. Construction and Maintenance of ATV/UTV Routes, Approaches, or Crossings**

Required construction and maintenance of crossings and routes shall be performed as follows:

- A. The sponsor shall furnish all materials, do all work, and pay all costs in connection with the construction or maintenance of the approach or crossing and its appurtenances within the right-of-way to the standards required by the Township. The Township shall not give, sell, or otherwise provide any equipment, labor, or materials for the project.
- B. The sponsor shall construct any roadway approach or crossing utilizing a pre-approved plan and traffic control procedure explained by an authorized Sylvester Town employee. The Sylvester Town employee shall inspect the site of each route and each crossing before and during construction to ensure compliance with requirements.
- C. Maintenance of approaches or crossings is the responsibility of the sponsor signing the application. The Sylvester Town Board may monitor approaches and crossings on a periodic basis. The results of these reviews may indicate a need for maintenance. In such case, the Town Board will notify the sponsor signing the application of those needs and the sponsor will have 10 days to complete the necessary maintenance or repairs. Failure to timely complete the necessary maintenance or repairs may result in the suspension or closure of the approved ATV/UTV route.

D. No revisions or additions shall be made to the route or crossing or its appurtenances on the right-of-way without the written permission of the Sylvester Town Board.

E. All construction and maintenance shall be done subject to the rules and regulations prescribed by the Sylvester Town Board and be performed and completed to the Town Board's satisfaction.

F. All trails, approaches, and crossings must meet and comply with all local regulations and ordinances.

### **Section 9. Operation on ATV/UTV Routes and Crossings**

A. No person shall operate an ATV or UTV on a Sylvester Township roadway unless the Township roadway has been designated as an ATV/UTV route by the Sylvester Town Board, except for operation that is allowed under state statutes or administrative code.

B. No person shall operate an ATV or UTV on a Sylvester Township roadway designated as an ATV/UTV route if the Township roadway is closed for any reason.

C. The following restrictions apply to operation of ATVs and UTVs on all Sylvester Township roadways designated as ATV/UTV routes:

1. Operators shall abide by all traffic laws, including the rules of operation and equipment requirements contained in Wis. Stat. §23.33 and Wis. Adm. Code. Ch. NR 64, unless further restricted by this ordinance.
2. ATVs and UTVs may only be operated on an approved ATV/UTV route between the hours of 4:00 a.m. to 10:00 p.m. The hours of operation and speed limit will be listed on the ATV/UTV route signs paid for by the sponsors on Township routes.
3. ATVs and UTVs shall be operated on a route at a safe speed not to exceed 35 miles per hour unless a reduced speed is otherwise required by law or roadway conditions.
4. All ATV and UTV operators shall slow to a safe and prudent speed when there are animals on or near the roadway.
5. All ATVs and UTVs must operate with fully functional headlights, taillights, and brake lights. All ATV or UTV operators shall ride in single file on the extreme right-hand side of the paved portion of the highway. Operation on the gravel shoulders, grassy in-slope, ditches, or other roadway right-of-way is prohibited. Left turns may be made from any part of the highway when it is safe given prevailing conditions.
6. Crossing should be made only at a place where no obstruction prevents a quick and safe crossing. "Obstruction" includes, but is not limited to, impairment of view and potentially hazardous roadway conditions.
7. No person under the age of 16 may operate an ATV or UTV on any segment of a Sylvester Township roadway.
8. Every person who operates an ATV or UTV on any segment of a Township roadway, which is designated as an ATV/UTV 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, state patrol officer, inspector under Wis. Stat. § 110.07(1), conservation warden, or municipal peace officer.
9. No person may ride in or on any part of an ATV or UTV that is not designated or intended to be used by passengers.

10. No operator or passenger of an ATV or UTV may possess, in or on an ATV or UTV on any Township roadway, any bottle or receptacle containing alcoholic beverages if the bottle or receptacle has been opened, the seal has been broken, or the contents of the bottle or receptacle have been partially removed or released.

11. All ATV and UTV equipment is required to have applicable liability insurance and have proof of insurance.

12. No person may operate an ATV or UTV after sunset or before sunrise without functioning directional signal lamps on both the front and back of the ATV or UTV.

### **Section 10. Enforcement**

A. This chapter shall be enforced by any law enforcement official as set forth in Wis. Stat. §23.33(12).

B. Adoption of this chapter 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 under this ordinance.

### **Section 11. Penalties and Remedies**

A. Any person who violates any section of this ordinance or statutes adopted by reference shall pay a forfeiture of not less than \$50.00 nor more than \$500.00 for each offense, as established in Green County Code Section 7-4-33. Said forfeiture is exclusive of mandatory assessments and costs.

B. If it cannot be readily determined which individual is directly responsible for damage to or destruction of a route designation requirement, the person having signed the permit application shall be deemed responsible and cited for violations. A statement to that effect shall appear on the application above the signature line. A failure to pay such forfeiture may form a basis for revocation of a permit.

C. The penalty for operating an ATV/UTV off the roadway of a designated ATV/UTV route to include the grassy in-slope, ditches, or other highway right-of-way; other than for direct access from a trail to a roadway on a designated trail, or operating outside of permitted times for route use, or operating in excess of permitted speed; shall result in a forfeiture of not less than \$100.00 nor more than \$250.00, as established in Green County Code Section 7-4-33. Said forfeiture is exclusive of mandatory assessments and costs.

D. In addition to any forfeiture, a court may order restitution to repair any damage caused by violation of this chapter.

### **Section 12. Severability**

Should any portion of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part declared invalid.

### **Section 13. Effective Date**

This ordinance is effective upon adoption.

Adopted this 16th day of May, 2023.

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Chair Anna Anderson

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1<sup>st</sup> Supervisor Terry Reed

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2<sup>nd</sup> Supervisor Dale Howarth

Attested by:

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Clerk/Treasurer Catrina Bennett

Amended this <sup>17<sup>th</sup></sup> 5th day of August, 2023.

Anna M Anderson  
Chair Anna Anderson

Dale Howarth  
2<sup>nd</sup> Supervisor Dale Howarth

Attested by:

Terry Reed  
1<sup>st</sup> Supervisor Terry Reed  
Catrina Bennett  
Clerk/Treasurer Catrina Bennett