

Ordinance # 2021-01
All-Terrain Vehicle Route
Town of Maine, Outagamie County

AN ORDINANCE DESIGNATING ALL-TERRAIN VEHICLE ROUTES AND
REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES

Section 1 – Intent

To create uniform procedures and requirements for the use and operation of All Terrain Vehicles and Utility Terrain Vehicles on Town Roads. The Town of Maine, Outagamie County adopts the following all-terrain vehicle ordinance/route for the operation of all-terrain vehicles upon the roadways listed in Section 4. Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created.

Section 2 - Definitions

In this section, words and phrases used herein shall have the meaning as defined by Wis. Stat. § 23.33(1), unless otherwise defined herein. All-terrain vehicles (hereinafter referred to as ATVs) shall have the definition given in Wis. Stat. § 340.01(2g). Utility terrain vehicles (hereinafter referred to as UTVs) shall have the definition given in Wis. Stat. § 23.33(1) (ng). Any reference to a Wisconsin Statute Section or Administrative Code Regulation is a reference to that specific chapter, section, code, or its successor chapter, section, or code. Any future amendments, revisions, or modifications of the statutes or administrative code incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of all-terrain vehicles

Section 3 - Statutory Authority

The Town of Maine is authorized to designate Town roads as ATV/UTV routes pursuant to Wis. Stat. § 23.33(8)(b) and is authorized to enact ordinances regulating ATVs and UTVs on designated routes pursuant to Wis. Stat. § 23.33(11)(a).

Section 4 - Routes

The following roads are designated as routes;

- A. All "TOWN" roads within the Town of Maine.
- B. No "COUNTY" or "STATE" highways are ATV/UTV routes.
- C. Said routes are further described and identified by the attached map.
- D. Routes will be signed in accordance with NR 64.12, and NR 64.12(7)c.

Section 5 - Regulations

Except as otherwise provided herein, the statutory provisions of Wis. Stat. § 23.33 and Wis. Admin. Code NR § 64, which create, describe, and define regulations with respect to ATVs and UTVs, are adopted and, by reference, made a part of this Code as if fully set forth herein.

(a) *Operator and Rider Requirements.* Any person who operates or rides as a passenger on an ATV or UTV on a roadway that is an ATV/UTV route in the Town of Maine or Outagamie County designated pursuant to Wis. Stat. § 23.33(8)(b), or an ATV/UTV route in Town of Maine or Outagamie County designated pursuant to Wis. Stat. § 23.33(8)(c), must meet the following requirements:

- (I) Any operator or passenger shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including those outlined in Wis. Stat. § 23.33 and Wis. Admin. Code NR § 64. All ATV/UTV rules of operation outlined in Wis. Stat. § 23.33 and Wis. Admin. Code NR § 64 are adopted and incorporated by reference in this Ordinance.
- (II) No person may operate an ATV or UTV without having attained the age of 16.
- (III) No person may operate an ATV or UTV without a valid driver's license
- (IV) All operators shall have a liability insurance policy in force on any ATV or UTV operated on an ATV/UTV route or route. The liability insurance policy must have the following minimum coverages:
 - (a) \$10,000 for property damage
 - (b) \$25,000 for the injury or death of one person
 - (c) \$50,000 for the injury or death of more than one person

Section 6 - Rules of Operation.

The operation of an ATV or UTV on a roadway that is an ATV/UTV route in the Town of Maine and Outagamie County designated pursuant to Wis. Stat. § 23.33(8)(b)l, or an ATV/UTV route in the Town of Maine and Outagamie County designated pursuant to Wis. Stat. § 23.33(8)(c), is subject to the following rules of operation:

(I) Any operator or passenger shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including those outlined in Wis. Stat. § 23.33 and Wis. Admin. Code NR § 64. All ATV/UTV rules of operation outlined in Wis. Stat. § 23.33(3) and NR§64 are adopted and incorporated in this Ordinance

(II) Operators may only operate on a designated ATV/UTV route signed in accordance with Wis. Stat. § 23.33(8)(e).

(III)*Speed Limits.* Operators on ATV/UTV routes shall observe a speed limit not to exceed **35 miles per hour** or the posted speed limit on the roadway, whichever is less.

(IV) Operators shall ride in single file in the roadway. Roadway is defined in the same manner as defined in Wis. Stat. s. 340.01(54),

(V) Operators may not operate an ATV or UTV on an ATV/UTV route at any time before or after Operating Hours. **Operating Hours are designated as sunrise and sunset.**

(VI) All ATVs and UTVs must operate with fully functional headlamps, tail lamps, and brake lights.

(V) Every ATV or UTV shall be equipped, maintained, and operated to prevent excessive or unusual noise. No person shall operate an ATV or UTV on an ATV/UTV Route unless the vehicle is equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation

Section 7 - Enforcement

(I) Any act that is required or is prohibited by any statute or administrative code provision incorporated herein by reference is required or prohibited by this Code.

(II) An officer of the state traffic patrol under s. 110.07 (1), inspector under s. 110.07, conservation warden appointed by the department under s. 23.10, county sheriff or municipal peace officer has authority and jurisdiction to enforce this section and ordinances enacted in accordance with this section.

(III) No operator of an all-terrain vehicle or utility terrain vehicle may refuse to stop after being requested or signaled to do so by a law enforcement officer or a commission warden, as defined in s. 939.22 (5).

Section 8 – Penalties

Wisconsin state All-Terrain Vehicle penalties as found in s. 23.33 (13) (a) Wis. Stats., are adopted by reference.

(I) Any forfeiture for a violation of State Statute or Administrative Code adopted by reference in this Ordinance shall conform to the forfeiture permitted to be imposed for violation of said statutes or code provisions as set forth therein.

(II) Any violation of a section of this Ordinance without a penalty specified by statute or administrative code shall be punishable as provided in Outagamie County Ordinance 1-10

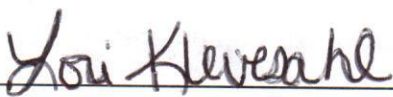
Section 9 - Severability

The provision of this ordinance shall be deemed severable and it is expressly declared that the Town of Maine would have passed the other provisions of this ordinance irrespective of whether or not 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 other persons circumstances shall not be deemed affected.

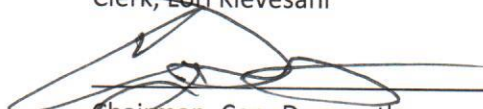
Section 10 - Effective Date

This ordinance becomes effective upon passage, route signage, and publication.

Passed this 10th Day of August, 20 21



Clerk, Lori Klevesahl



Chairman, Cory Demerath