

ORDINANCE NO. 2024-01

Town of Rhine, Sheboygan County, Wisconsin

**AN ORDINANCE CREATING SECTION 3.04
OF THE TOWN OF RHINE MUNICIPAL CODE
ESTABLISHING ALL-TERRAIN VEHICLE (ATV) AND
UTILITY TERRAIN VEHICLE (UTV) ROUTES**

WHEREAS, the ownership and use of all-terrain vehicles (“ATVs”) and utility terrain vehicles (“UTVs”) has in recent years increased within and around the Town of Rhine, resulting in requests by the users of such vehicles to be able to travel on roads within the Town; and

WHEREAS, pursuant to §§ 23.33(8)(b) and 23.33(11)(am)4., Wis. Stats., the Town Board has the authority to pass a local ordinance and designate the places in the Town where Town roads and certain other roads within the territorial boundaries of the Town may be used by ATVs and UTVs (hereafter “Town ATV/UTV Routes”); and

WHEREAS, pursuant to Sheboygan County Code § 26.07, the Town may request that ATVs and UTVs be allowed on additional roads under the jurisdiction of Sheboygan County for which the speed limit is more than 35 miles per hour (hereafter “County ATV/UTV Routes”); and

WHEREAS, the Town Board desires to establish both such ATV/UTV Routes to regulate the safe operation of ATVs and UTVs in the Town to provide for the health and safety of all users of roads within the Town;

NOW, THEREFORE, the Town of Rhine Board of Supervisors does ordain as follows:

Section 1: Creating Code. Section 3.04 of the Town of Rhine Municipal Code concerning ATV/UTV usage on certain roads within the Town is created to read as follows:

3.04 ATV/UTV USAGE ON PUBLIC HIGHWAYS

(1) Designation of ATV/UTV Routes.

(a) Town ATV/UTV Routes. The following are designated as “ATV/UTV Routes” where all-terrain vehicles (“ATVs”) and utility terrain vehicles (“UTVs”) may operate: all Town roads (except as set forth in (c), below) and all state and county highways within the Town for which the speed limit is 35 miles per hour (MPH) or less (except as set forth in (c), below).

(b) County ATV/UTV Routes. Certain additional Sheboygan County highways within the Town (for which the speed limit is more than 35 MPH) have been designated as ATV/UTV Routes, following the request of the Town and the approval of the Sheboygan County Transportation Committee pursuant to § 26.07 of the Sheboygan County Code. See Table/Map 3.04.

(c) Exceptions. The following roads are NOT designated as Town ATV/UTV Routes:

None.

(d) The Town reserves the right to open and close Town ATV/UTV Routes, and to withdraw its support for County ATV/UTV Routes, as it deems appropriate by a simple majority vote of the Town Board.

(2) Signage.

(a) All ATV/UTV Routes within the Town shall be marked with uniform ATV and UTV route signs in accordance with § 23.33(8)(e), Wis. Stats., and NR 64.12(7), Wisconsin Administrative Code.

(b) No person may do any of the following in regard to signs marking ATV/UTV Routes:

1. Intentionally remove, damage, deface, move or obstruct any sign or standard;

2. Intentionally interfere with the effective operation of any sign or standard legally placed by the state, any municipality or any authorized individual;

3. Possess any uniform ATV/UTV 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 same in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.

(3) Restrictions for Operating on Designated ATV/UTV Routes. The following provisions or restrictions apply to the operation of ATVs and UTVs on Town ATV/UTV Routes:

(a) ATVs/UTVs must be operated on the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions, pursuant to s. 23.33(4)(d)4., Wis. Stats.

(b) ATVs/UTVs must be operated single file (not side-by-side).

(c) ATVs/UTVs shall not exceed 35 miles per hour or the posted roadway speed limits, whichever is less.

(d) ATVs/UTVs shall not exceed 10 mph within 150 feet of a dwelling.

(e) ATVs/UTVs shall at all times display a lighted headlamp, tail lamp, working brake light and registration plate.

(f) Solo operators must be at least 16 years old and possess a valid motor vehicle driver's license.

(g) Operators born after December 31, 1987, must have completed an approved ATV/UTV safety certification course.

(h) Operators and ATV/UTV operations are otherwise subject to the provisions of s. 23.33, Wis. Stats., which is adopted as a part of this ordinance by reference.

(i) No person under age 18 may operate or be a passenger on an ATV or UTV without wearing protective headgear of the type required under s. 347.485(1)(a), Wis. Stats., with the chin strap properly fastened, except as exempted under s. 23.33(3g)(b, c & d), Wis. Stats.

(j) Approved hand signals are required whenever the operator intends to change direction if the vehicle is not equipped with turn signals.

(4) **Enforcement.** This section shall be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin or the Town of Rhine.

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

(6) **Liability.** ATV/UTV operation is at the risk of the operator and any passenger(s). In establishing ATV/UTV routes for recreational use, the Town intends to utilize the liability and immunity protections provided under s. 895.52, Wis. Stats., but the Town does not waive any other liability exemptions and/or limitations afforded the Town under Wisconsin law.

Section 2: Retitling Code. Chapter 3 of the Town of Rhine Municipal Code shall be retitled "Snowmobiles, ATVs and UTVs".

Section 3: County ATV/UTV Routes.

3.1 This ordinance shall serve as the Town's request of Sheboygan County to establish the County ATV/UTV Routes as set forth above, which the Town determines are needed to meaningfully connect Town ATV/UTV Routes.

3.2 The Town will be responsible for signage cost, installation and maintenance for County ATV/UTV Routes.

3.3 The Town Clerk/Treasurer shall forward a copy of this ordinance and Table/Map 3.04 to the Sheboygan County Transportation Department and the Sheboygan County Planning, Resources, Agriculture, and Extension Committee, pursuant to § 26.07 of the Sheboygan County Code.

Section 4: Severability. Should any portion of this Ordinance or the affected Code Section(s) be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 5: Effective Date. This Ordinance shall take effect upon publication or posting, and placement of the necessary ATV/UTV Route signage.

Section 6: Notification. Pursuant to s. 23.33(11)(b), Wis. Stat., the Town Clerk/Treasurer shall also send a copy of this ordinance to the Wisconsin Department of Natural Resources, the Wisconsin State Patrol, the Sheboygan County Sheriff and the Village of Elkhart Lake Police Department (the contracted law enforcement agency serving the Town).

Enacted on: Jan. 2, 2024

TOWN OF RHINE

By: 
RON PLATZ, Town Chair

CLERK'S CERTIFICATION OF ENACTMENT

I certify that the foregoing Ordinance was duly enacted by the Town of Rhine Board of Supervisors on the date indicated above.

Dated: January 2, 2024


Amy Weber, Town Clerk/Treasurer

Posted/Published on: 1-16-24 by AW.