

All-Terrain Vehicle Route – Town of Cato

AN ORDINANCE DESIGNATING ALL TERRAIN VEHICLE ROUTES AND REGULATING THE OPERATION OF ALL TERRAIN VEHICLES.

SECTION 1 – INTENT

The Town of Cato adopts the following all-terrain vehicle route for the operation of all-terrain vehicles upon the roadways listed in Section III.

Following due consideration of the recreational value to connect trail opportunities, provide work and agricultural related travel, and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density, and history of automobile traffic, this route(2) has been created.

SECTION II – STATUTORY AUTHORITY

This route is created pursuant to Town authority under 1.1.01 as authorized by 23.33 (8) (b), Wis. Stats.

The applicable provisions of 23.33 regulating ATV operation pursuant to routes are adopted.

SECTION III – ROUTES

All town roads are designated as routes.

SECTION IV – CONDITIONS

As a condition for the use of this route, the following conditions shall apply to all operators) and passengers where applicable);

1. Observe all posted speed limits.
2. Conform to all state statutes and administrative code regarding registration, noise and equipment requirements.
3. Ordinance allows for operation only on Town of Cato controlled roads.
4. Comply with state certification requirements including age restrictions and use of helmets.

SECTION V – ENFORCEMENT

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin, Manitowoc County, Wisconsin.

SECTION VI – PENALTIES

Wisconsin state All-Terrain Vehicle penalties as found in s. 23.33(13) (a) Wis. Stats., are adopted by reference.

SECTION VII – SEVERABILITY

The provision of this ordinance shall be deemed severable and it is expressly declared that the Town of Cato 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 circumstances shall not be deemed affected.

SECTION VIII – EFFECTIVE DATE.

This ordinance becomes effective upon passage and publication.

Passed this 9th day of July, 2018.

TOWN OF CATO TOWN BOARD

BY: *Derald Linsmeier*
TOWN CHAIRPERSON

ATTEST: *Nancy Muench*
TOWN CLERK

ATVOrdinance.1

Appendix B
ATV ROUTES

A Reference of Statutes and Codes

23.33(1)(c) "All-terrain vehicle **ROUTE**" means a highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction as authorized under this section.

23.33 (4) Operation on or near highways.

- (d) Operation on roadway. A person may operate an all-terrain vehicle on the roadway portion of any highway only in the following situations:
 - 4. on roadways which are designated as all-terrain vehicle **ROUTES**. Operation of all-terrain vehicles on a roadway which is an all-terrain 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 which is safe given prevailing conditions.
- (e) Operation adjacent to roadway. A person may operate an all-terrain vehicle adjacent to a roadway on an all-terrain vehicle **ROUTE** or trail if the person operates the all-terrain vehicle in the following manner:

23.33 (8) ROUTES and trails.

- (a) Department authority. The department shall encourage and supervise a system of all-terrain vehicle **ROUTES** and trails. The department may establish standards and procedures for certifying the designation of all-terrain vehicle **ROUTES** and trails.
 - (b) **ROUTES**. A town, village, city or county may designate highways as all-terrain vehicle **ROUTES**. No state trunk highway or connecting highway may be designated as an all-terrain vehicle **ROUTE** unless the department of transportation approves the designation.
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- (d) Restrictions. The designating authority may specify effective periods for the use of all-terrain vehicle **ROUTES** and trails and may restrict or prohibit the operation of an all-terrain vehicle during certain periods of the year.
- (e) Signs. The department, in cooperation with the department of transportation, shall establish uniform all-terrain vehicle **ROUTE** and trail signs and standards.
- (f) Interference with signs and standards prohibited.
 - 1. No person may intentionally remove, damage, deface, move or obstruct any uniform all-terrain vehicle **ROUTE** or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle **ROUTE** or trail sign or standards if the sign or standard is legally placed by the state, any municipality or any authorized individual.
 - 2. No person may possess any uniform all-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 **ROUTE** or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle **ROUTE** or trail sign or standard creates a rebuttable presumption of illegal possession.

23.33 (9) Administration; enforcement; aids.

- (b) All-terrain vehicle projects. Any of the following all-terrain vehicle projects are eligible for funding as a state all-terrain vehicle project from the appropriation account under s. 20.370 (1) (ms) or for aid as a nonstate all-terrain vehicle project from the appropriation accounts under s. 20.370 (5) (ct) and (cu):
 - 3. Development of all-terrain vehicle **ROUTES** or all-terrain vehicle trails.
 - 4. Development or maintenance of a snowmobile. **ROUTE** or trail or an off-the-road motorcycle trail or facility if the **ROUTE**, trail or facility is open for use by all-terrain vehicles.
 - 5. Maintenance of all-terrain vehicle **ROUTE** or all-terrain vehicle trails.
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23.33 (11) Local ordinances.

- (a) Counties, towns, cities and villages may enact ordinances regulating all-terrain vehicles on all-terrain vehicle trails maintained by or on all-terrain vehicle **ROUTES** designated by the county, city, town or village.
- (am) Any county, town, city or village may enact an ordinance which is in strict conformity with this section and rules promulgated by the department under this section, if the ordinance encompasses all aspects encompassed by this section.
- (b) If a county, town, city or village adopts an ordinance regulating all-terrain vehicles, its clerk shall immediately send a copy of the ordinance to the department and to the office of any law enforcement agency of the municipality or county having jurisdiction over any highway designated as an all-terrain vehicle **ROUTE**.

23.33 (13) Penalties.

- (f) Restoration or replacement of signs and standards. In addition to any other penalty, the court may order the defendant to restore or replace any uniform all-terrain vehicle **ROUTE** or trail sign or standard that the defendant removed, damaged, defaced, moved or obstructed.

ANNOT. County forest roads open to vehicular traffic are highways that can be designated as **ROUTES** under sub. (8) (b). 77 Atty. Gen. 52.
