

All-Terrain Vehicle (ATV) and Utility Terrain Vehicle (UTV) Route Ordinance
Town of Vienna, Dane County, Wisconsin
Ordinance # 2024-01 Dated: April 16, 2024

Section 1 – Purpose

The purpose of this Ordinance is to establish and maintain All-Terrain Vehicle (ATV) and Utility Terrain Vehicle (UTV) routes in the Town and to regulate the operation of ATV's and UTV's in the Town.

Section 2 – Authority

The Town Board of the Town of Vienna, Dane County, Wisconsin, has the specific authority to adopt this ATV and UTV Route Ordinance under Wis. Stat. Sec. 23.33 (8).

Section 3 – State Laws Adopted

The statutory provisions in Wis. Stat. Chapters 23.33 and 340 to 348, establishing definitions and regulations with the respect to ATV's and UTV's, and Wis. Admin. Code Chapter NR 64, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Unless otherwise provided in this ordinance, any act required to be performed or prohibited by any statute or regulation incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions, or modifications of the statutes or regulations herein are made a part of this ordinance in order to secure uniform statewide regulation of ATV's and UTV's. Any terms used in this Ordinance that are defined in Wis. Stat. Sec. 23.33(1), shall have the meaning proscribed by statute.

Section 4 – Designated Routes

All Town of Vienna are designated ATV/UTV routes unless otherwise posted.

Section 5 – Conditions

Under the direction of the Town, all ATV/UTV route signs shall be provided by and be installed by the Roxbury Valley Riders ATV/UTV Club, LLC, or their successor with uniform all-terrain vehicle route signs in accordance with Wisconsin law, including Wisconsin Administrative Code NR 64.12(7), this includes the initial signage as well as the ongoing maintenance of signs. Signs shall be inspected annually. The Town of Roxbury shall be notified immediately of any change in responsibility for the maintenance of ATV/UTV Route signs.

Section 6 – Operation of ATV's and UTV's

A. All ATV and UTV operators shall operate at a safe speed not to exceed 45 miles per hour unless a reduced speed is otherwise required by law.

B. The operation of ATV's and UTV's is restricted to the daily period of 5:00 -22:00

C. Operators shall abide by all traffic laws, including the rules of operation and equipment requirements contained in Wis. Stat. Sec. 23.33 and Wis. Adm. Code Ch. NR64, unless further restricted by this ordinance.

D. ATV's and UTV's must operate with fully functional headlights, taillights, and brake lights. Lights must be on at all times. ATV/UTV's also must conform to the Wis. Stat. Sec. 23.33 regarding the color of head lamps and tail lamps.

E. ATV operators and passengers under the age of 18 must wear a minimum DOT standard ATV or motorcycle helmet with chin strap properly fastened as required by Wis. Stat. Sec. 23.33.

F. UTV operators and passengers must wear seat belts at all times, and if under the age of 18, operators and passengers must also wear a minimum DOT standard ATV or motorcycle helmet with chin strap properly fastened as required by Wis. Stat. Sec. 23.33.

G. ATV/UTV operators cannot have a passenger riding in or on any part of the ATV/UTV that is not designated and not intended for use by passengers. After market seating does not comply with the law. It must be manufactured as a multiple passenger machine to be legal for passengers.

H. Every person who operates an ATV or UTV on any segment of a road or highway which is designated as an ATV/UTV route shall have in his or her immediate possession a valid motor vehicle operator's license and if born after January 1st, 1988, possess a valid ATV Safety Certificate issued by Wisconsin or any other state or province. The ATV/UTV operator shall display the operator's license and safety certificate documents upon demand from any law enforcement officer.

I. Operators of ATV/UTVs must possess proof of current liability insurance on all ATV/UTV equipment and show such proof if requested by law enforcement.

J. No operator or passenger of an ATV or UTV may possess, in or on an ATV or UTV on any road or highway designated as an ATV/UTV Route, 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.

K. All ATV and UTV operators shall ride in a single file on the extreme right-hand side of the road, highway, or traffic lane. Left turns may be made from any part of the road or highway when it is safe.

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

Wisconsin State All-Terrain Vehicle penalties as found in Wis. Stat. Sec. 23.33(13)(a) are adopted by reference.

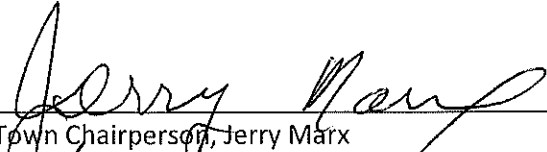
Section 9 – Effective Date

A. This Ordinance shall take effect after passage and publication as required by law.

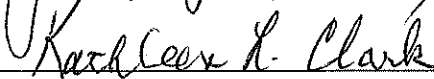
B. The Town of Vienna may at its discretion modify or cancel any portion of this
ATV/UTV Ordinance at any time with a majority vote at a properly posted public meeting.

Adopted this 16th day of APRIL, 20 24.

By the Town Board of Vienna,



Town Chairperson, Jerry Marx



Attested by Kathleen Clark, Town Clerk

Adopted Date 4/16/24

Date Notice Posted 5/9/2024

Effective Date 5/9/2024

AFFIDAVIT OF POSTING

STATE OF WISCONSIN)
) SS
COUNTY OF DANE)

I, Kathleen L. Clark, Village Clerk of the Town of Vienna, Dane County, Wisconsin,
being first duly sworn, state on oath:

1. **Date:** On the 8th day of May, 2024, I posted the following entitled ordinance at
the following public places in the Town.

2. **Title of Notice/Ordinance/Resolution:**

AN ORDINANCE RELATING TO ALL TERRAIN VEHICLES, ATV/UTV,
ACCESS TO TOWN ROADS AS SIGNS POSTED INDICATE ROUTES.

3. **Posting Locations.** Said ordinance was posted at the following public places
located within the Towns limits:

Town of Vienna Board

Town of Vienna Website

Kathleen L. Clark
Kathleen L. Clark, Town Clerk

Subscribed and sworn to before me
this 8th day of May, 2024:

Lori L. Breiwa
Lori L. Breiwa

Notary Public, State of Wisconsin

My commission expires: 4/28/2028