

## ORDINANCE 2019-2

### ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTE ORDINANCE

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

**SECTION I – PURPOSE:** The purpose of this ordinance is to establish All-Terrain Vehicle, (hereinafter referred to as “ATV”) and Utility Terrain Vehicle, (hereinafter referred to as “UTV”) routes in the Town of Trempealeau and to regulate the operation of ATV/UTVs in the Town of Trempealeau.

**SECTION II. - AUTHORITY:** The Town Board of the Town of Trempealeau, Trempealeau County, Wisconsin, has the 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 having been given, provides the Town of Trempealeau the authority to designate ATV/UTV routes in the Town of Trempealeau and provides for the regulation of the use of those routes and of ATV/UTVs in the Town of Trempealeau.

**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 a roadway in the town that is an ATV/UTV route is authorized only for the extreme right 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 ATV/UTV ROUTES:** All Town of Trempealeau roads are open to ATV/UTV travel.

**SECTION VI – 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 or trail sign or standard, or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail sign or standards if the sign or standard 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 or 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 adopted as 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 Trempealeau County Sheriff's Department, the Wisconsin State Patrol and Wisconsin Department of Natural Resources.

D. This ordinance will be reviewed annually at the first regularly scheduled Town Board meeting in April.

E. Additional restrictions are as follows:

- All ATV/UTV operators must be at least 16 years of age and must possess a valid driver's license.
- All ATV/UTV operators shall comply with Wis. Stats. 23.33, including ATV training certification requirements.
- All ATV/UTVs shall be registered according to Wisconsin State Statutes.
- All ATV/UTV operators shall have valid proof of liability insurance.
- All ATV/UTV operators and passengers under the age of 18 must wear approved protective head gear. All other operators and passengers are highly encouraged to wear a helmet.
- All occupants in a UTV are required to wear a seatbelt.
- All ATV/UTVs being operated on designated routes must have fully functional headlights, taillights and brake lights. Headlights and taillights must be on at all times.
- All ATV/UTV operators shall use hand signals if their machine is not equipped with turn signals.
- All ATV/UTVs shall be equipped with a muffler system with a maximum noise level of 96 decibels.
- All ATV/UTVs shall not exceed posted roadway speeds.
- All ATV/UTV operators shall slow the vehicle to 10 mph or less when operating within 100 feet of a non-motorized vehicle or pedestrian.
- All ATV/UTV operators shall ride single file on far right side of roadways (blacktop).
- All ATV/UTV operation shall be confined to the far right side of the paved/improved surfaces of the roadway (blacktop) except that left turns may be made from any part of the roadway which is safe given prevailing conditions.
- No ATV/UTVs may be operated on road shoulders or in road ditches. No straddling of the shoulder or ditch is allowed.

- ATV/UTVs shall yield the right of way to all other vehicular traffic and pedestrians.
- All ATV/UTV routes in the Town of Trempealeau are open year-round.
- No person shall operate an ATV/UTV upon any sidewalk or pedestrian walkway within the Town.
- The Town of Trempealeau may close ATV routes at any time due to road emergencies including, but not limited to, blizzards, flooding or other safety hazards.
- It shall be unlawful for any person to possess an open intoxicant container while operating or as a passenger on an ATV/UTV on any route within the Town of Trempealeau.
- It is illegal to operate an ATV/UTV while under the influence of alcohol or drugs while traveling town roads.

**SECTION VII – ENFORCEMENT:** This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

**SECTION VIII – PENALTIES:** The penalties under §23.33 (13) (a), Wis. Stats. are adopted by reference.

**SECTION IX – SEVERABILITY:** Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall be affected.

**SECTION X – EFFECTIVE DATE:** This ordinance becomes effective upon publication or posting as required by law and the proper signing of all routes as required by this ordinance.

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

Passed, adopted and approved this 12th day of December, 2019.

Approved:

/s/

---

Rick Nemitz, Town Chairman

Attest:

/s/

---

Sonja A. Byrne, Town Clerk/Treasurer