

ORDINANCE #2025-06
AN ORDINANCE RENUMBERING SECTION 410-7 THROUGH 410-9 AND
CREATING SECTION 410-7 OF THE CODE OF ORDINANCES OF THE
TOWN OF FULTON REGARDING ATVS AND UTVS

WHEREAS, following due consideration of the recreational and economic value to access businesses and residences weighted against possible dangers, public health, public safety, liability aspects, terrain involved, traffic density and other traffic risks, this ordinance is enacted pursuant to Section 23.33 of the Wisconsin Statutes, and the provisions of the Wisconsin Administrative Code NR 64 regulating ATV/UTV operation; and

WHEREAS, the Town further finds that regulating the use of ATVs and UTVs on municipal roads and streets needs to be adopted.

NOW, THEREFORE, the Town Board of the Town of Fulton hereby ordain as follows:

Section I. Section 410-7 of the Code of Ordinances of the Town of Fulton is renumbered to Section 410-8.

Section 410-8 of the Code of Ordinances of the Town of Fulton is renumbered to Section 410-9.

Section 410-9 of the Code of Ordinances of the Town of Fulton is renumbered to Section 410-10.

Section II. Section 410-7 of the Code of Ordinances of the Town of Fulton is created to read as follows:

§410-7 ATV/UTV Operation.

A. State laws adoption.

(1) The provision of Wis. Stats. § 23.33, with respect to the regulation of all-terrain vehicles and utility terrain vehicles, including any future amendments thereof, are hereby adopted by reference and made part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited in this section.

(2) The operator of ATV/UTV shall be subject to Wis. Stats. §§ 346.02(11), 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.21, 346.215(3), 346.27, 346.33, 346.35, 346.37, 346.39, 346.44, 346.46, 346.47, 346.48, 346.50, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1) and (9). Acts required to be performed or prohibited by such States are required or prohibited by this Section.

B. Definitions.

- (1) All-terrain vehicle (ATV): A commercially designed and manufactured motor-driven vehicle that was manufactured with, all of the following:
 - (i) A weight, without fluids, of 900 pounds or less.
 - (ii) Four or more tires.
 - (iii) A steering handlebar, single or dual headlights, a tail and brake light.
 - (iv) A width of no more than 50 inches.
 - (v) Is equipped with a seat designed to be straddled by the operator.
- (2) All-terrain vehicle club: A club consisting of individual that promote the recreational use of all-terrain vehicles and utility-terrain vehicles.
- (3) ATV/UTV Route: A road designated for use by ATV/UTV vehicle operators by the Town Board.
- (4) Connecting Highway: Any marked state trunk highway route that is maintained by a municipality as defined under Wis. Stat. § 86.32.
- (5) Operate: To exercise physical control over the speed or direction of an all-terrain vehicle or physically manipulate or activate any of the controls of an all-terrain vehicle necessary to put it into motion.
- (6) State Trunk Highway: Any highway designated pursuant to Wis. Stat. § 84.29 as part of the state trunk highway system, exclusive of connecting highways.
- (7) Town Roads: Every Town highway within the corporate limits of the Town except alleys.
- (8) Utility-terrain vehicle (UTV): A commercially designed and manufactured motor-driven device that does not meet federal motor vehicle safety standards effective July 1, 2012, that is not a golf cart, low speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was manufactured with, all of the following:
 - (i) A weight, without fluids, of 3,000 pounds or less.
 - (ii) Four or more tires.
 - (iii) A cargo box installed by the manufacturer measured laterally between the outermost wheel run on each side of the vehicle, exclusive of tires, mirror, and accessories that are not essential to the vehicle's basic operation.
 - (iv) A steering wheel, tail and brake lights, and two headlights.
 - (v) A width of no more than 65 inches.
 - (vi) A system of seat belts, or similar system, for restraining each occupant of the device in the event of a collision.
 - (vii) A system of structural members designed to reduce the likelihood that an occupant would be crushed as a result of a rollover of the device (roll bars).

C. All-terrain/Utility-terrain vehicle routes.

- (1) Under Wis. Stat. § 23.33(11)(a), all Town Roads under the jurisdiction of the Town of Fulton are designated as ATV/UTV routes, except as may be posted.
- (2) All ATV/UTV routes end at HWY-59, specifically at the intersections of HWY-59 and E. Ellendale Road, HWY-59 and E. Mallwood Drive, HWY-59 and N. Hillside Drive, and HWY-59 and N. Goede Rd.
- (3) The Town of Fulton Police Department may temporarily close any ATV/UTV route whenever conditions require closure.

D. Age requirement.

All ATV/UTV operators shall be 16 years or older to operate an all-terrain vehicle on road routes in the Town and holding a valid Wisconsin Driver's License. If born after January 1, 1988, all ATV/UTV operators shall hold a valid safety certificate issued by the DNR, another state or a province of Canada. All 16-year-old licensed riders who have not attained the age of 18 shall be required to wear a helmet and eye protection. The operator, upon request from any law enforcement officers, state patrol, or inspector under Wisconsin Statutes Sec. 110.07(1), conservation warden, or municipal peace officer shall display said operator's license and safety certificate to said agent as well as proof of insurance and registration.

E. Speed limits.

All ATV/UTV operators shall observe the posted speed limits on Town Roads, which shall not exceed 35 MPH unless a lower speed limit is posted.

F. Registration.

All ATV/UTV vehicles operated within the Town of Fulton on designated routes are required to have State of Wisconsin registration as issued by the Wisconsin Department of Natural Resources.

G. Operator Requirements.

- (1) All ATV/UTV operators shall ride single file on the right side of the pavement but shall not operate on the shoulders or in the ditch.
- (2) Headlights and taillights shall be on at all times.
- (3) ATV/UTVs shall yield the right-of-way to non-motorized vehicles, such as bicycles and pedestrians.
- (4) ATV/UTV riders under the age of 16 must be accompanied by an adult operator over the age of 18.
- (5) No person shall leave or allow an all-terrain/utility terrain vehicle owned or operated by him/her to remain unattended on any public highway or

public property while the motor is running or with the starting key left in the ignition.

- (6) No owner having charge or control of an all-terrain/utility terrain vehicle shall authorize or permit any person to operate such all-terrain/utility terrain vehicle who is not permitted under state law to operate an all-terrain/utility terrain vehicle or who is under the influence of an intoxicant or for whom there is a presence of a dangerous or narcotic drug.
- (7) Wis. Stat. § 346.63, which prohibits the operation of a motor vehicle while under the influence of an intoxicant or other drugs, shall apply to the operation of an all-terrain/utility terrain vehicle at any place within the Town.
- (8) No person shall operate an all-terrain/utility terrain vehicle in the Town between the hours of 10:00 P.M. and 5:00 A.M. unless the person is engaging in snow plowing.
- (9) ATV/UTV operators shall use hand signals if their machines are not equipped with turn signals.
- (10) All ATV/UTVs that are being operated between sunset and sunrise shall be equipped with turn signals (amber light in front, red light in back).
- (11) No operator or passenger of an all-terrain/utility terrain vehicle may possess in or on an all-terrain/utility terrain vehicle on any road or highway in the Town, any bottle or receptacle containing alcohol 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.
- (12) Parking of ATV/UTVs shall be subject to all parking requirements and allowances of motor vehicles included in the Town of Fulton Code of Ordinances, except that ATV/UTVs shall not be parked overnight on any Town Road or Town parking lot.

H. Signage.

Local ATV/UTV clubs have volunteered to provide funds to the Town to operate ATVs/UTVs on county roads and for appropriate signage on those roads. The Town will accept such donations and use funds to install signage in the manner and locations Town Staff deem necessary to implement this section.

I. Closures of ATV/UTV Routes.

The Town Board retains the right to close any Town Road to ATV/UTV operation for any reason, including but not limited to special events, unlawful use, and road construction or repair. Said closures of Town Roads to ATV/UTV use may occur without prior notice.

J. Liability Disclaimer.

The Town accepts no liability for the operation of ATV/UTV's on any Town Road under the provisions of this ordinance. Operation of ATV/UTV's is at the operator's own risk.

K. Insurance.

Every person who operates an all-terrain vehicle on any segment of town roads shall carry liability and/or other insurances consistent with Wisconsin State law for the operation of a motorized vehicle (reference: Wis. Stat. § 344.62 regarding motor vehicle liability insurance required) and shall have proof of said insurance on their person or within their ATV/UTV.

L. Severability.

If any provisions of this section or its application to any person or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this section.

Section III. Upon its adoption, the clerk/treasurer is hereby directed to send a copy of this ordinance to the Wisconsin Department of Transportation, the Wisconsin State Patrol, the Rock County Sheriff Department, the Wisconsin Department of Natural Resources, and the Town of Fulton Police Department, pursuant to Wis. Stat. Sec. 23.33(11)(b).

Section IV. Sunset Provision. This ordinance shall terminate one year at 11:59 P.M. after adoption unless extended by the Town Board of the Town of Fulton.

Section V. Effective Date. This ordinance shall take effect after passage, publication, and installation of required signage and attestation as required by law.

Approved by the Town Board of the Town of Fulton this 11 day of March, 2025.

TOWN OF FULTON

By: Evan Sayre
Evan Sayre, Town Chairperson

ATTEST:

By: Laura Siclovan
Laura Siclovan, Clerk/Treasurer

Date Passed:

3/11/25

Date Published:

3/20/25 posted 3/12/25