

2019-02 An Ordinance allowing All-Terrain  
Vehicles (ATV) and Utility Terrain Vehicles  
(UTV) on certain Roads and Highways  
within the Town of Wescott boundaries

**1: Purpose.** Town of Wescott in Shawano County, enacts this ordinance for the purpose of designating routes for the operation of ATVs and UTVs on Town of Wescott roads and highways within the Town of Wescott and regulating the operation of ATVs and UTVs on designated routes.

**Section 2: Statutory Authority.** This ordinance is enacted under the authority of §§ 23.33(8)(b), 23.33(11) and 60.22 (3), Wis. Stats. The provisions of § 23.33, Wis. Stats., and the provisions of Wisconsin Administrative Code NR 64 regulating ATV and UTV operations and containing applicable definitions are hereby adopted and incorporated into this Ordinance as though set forth in full herein.

**Section 3: Operation of All-Terrain Vehicles and Utility Terrain Vehicles.**

(a) Pursuant to § 23.33(4), Wis. Stats., except as provided in § 23.33, Wis. Stats., no person may operate an ATV or UTV on any part of Town of Wescott, ("Town") except those portions of roads or highways within the Town of Wescott that are designated as ATV and/or UTV routes in Section 5.

(b) The operation of ATVs and UTVs on any portion of a road or highway within the Town of Wescott being designated as an ATV route and/or UTV route shall be subject to the following:

1. ATVs and UTVs shall be operated on the extreme right side of the roadway on the paved surface.
2. ATVs and UTVs shall be operated in compliance with all applicable Wisconsin laws, orders, regulations, restrictions and rules, including § 23.33, Wis. Stats., and Chapter NR 64, Wis. Admin. Code.
3. All operators shall ride in single file.
4. Operators are required to have headlamps (white light) and tail-lamps (red light) turned on at all times. However, no off-road auxiliary lighting on ATVs or UTVs shall be used on segments approved for ATV/UTV use.
5. No person under twelve (12) years of age shall operate an ATV or UTV under any circumstances.
6. All operators who were born after January 1, 1988 and are over the age of 12 are required to complete an approved ATV/UTV Safety Course, and carry the safety certificate with them while riding on public lands.
7. All operators and passengers under the age of 18 shall wear a helmet approved by the Wisconsin Department of Transportation.

**Section 4: Speed Limits.** The maximum speed limit on all designated routes shall be thirty five (35) miles per hour. Operators shall reduce speed whenever the posted limit is less, or as required by Wisconsin Statutes, or as conditions warrant.

**Section 5: Routes.**

Town Roads: All Town Roads unless posted as closed.

A portion of County Rd H, also known as Lake Dr. from October 1<sup>st</sup> through April 30<sup>th</sup> of each year. The portion being from Foesch Rd northeast to Graves Rd.

**Section 6: Signage.** The Town as a unit of government that designates the routes, may be responsible by state statute to maintain the proper route signs.

(a) Routes shall be marked with uniform ATV and/or UTV route signs in accordance with § NR 64.12(7), Wis. Admin. Code.

(b) The Town of Wescott, will be the maintaining authority for Town roads designated as routes, shall install appropriate signs.

(c) Shawano County shall maintain County Highways designated as routes per County Ordinance 2018-09

(d) The Town of Wescott will expect donations from ATV/UTV users to help cover the cost of signage.

**Section 7: Annual Reviews of ATV/UTV Routes.** All ATV/UTV routes established pursuant to this ordinance may be reviewed annually by the Town of Wescott Supervisors to consider the continued value, efficacy or need for the ATV/UTV routes or the inclusion of additional ATV/UTV routes, all pursuant to the intent of this ordinance.

**Section 8: Enforcement.** This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin

**Section 9: Penalties.** The penalties set forth in § 23.33(13)(a) Wis. Stats., are adopted by reference.

**Section 10: Severability.** The provisions of this ordinance shall be deemed severable and it is expressly declared that Town of Wescott in Shawano County would have passed the 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 person's circumstances shall not be deemed affected.

**Section 11: Effective Date.** This Ordinance shall be effective upon passage and publication and proper signage as required by law.

**Section 12: Forwarding.** The Town of Wescott clerk shall forward a copy of this Ordinance to the entities set forth in Section 23.33(11)(b) of the Wisconsin Statutes.

This ordinance is effective upon publication in the Shawano Leader being \_\_\_\_\_, 2019 and upon proper signage being placed on roads and highways being \_\_\_\_\_, 2019.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

\_\_\_\_\_  
Brian Moesch, Chairman                      Yes/No

\_\_\_\_\_  
Terry Moede, Supervisor                      Yes/No

\_\_\_\_\_  
Phil Zuhse, Supervisor                      Yes/No

\_\_\_\_\_  
Bruce "Duffy" Schultz, Supervisor      Yes/No

\_\_\_\_\_  
Marlene Brown, Supervisor                      Yes/No

\_\_\_\_\_  
Attest: Angela Vreeke, Clerk

Posted in the following locations on: \_\_\_\_\_

\_\_\_\_\_ 1) Town Hall, Lake Drive 2) Town Office, Old  
Keshena Rd. 3) Town Fire Station, Lake Drive 4) Town website: [www.townofwescott.com](http://www.townofwescott.com)