

Ordinance: 2021 - 01

Town of How, Oconto County, Wisconsin

ALL TERRAIN VEHICLE / UTILITY TERRAIN VEHICLE

STATE OF WISCONSIN
Town of How
Oconto County

SECTION I - TITLE AND PURPOSE

The title of this ordinance is the Town of How All-Terrain Vehicle Utility Terrain Vehicle, here in known as (ATV/UTV) Route Ordinance. The purpose of this ordinance is to establish ATV/UTV routes in the town and to regulate the operation of ATV/UTV equipment in the town.

SECTION I - I AUTHORITY

The Town Board of the Town of How, Oconto County, Wisconsin, has the specific authority to adopt this ATV/UTV Route Ordinance under s.23.33 (8)(b) and (11), Wis. Stats.

SECTION III - ADOPTION OF ORDINANCE

The Town Board of the Town of How, Oconto County, Wisconsin, by 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 for the town to designate ATV/UTV routes in the town and to regulate the use of those routes and ATV/UTV vehicles in the town.

SECTION IV - OPERATION OF ALL TERRAIN VEHICLES

Pursuant to s.23.33(4)(d), Wis. Stats, except as otherwise provided in s.23.33(4), Wis. Stats, no person may operate a ATV/UTV vehicle on the roadway portion of any highway in the town except on roadways that are designated as ATV/UTV vehicle routes by this ordinance. Operation of ATV/UTV vehicles on a roadway in the town that is a ATV/UTV vehicle 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 that is safe given prevailing conditions.

SECTION V - DESIGNATION OF ALL TERRAIN VEHICLE/UTILITY TERRAIN VEHICLE ROUTES

The following routes are designated all terrain vehicle/utility terrain vehicle routes in the Town of How:

All town roads under the Town of How jurisdiction.

SECTION VI - CONDITIONS APPLICABLE TO ALL TERRAIN VEHICLE/UTILITY TERRAIN VEHICLE ROUTES

Pursuant to s. 23.33(8)(d), Wis. Stats., the following restrictions are placed on the use of the town all terrain vehicle/utility terrain vehicle routes designated by this resolution:

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- A. Routes shall be marked with uniform all terrain vehicle/utility terrain vehicle route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking town all terrain vehicle/utility terrain vehicle routes:
1. Intentionally remove damage, deface, move, or obstruct any uniform all terrain vehicle/utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all terrain vehicle/utility terrain vehicle route or trail sign or standards if the sign or standard is legally place by the state, any municipality, or any authorized individual.
 2. Possess any uniform all terrain vehicle/utility terrain vehicle 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 all terrain vehicle/utility terrain vehicle route or train sign or standard in a lawful manner.
- Possession of a uniform all terrain vehicle/utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
- B. Operation shall be subject to all provisions of s.23.33, Wis. Stats., which is adopted as part of this ordinance by reference, pursuant to s.23.33(11), Wis. Stats.
- C. A copy of this ordinance shall be sent by the town clerk to the Department of Natural Resources, Oconto County Sheriff's Department, Village of Suring and any other law enforcement agency serving the Town of How's jurisdiction.
- D. The following restrictions shall apply to all operation of All Terrain Vehicles/Utility Terrain Vehicles on town roads:
- a. Maximum speed of 35 miles per hour
 - b. Operation of hard surface of road only
 - c. Operation of All Terrain Vehicles/Utility Terrain Vehicles in a single file only.
 - d. No person 16 years of age or older shall operate an ATV/UTV on any Town of How roads unless the operator of said ATV/UTV has a valid driver's license as defined by 343.03, Wis. Stats.
 - e. All operators born after January 1, 1988 are required to have an ATV Safety Certificate.
 - f. No persons under the age of 16 may operate an ATV/UTV on the Town of How roads.
- E. Town of How reserves the right to revoke/change the ordinance.
- F. All ATV/UTV operating on town roads in the Town of How shall have liability insurance coverage pursuant to 632.32, Wis. Stat.

SECTION VII - ENFORCEMENT

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

SECTION VIII – LIABILITY

Pursuant to s.893.80(4), Wis. Stats., the board has immunity from these types of decisions. However, a town board is required to as soon as practicable take action to make the highway safe for travel upon learning of any depression, ditch, hump or embankment that impedes the use of the highway as per 82.03(1) and 82.05(3), Wis Stats. Also, while the board may have immunity in enacting

the ordinance, it is still required to fulfill its duties to keep the highway passable and safe for the users of the highway. If a board enacts an ordinance to designate its highways as ATV routes it must include keeping them safe for these users as well.

SECTION IX - PENALTIES

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

SECTION X - SEVERABILITY

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

SECTION XI - EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

ADOPTED THIS 10th day of June, 2021



Chairman



Supervisor



Supervisor

Attest: 

Town Clerk *Treasure*

Posted / Printed - July 1, 2021
goes into effect July 1, 2021