

**ORDINANCE 2026-05**

**ALL-TERRAIN VEHICLE AND**

**UTILITY TERRAIN VEHICLE ROUTE ORDINANCE**

It is hereby ordained by the Town Board for the Town of Arcadia Trempealeau County, Wisconsin, as follows:

**SECTION I. - PURPOSE:** The purpose of this ordinance is to establish all-terrain vehicle (as defined in 23.33(1)(b) Wis. Stats., hereinafter referred to as "ATV") and utility terrain vehicle (as defined in 23.33(1)(ng) Wis. Stats., hereinafter referred to as "UTV") routes in the Town of Arcadia and to regulate the operation of ATV/UTVs in the Town of Arcadia.

**SECTION II. - AUTHORITY:** The Town Board of the Town of Arcadia Trempealeau County, Wisconsin, has specific authority to adopt this ATV/UTV Route Ordinance under 23.33(8)(b) and (11), Wis. Stats.

**SECTION III. - ADOPTION OF ORDINANCE:** This ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice have been given, provides the Town of Arcadia the authority to designate ATV/UTV routes in the Town of Arcadia and provides for the regulation of the use of those routes and of ATV/UTVs in the Town of Arcadia.

**SECTION IV. - OPERATION OF ATV/UTVS:** Pursuant to 23.33 (4) (d) 4., Wis. Stats., except as otherwise provided in 23.33, Wis. Stats., no person may operate an ATV/UTV on the roadway portion of any highway in the Town except on roadways that are designated as ATV/UTV routes by this ordinance. Operation of ATV/UTVs on the roadway in the Town that is an ATV/UTV route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway which is safe given prevailing conditions.

**SECTION V. - DESIGNATION OF ATV/UTV ROUTES:**

(a) All Town of Arcadia roads are open to ATV/UTV travel unless previously posted otherwise. All ATV/UTV routes in the Town of Arcadia are open year-round. However, the Town of Arcadia may close ATV/UTV routes at any time due to road emergencies including, but not limited to, blizzards, flooding or other safety hazards.

- (1) *ATV/UTV Route on Roadway.* All ATVs/UTVs shall operate on the roadway and not on the shoulder, ditch, or other parts of the highway right-of-way on a signed ATV route.
- (2) *ATV/UTV Route Violations - Penalty.* The penalty for operating an ATV/UTV off the roadway of a designated ATV/UTV route (i.e., the paved surface), other than for direct access from a trail to a roadway, 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 \$25.00, plus court costs.

**SECTION VI. - PERMIT PROCESS**

- (1) Any municipality or organization, that desires a route along, or a crossing over, a Town Road may request a route or crossing permit. Anyone requesting a permit shall complete an application in compliance with this policy and the Wisconsin Statutes and file the application with the Town Board. The Town Board will review the application using the process in this ordinance. No person shall commence or continue using the Town Road, or request of allow others to commence or continue use of that Town Road, unless a permit has been issued and remains in effect.
- (2) Procedure to follow in considering a permit for and ATV/UTV Route/Crossing:
  - (a) The Municipality or organized group may apply for a permit. The application shall be filled out completely, signed by a person authorized by the applicant, and returned to the Town Board.
  - (b) The permit application will be reviewed by the Town Board for conformance with its policies, the ordinance and with all applicable state, federal, and local laws regulations, and policies.

- (c) At minimum the application should include:
  - (i) A map showing the portion of the roadway where the route is being requested.
  - (ii) A map showing that trails which lead up to the proposed roadway route.
  - (iii) A statement that the application has a lease or some other permission from landowners to use the trails shown on the map;
  - (iv) A statement as to why the roadway route is needed and efforts made to establish off-road alternatives, including the names of landowners contacted for that purpose.
  - (v) If the application is for the use of the road to connect to private trails, then include the name of the organization applying, the names and addresses of its officers, the date when the organization was established or incorporated and the number of its members.
- (d) The Town Board shall have authority to approve applications for permits under this ordinance. The Town Chair shall indicate approval by signature before any permit may be issued. The Town Board will retain a copy of the application on file.
- (3) Before a roadway segment can be considered for designation as an ATV/UTV route, the applicant shall demonstrate to the Town Board, and the Town Board shall determine, that no other practical option as a trail exists. The most important route consideration is the safety of all users: ATV/UTV riders, pedestrians, bicyclists, motorcyclists, automobile operators, truck operators and others.
- (4) Issued permits are indefinite and no renewal is necessary.

## SECTION VII. - CONDITIONS APPLICABLE TO ATV/UTV ROUTES:

Pursuant to 23.33 (8) (d), Wis. Stats., the following restrictions are placed on the use of the Town ATV/UTV routes designated by this resolution:

- A. Routes shall be marked with uniform ATV/UTV route signs in accordance with s. NR 64.12 and NR 64.12 (7) c, Wisconsin Administrative Code. No person may do any of the following in regard to signs marking Town ATV/UTV routes:
  - 1. Intentionally remove, damage, deface, move or obstruct any uniform ATV/UTV route of trail sign of standard, or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail sign of standards if the sign is legally placed by the state, any municipality or any authorized individual.
  - 2. 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 uniform ATV/UTV route of trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV route of trail sign or standard creates a rebuttable presumption of illegal possession.
- B. Operation shall be subject to all provisions of 23.33, Wis. Stats, which is incorporated into and is made a part of this ordinance by reference, pursuant to 23.33(11), Wis. Stats.
- C. A copy of this ordinance shall be forwarded by the Town Clerk to the Trempeleau County Sheriff's Department, the Wisconsin State Patrol and Wisconsin Department of Natural Resources, all Pursuant to 23.33(3) Wis. Stats.
- D. This ordinance will be reviewed annually at the first regularly scheduled Town Board meeting in April.
- E. The following shall apply to all ATV/UTV operators when operating on any Town road:
  - (1) An ATV/UTV shall be operated within the posted speed limit on any given roadway unless a reduced speed is otherwise required by State Statute.
  - (2) All ATV/UTV operators shall ride single file on the paved surface of the right-hand portion of the road (not in ditches).
  - (3) All ATV/UTV operators shall maintain liability insurance for their ATV/UTV in the amount established by the State of Wisconsin for motor vehicle operation and, by utilizing any ATV/UTV, agrees to fully

indemnify and hold harmless Town of Arcadia for all liability arising from the use or non-use of an ATV/UTV on Town of Arcadia Roads.

- (4) All ATV/UTVs operating on a roadway must be equipped with functioning headlamps and tail lamps which must be utilized at all times when operating.
- (5) All ATV/UTV operators born on or after January 1, 1988 shall possess a valid DNR issued Safety Certificate.
- (6) On all roads shared with another jurisdiction, the most restrictive ordinance shall apply.
- (7) All ATV/UTV drivers must comply with the age restrictions as set forth under Wis. Stat. 23.33(5).
- (8) All operators under the age of 18 must wear a helmet as required by Wis. Stat. 23.33.
- (9) All roads are considered open unless previously posted otherwise.

#### **SECTION VIII. - ROUTE CROSSING SIGNAGE INSTALLATION AND MAINTENANCE**

- (1) *Initial Installation.* During the Town Board review of the route of crossing, the Town Board will determine the necessary signage on the route of crossing. At such time as the permit is approved the Town Board shall install the necessary signage. The permittee shall pay for all the materials and labor for the Town Board to install the signage prior to commencing construction on the approach or crossing. A route is not open to use until signs are installed.
- (2) *Sign Maintenance.* The Town Board will maintain the signage necessary for the route/crossing and bill the permittee for that maintenance. Should the permittee fail to pay for the maintenance then the route will be closed and signs removed until such time as the removal costs, the sign maintenance costs, and the projected resigning costs are paid in full.

#### **SECTION IX. - REVIEW OF DENIAL PERMIT**

- (1) If the Town Board denies a request for a permit under this policy or revokes a permit issued under this policy, the Town Board shall, upon written request by the applicant within 30 days after the denial, review the Town Board's decision. A written request shall be deemed made when it is received at the Town Board.
- (2) The Town Board shall schedule a hearing at which it will consider such a request, such hearing to be held within 45 days after receipt of request. The person making the request shall be given notice of that hearing, and at the hearing shall have the opportunity to present evidence to the Town Board concerning the reasons for the request.
- (3) Within 30 days after the hearing the Town Board shall make its decision regarding the request. It may reverse, confirm, or modify the decision of the Town Board. The Town Board shall thereafter take action in conformance with the committee's decision.

## SECTION X - PENALTIES

- (1) Any person who violates any section of this ordinance of statutes adopted by reference, other than subsections V(a)(1)(2) and VII (e) (1), shall pay a forfeiture of not less than \$50.00 nor more than \$500.00 for each offense. In case of a continuing violation, each day that the violations continues may be considered a separate violation.
- (2) Any applicable penalties under Wis. Stat. 23.33 (13) are hereby incorporated by reference as if set forth fully herein.

## SECTION XI - ENFORCEMENT

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

## SECTION XII - SEVERABILITY

The provisions of this ordinance shall be deemed severable. If any provision of this ordinance or its applications 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 XIII - EFFECTIVE DATE:

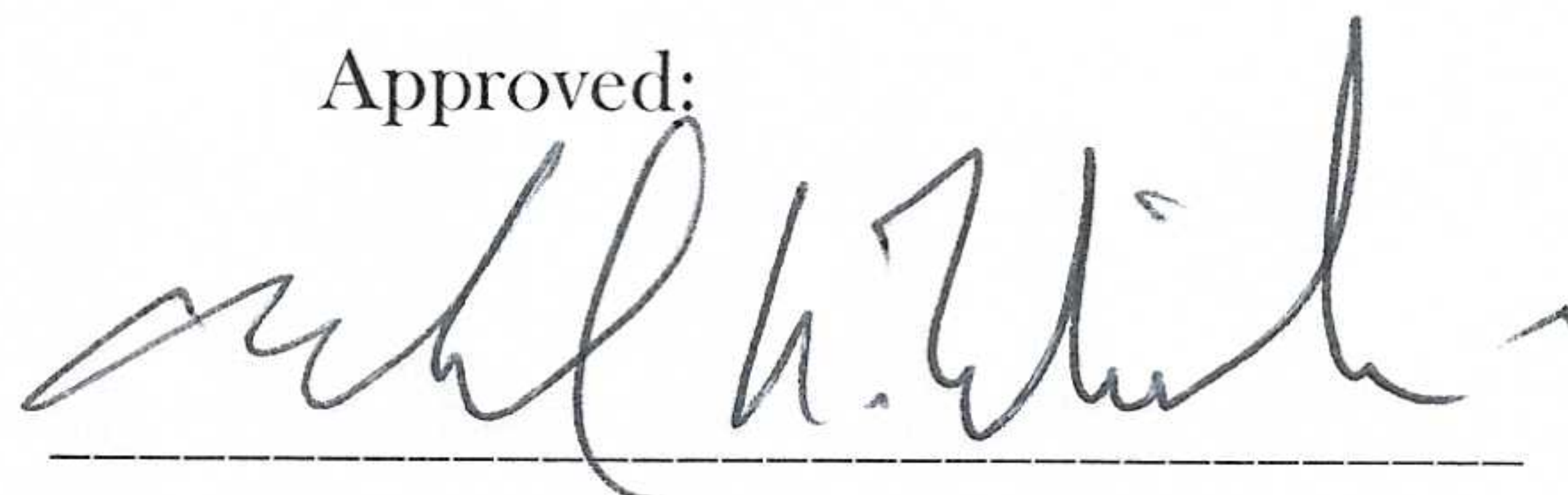
This ordinance becomes effective upon publication of posting as required by law and the proper signing of all routes as required by this ordinance. This ordinance replaces the Ordinance 2024-03 in its entirety.

The Town Clerk shall properly publish this ordinance as required under 60.80, Wis. Stats.

Passed, adopted and approved this 13<sup>th</sup> day of May, 2026,

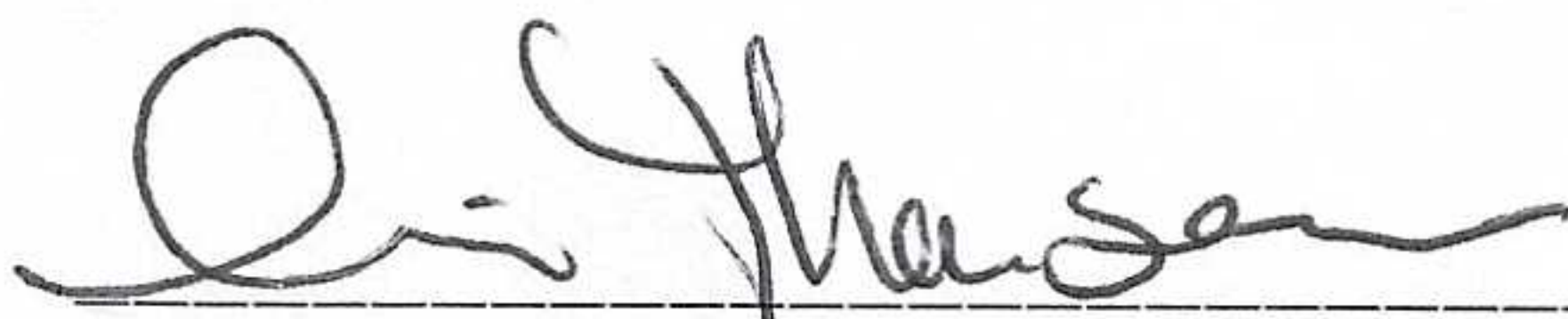
Signs were posted on May 19, 2022

Approved:



Town Chairperson - Michael Wineski

Attest:



Town Clerk - Avis Thorson