

Ordinance

Town of Utica, Winnebago County, State of Wisconsin

No. 2020-105

Designating All-Terrain Vehicle Routes and Regulating the Operation of All-Terrain Vehicles

Section I - Intent

The Town of Utica, Winnebago County adopts the following all-terrain vehicle route for the operation of all-terrain vehicles upon all township roads. 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 history of automobile traffic, this ordinance has been created.

Section II - Statutory Authority

Open usage of township roads is done pursuant to township authority as authorized by 23.33 (8) (b), Wis stats. The applicable provisions of 23.33 regulating ATV/UTV operation pursuant to routes are adopted.

Section III - Routes

All township roads will be open to ATV/UTV usage unless otherwise posted. All county and state roadways posted 35mph or less will be open to ATV/UTV usage as authorized under Wis. Stat. s. 23.33(11)(am)4 unless otherwise posted.

Section IV - Conditions

As condition for use of township roads, the following conditions shall apply to all operators (and passengers);

- A. All ATV/UTV operators shall operate at 35mph speed limit or less
- B. No person under 18 years of age may operate or be a passenger on an ATV/UTV without wearing protective headgear of the type required under s. 347.485(1)(a) and with the chin strap properly fastened, except as specifically exempted under s. 23.33(3g)(b, c and d) Wis. Stats
- C. All ATV/UTV operators under 16 years old must be in direct verbal supervision of a parent or legal guardian when operating on a designated all-terrain vehicle route.
- D. Operation of ATVs and UTVs on roadways designated as ATV/UTV Routes are authorized only for the extreme right side of the roadway, on the paved surface (if the roadway is paved), except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
- E. Approved hand signals are required whenever the operator intends to direction if vehicle is not equipped with turn signals.
- F. All ATV/UTV operators shall ride single file.
- G. The operator of an ATV/UTV shall obey all traffic laws, Local ordinances and DNR Regulations
- H. The operator of an ATV/UTV shall display a lighted headlamp, tail lamp and working brake light on the ATV/UTV and display the registration license plate at all times.
- I. All roads must be signed in accordance with NR 64.12, and NR 64.12 (7)
- J. ATV/UTV operation is at the risk of the operator. The Town of Utica has no liability for any damage or injury to persons, real property or personal property, arising out of the operation of ATVs and UTVs on designated ATV/UTV Routes under s. 895.52 (1)(d)(g) Wis. Stats
- K. Routes are open year-round.
- L. On all roads shared with another jurisdiction the most restrictive Ordinance shall apply.
- M. The Town reserves the right to open or close routes by a simple Board motion

Section V - Enforcement

This Ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of 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 Township 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

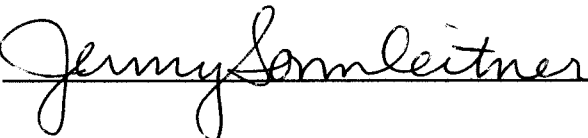
This Ordinance becomes effective upon passage and publication.

Passed this 9th day of November, 2020 by the Town Board of the Town of Utica

Chairman: Leonard Schmick 

Supervisor: Chuck Kuhrt 

Supervisor: Grant Stettler 

Clerk: Jenny Sonnleitner 

Published: 11-15-2020