

Ordinance Number 2019-01

**An Ordinance of the Town of Waldwick, Iowa County, Wisconsin,  
Relating to ATV/UTV Operation and Routes, and to Establish  
Penalties for Violation Thereof**

The Town Board of the Town of Waldwick, Iowa County, Wisconsin  
Ordains as Follows:

**Section 1:** The ATV/UTV ordinance of the Town of Waldwick is created to read  
as follows:

**Operation of All-Terrain and Utility Terrain Vehicles and  
Establishment of Routes.**

- (1) *Authority and Purpose:* The purpose of this ordinance is to establish all-terrain vehicle routes in the Town and to provide safe and enjoyable ATV/UTV recreation consistent with public rights and interests pursuant to Wis. Stat. sec. 23.33.
- (2) *Applicability and Enforcement; Designation of Routes*
  - (a) The provisions of this ordinance shall apply to eligible roads within the jurisdiction of the Town, which are hereby designated as all-terrain vehicle routes. Pursuant to Wis. State. Sec. 23.3(1m) (c), utility terrain vehicles (UTVs) may be operated on all eligible roads in the Town of Waldwick. "Eligible roads" are all roads (as designated in (b) below) within the Town of Waldwick regardless of whether the Town has jurisdiction over the road except:
    1. Any highway that is part of the national system of interstate and defense highways, or
    2. Any State highway or County Trunk highway that has a speed limit of more than 35 miles per hour.
  - (b) Eligible roads as determined by the Town Board of the Town of Waldwick are as follows: Townline Road south from Sunny Ridge Road; Rock Branch Road east from County Road D; County Line Road east from County Road W to the already established route on County Line Road to Walnut Hill Road.

- (c) The operation of ATV's and UTV's with snow removal devices attached is permitted on any roadway, or adjacent to any roadway, if the applicable roadway speed limit is greater than 45 miles per hour, and regardless of whether the Town has jurisdiction over the roadway.
  - (d) The provisions of this ordinance shall be enforced by the Iowa County Sheriff's Department. Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed under this section.
  - (e) Authority to Close Routes. The Town Chairman, Town Board or Town Patrolman may declare any route, or part thereof, in the Town temporarily closed at any time.
- (3) *Rules of Operation.* The following rules of operation apply on all routes:
- (a) Speed. No ATV/UTV shall be operated at a speed greater than the speed limit on any road.
  - (b) Lights. No ATV/UTV may be operated on the routes without fully functional headlights, taillights and brake lights. Every ATV/UTV being operated on the routes must always display a lighted headlamp and taillamp.
  - (c) Roadway Travel. On any ATV route, all ATV/UTV operation 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. All ATV's and UTS's must operate in single file. Operation on paved shoulders intended for bicycles or pedestrians, gravel shoulders, sidewalks, grassy in-slope, ditches or other highway right-of-way is prohibited unless the ATV or UTV is actively being used for snow removal.
  - (d) Operation. ATV/UTV operation on the routes shall be in accordance with the provisions of the Wisconsin State Statutes, the Wisconsin Administrative Code and all other applicable ordinances, as the same may be amended from time to time.
  - (e) Open Intoxicants. No person may possess on his or her person or in or on an ATV or UTV upon any route, any bottle or receptacle containing alcoholic beverages if the bottle or receptacle has been opened, the seal has been broken or the contents of the bottle or receptacle has been partially removed or released.

(4) Hours of Operation. ATV/UTV operation is prohibited between 1:00 a.m. and 5:00 a.m.

(5) Except as otherwise authorized by State law:

(a) All operators of ATV's/UTV's on Town Routes shall be at least 16 years of age.

(b) All operators of ATV's/UTV's shall possess a valid driver's license.

(c) All operators of ATV's/UTV's shall possess valid proof of insurance.

(6) Route Signs.

(a) The Town of Waldwick will permit the installation of signs on each road that crosses its territorial boundary in a position to be viewed by motorists as they enter the Town that alerts motorists that certain designated roads in the Town of Waldwick are all-terrain vehicle routes. The Pointer Prowlers ATV Club shall be responsible for procuring, installing and maintaining signs that conform to the requirements of Wisconsin law, the Manual on Uniform Traffic Control Devices, the Wisconsin Department of Transportation and the Wisconsin Department of Natural Resources, at locations required under this ordinance as designated by the Town Board or its authorized representative. All ATV signs on County trunk highways shall be installed and maintained by the Iowa County Highway Department and shall meet Wisconsin Department of Transportation requirements. The Pointer Prowlers ATV Club shall bear all expenses for any signage in the Town of Waldwick.

(b) No person may erect, remove, obscure, or deface any official designated route sign unless authorized by the Town Board.

(7) Penalties.

(a) The penalties under Wis. Stat. sec. 23.33(13) are adopted by reference. Deposits for violation shall be required in accordance with the Revised Uniform State Traffic Deposit Schedule, as the same may be amended from time to time.

(b) Juvenile penalties shall be as permitted under Wis. Stat. sec. 938.17.

Deposits for violations shall be required in accordance with the Revised Uniform State Traffic Deposit Schedule, as the same may be amended from time to time as the same may apply to juveniles.

- (c) The penalty for any violation of this ordinance for which no statutory penalty is provided shall be \$50.00 together with court costs, fees and assessments except that the penalty for violation of section (3)(e) shall be \$100.00 together with court costs, fees and assessments.
  
- (8) 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 applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.
  
- (9) Saving Clause. This section shall in no way be deemed to supplant or otherwise invalidate any provision of State statutes relating to the subject matter hereof. Any person entrusted with the enforcement of this section may, in the exercise of his or her discretion, proceed under applicable State statutes.
  
- (10) Review. This Ordinance shall be reviewed at 6-month intervals by the Town Board in order to determine that the ordinance is operating as intended and to address any concerns from citizens of the Town of Waldwick.
  
- (11) Copies to be Distributed. The Town Clerk shall immediately send a copy of this ordinance to the Wisconsin Department of Natural Resources, the Iowa County Sheriff's Department and the Iowa County Highway Department.

**Section II:** This ordinance shall take effect upon its passage and publication as required by law.

Adopted and approved this 9th day of September 2019.

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Robert White, Town Chairman

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Mike McCarville, Supervisor

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Douglas Ferrell, Supervisor

ATTEST:

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Michael A. Doyle, Town Clerk

Date adopted: 9/9/2019

Date recorded: \_\_\_\_\_

Date published/posted: \_\_\_\_\_

Effective date: \_\_\_\_\_