

Ordinance No. 2015-09-14-1
Amended: Tuesday August 16, 2022

An Ordinance to replace the original and amended All-Terrain Vehicle and Utility-Terrain Vehicle Routes Ordinance with an ordinance that will regulate All-Terrain Vehicle and Utility-Terrain vehicle routes and regulating the operation of All-Terrain and Utility-Terrain vehicles on Town of Elba Streets and Roads

Section 1: Title, Purpose, Definitions

Title: Town of Elba All-Terrain Vehicles and Utility-Terrain vehicles operating on roadways

Definition: All-Terrain vehicles and Utility- Terrain vehicles are hereinafter known as ATV/UTV.

Purpose: Is to establish ATV/UTV routes in the Town of Elba and to regulate the usage and operation of ATV/UTV on Town of Elba streets and roads.

All-Terrain Vehicle: has the meaning specified under s.340.01 (2g), Wis. Stats. "All-terrain vehicle" means a commercially designed and manufactured motor-driver device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipment with a seat designed to be straddles by the operator, and travels on three or more low-pressure tires or non-pneumatic tires.

Utility-Terrain Vehicle: means any of the following:

1. 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 card, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off a highway, and that has, and was originally manufactured with, all of the following:
 - a. A weight, without fluids, of 3,000 pounds or less.
 - b. Four or more low-pressure tires or non-pneumatic tires.
 - c. A steering wheel.
 - d. A tail light
 - e. A break light
 - f. Two headlights
 - g. A with of not more than 65 inches
 - h. A system of seat belts, or similar system, for restraining each occupant of the device in the event of an accident.
 - i. 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.
2. A commercial designed and manufactured motor driven device to which all of the following applies:
 - a. It has a weight, without fluids of more than 900 pounds but not more than 3,000 pounds.

- b. It has a width of 50 inches or less.
- c. It is equipped with a seat designed to be straddled by the operator.
- d. It travels on three or more low-pressure tires or non-pneumatic tires.

Section 2: Authority

The Town Board of the Town of Elba, Dodge County, Wisconsin, has the specific authority to adopt this ATV/UTV Ordinance under s.23.333(9)(b) and (11) , Wis. Stats.

Section 3: Adoption or 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 of the Town to designate ATV/UTV routes in the Town and to regulate the use of those routes and all ATV/UTV use in the Town.

Section 4: Designation of ATV/UTV Routes

All official town streets and roads within the Town of Elba are designated as ATV/UTV routes. In accordance with 23.33(9), ATV/UTV signs will be posted at all entrances to the township. Under Wisconsin Act 87, all State and County roadways with a posted speed limit of 35 mph or less are included as ATV/UTV routes under this ordinance. No ATV/UTV shall be allowed to operate on Town of Elba roadways between the hours of 11:59 pm and 5:00 am.

Section 5: Conditions Applicable to ATV/UTV Routes

Pursuant to s.23.33 (9)(d), Wis. Stats., the following restrictions are placed on the use of the Town of Elba ATV/UTV routes designed by this ordinance:

- A. All person's operation an ATV/UTV on a roadway in the Town of Elba must have a valid Wisconsin Driver's License. No one under the age of 16 is allowed to operate a ATV/UTV on any Town of Elba roadway.
- B. All ATV/UTV must be properly licensed and/or registered by the State of Wisconsin.
- C. Operation of ATV/UTV on a roadway in the Town of Elba that is an ATV/UTV routes is authorized only for the extreme right side of the roadway except those left turns may be made from any part of the roadway that is safe given prevailing conditions.
- D. All ATV/UTV routes shall be a speed limit based on current speed limits within the township. All ATV/UTV operators shall slow the vehicle to a safe speed when within 100 feet of pedestrians or animals.
- E. All ATV/UTV operators shall ride single file.
- F. All ATV/UTV drivers and passengers under 18 are required to wear a helmet.
- G. All UTV drivers and passengers are required to always wear seatbelts.
- H. Proof of liability insurance is highly recommended.

Section 6: A copy of this ordinance shall be sent by the Town Clerk to the Department of Natural Resources and the Dodge County Sheriff's office.

Section 7: Enforcement

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of The State of Wisconsin.

Section 8: Penalties

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

Section 9: Severability

If any provision of this ordinance or its application to any person or circumstances is held invalid, this invalidity does not affect other provisions or applications of this ordinance that be given effect without the invalid provision or application, and to this end the provision of this ordinance are severable.

Section 10: Reserved Authority

The Town of Elba town board reserves the right to repeal this ordinance and prevent all use of ATV/UTV on Town of Elba roadways.

Section 11: Effective Date

This ordinance is effective on publication or posting, and installation on proper signage. The Town Clerk shall properly publish this ordinance as required under s. 60.80, Wis Stats.

Adopted by the Town Board on this 16th day of August 2022.

Roll Call Vote

Jerry Gaska yes

Paul Walz yes

Peter Larson yes

BY:

Jerome Koh 9-20-22
Chairman, Jerry Gaska

Paul Walz 9-20-22
Supervisor, Paul Walz

Peter Larson 9/20/22
Supervisor, Peter Larson

Attest:

Lori Koenig-Fry 9/20/2022

Town Clerk, Lori Koenig-Fry