

## **Ordinance #2023-01**

### **All-Terrain/Utility Terrain Vehicles and Routes Town of Brooklyn, Green Lake County, Wisconsin**

#### **Section I - Intent**

The Town of Brooklyn, Green Lake County adopts the following all-terrain vehicle (ATV) and Utility Terrain Vehicle (UTV) Route Ordinance. Following due consideration of the recreational value to connect trail opportunities and weighed against possible dangers, public health, liability aspects, terrain involved, traffic density and automobile traffic volume, this ordinance has been created.

#### **Section II - Statutory Authority**

This ordinance is created pursuant to Township authority as authorized by sections 23.33 (8) (b) and 349.26, Wis. Stats. The applicable provisions of 23.33 regulating ATV/UTV operations are adopted.

#### **Section III – Routes**

1. The Town of Brooklyn reserves the right to close or modify any roads to ATV/UTV traffic.
2. The Town of Brooklyn, or its designee, shall maintain all route signs within the township.
3. All ATV/UTV routes shall be signed in accordance with NR 64.12, and NR 64.12(7).
4. All the roads in the Town of Brooklyn are open to ATV/UTV travel and are designated as ATV/UTV routes.

#### **Section IV - Conditions**

1. Hours of Operation. ATV's and UTV's may only be operated between 5:00 a.m. to midnight, year around (January 1 through December 31).
2. Operators shall abide by all traffic laws unless further restricted by this Chapter
3. No ATV or UTV shall operate at a speed greater than 35 miles per hour unless a reduced speed is otherwise required by state statute or municipal ordinance.
4. All ATV's and UTV's must operate with fully functional headlights, taillights and brake lights.
5. All ATV and UTV operators shall ride in single file on the extreme right-hand side of the paved portion of the roadway. Operation on a gravel shoulder, grassy in-slope, ditches, or other highway right-of-way is prohibited unless yielding the right-of-way. Left turns may be made from any part of the highway when it is safe given prevailing conditions.
6. All ATV and UTV operators and passengers under 18 years of age shall wear protective headgear while operating on roadways.
7. No person under the age of 16 may operate an ATV or UTV on any portion of a town roadway.
8. Every person who operates an ATV or UTV on any portion of a municipal roadway shall have in his/her immediate possession a valid motor vehicle operator's license and shall

display the license document upon demand from any law enforcement officer, state patrol officer, inspector under Wisconsin Statutes Section 110.07(1), or conservation warden.

9. No ATV or UTV may be operated on any designated ATV route if the ATV/UTV does not meet all applicable federal noise and air pollution standards.

10. No person may ride in or on any part of an ATV/UTV that is not designated or intended to be used by passengers.

#### **Section V - Enforcement**

The town board authorizes the Green Lake County Sheriff to enforce this ordinance as well as any other law enforcement officer authorized to enforce the laws of the state of Wisconsin. This ordinance may be enforced by any town board member or a designee of the town.

#### **Section VI - Penalties**

Wisconsin state All-Terrain Vehicle penalties as found in s. 23.33 (13) (a) Wis. Stats., are adopted by reference. Except for S. 23.33(am) to (e) a person who violates this ordinance shall forfeit not more than \$250.00 and not less than \$50.00

#### **Section VII - Severability**

The provision of this ordinance shall be deemed severable and it is expressly declared that the Town of Brooklyn would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be deemed affected.

#### **Section VIII - Effective Date**

This ordinance becomes effective on Jan 10, 2023.

Passed this 10<sup>th</sup> day of January 2023.

/s/ Michael Wuest

Michael Wuest  
Town Chairman

/s/ Kathleen Morris

Kathleen Morris  
Town Clerk

Adopted: Jan 10, 2023

Published: Jan 10, 2023