

ORDINANCE NO. 001-21

AN ORDINANCE REGARDING ALL-TERRAIN/UTILITY-TERRAIN VEHICLES

The Town Board of the Town of Mackford in session duly begun on the 8th day of March, 2021, does hereby ordain as follows:

SECTION I – AUTHORITY

This Ordinance is adopted under the authority granted by 60.22 and 23.33 (8)(b) and (11) Wis. Stats. And Wis. Admin. Code NR 1§64.12.

SECTION II – TITLE

This Ordinance shall be known as, referred to, or cited as the “Town of Mackford All-Terrain/Utility Terrain Vehicle, (ATV/UTV) Ordinance.”

SECTION III – JURISDICTION

This Ordinance shall regulate the operation of all all-terrain/utility-terrain vehicles in all areas of the Town of Mackford.

SECTION IV – ADOPTION OF STATUTORY PROVISIONS

Except as otherwise specifically provided in this Ordinance, the statutory provisions in Chapters 23, 340 to 348 and 350 of the Wisconsin Statutes, establishing regulations with respect to all-terrain vehicles (ATVs), utility terrain vehicles (UTVs) and Wisconsin Administrative Code Chapter NR 64, All Terrain Vehicles are hereby adopted by reference and made a part of this chapter as if fully set forth herein. Unless otherwise provided in this ordinance, any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the statutes or administrative codes incorporated herein are made a part of this chapter to secure uniform statewide regulation of ATVs and UTVs.

SECTION V - DEFINITIONS

The definitions of words and phrases as they appear in 2§3§23.33 (1), 340.01, 341.01, 342.01, 343.01, 344.01, 345.01, 346.01, 347.01 and 348.01 Wis. Stats. And Wis. Admin. Code NR 4§64.02, unless the word or phrase is defined differently in this chapter, are hereby adopted and made a part of this chapter as if fully set forth herein. Any future amendments, revisions or modifications of the statutes or administrative codes incorporated herein are made a part of this chapter to secure uniform statewide regulation of ATVs.

As used in this Chapter:

“Sponsor” means an individual, organization, ATV or UTV club, or municipality that submits an application to the Town Board for the designation of a Town Highway as an ATV route and will pay for the costs to make, install, and maintain ATV route signs.

The Town Board is authorized to designate segments of Town roads as ATV routes, in accordance with the provisions of 5§23.33 Wis. Stats., Wis. Admin. Code Ch. NR 6§64, and the provisions of this Ordinance.

SECTION VI – DESIGNATION, MODIFICATION, SUSPENSION AND TERMINATION OF ATV ROUTES

- A. All Town roads in the Town of Mackford are designated ATV routes.
- B. ATV routes and proposed routes on or across a Town Highway shall be investigated and monitored to ensure that the ATV route has been authorized and that the ATV route does not adversely affect the use of the highway or unreasonably interfere with the peaceful enjoyment of private or public property.
- C. The consideration of a designation of a segment of a Town Highway as an ATV route may be based upon a request for a designation by any individual, municipality, ATV or UTV club or organization that desires a route along, or a crossing over, a Town Highway and which agrees to sponsor the ATV route as required under 7Section VIII.
- D. The Town Board may rescind or modify the designation of an ATV route by repeal of an ordinance granting final approval of the designation or by an enactment of an ordinance modifying the designation.
- E. The Town Board may temporarily modify or suspend any designation of an ATV route.
- F. The Green Lake County Sheriff may temporarily close any ATV route whenever emergency conditions require closure.
- G. Upon Town Board approval of a designated ATV route, the Town Clerk shall immediately send a copy of the Ordinance designating the ATV route to the Wisconsin Department of Natural Resources, the State Traffic Patrol and the Green Lake County Sheriff.

SECTION VII – APPLICATION FOR ATV ROUTES

- A. Anyone requesting a designation shall complete an application on a form prescribed by the Town Board in compliance with this Ordinance and any applicable state statute or administrative code and file the application with the Town Clerk.
- B. The application, at a minimum should include:
 - 1. A map showing the proposed ATV route on the Town Highway.
 - 2. A map showing any ATV trails which lead up to the proposed ATV route.
 - 3. If there are ATV trails, a statement that the applicant has a lease or some other permission from landowners to use the trails shown on the map.
 - 4. A statement explaining why the Town Highway should be designated as an ATV route and efforts to establish off-road alternatives.

5. If the applicant is an organization, the names and addresses of its officers, the date when the organization was established or incorporated and the number of members.
6. A statement that the applicant will sponsor and be financially responsible for payments for the installation and maintenance of the required ATV route signs required by applicable state statutes and administrative codes and Section VIII.

SECTION VIII – MAINTENANCE OF ATV ROUTES

- A. A sponsor shall pay for the projected ten-year cost of procurement, installation, and maintenance of signs relating to the ATV route, as determined by the Town Board.
- B. Upon passage of an Ordinance designating an ATV route on a Town Highway, the Sponsor shall provide the Town Board with a bond, letter of credit, or any other adequate form of monetary security prior to the installation of the required ATV route signs.
- C. Designation of segments of the Town roads as ATV routes does not impose upon the Town a greater duty of care or responsibility for maintenance of those segments than for any other segment of Town highway. Operators of ATVs on Town highways designated as an ATV route assume all the usual and normal risks of ATV operation.

SECTION IX – SIGNAGE OF ATV ROUTES

- A. The Sponsor is solely responsible for ATV route signing.
- B. All required signs shall be in accordance with state statutes and administrative codes applicable to ATV routes on Town Highways.
- C. No person may erect, remove, obscure, or deface any official designated ATV route sign unless authorized by the Town Board.

SECTION X – OPERATION ON ALL-TERRAIN/UTILITY-TERRAIN VEHICLE ROUTES

- A. No person shall operate an ATV or UTV on a Town highway unless the Town highway has been designated as an ATV route by the Town Board, except for operation that is allowed under state statute or administrative code.
- B. No person shall operate an ATV or UTV on a Town highway designated as an ATV route if the Town Highway is closed for any reason.
- C. General limitations. The following limitations apply on all Town highways designated as ATV routes:
 1. Operators shall abide by all traffic laws unless further restricted by this Ordinance.
 2. No ATV or UTV shall be operated at a speed greater than 35 miles per hour unless a reduced speed is otherwise required by State Statute.
 3. All ATVs and UTVs must operate with fully functional headlights, tail-lights, and brake lights.

4. ATVs and UTVs may only be operated on an approved ATV route between 5:00 A.M. and Midnight year-round.
5. All ATV or UTV operators shall ride in single file on the extreme right hand side of the paved portion of the highway. Operation on the gravel shoulders, 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. Crossings should be made only at a place where no obstruction prevents a quick and safe crossing. "Obstruction" includes, but is not limited to impairment of view and potentially hazardous roadway conditions.
7. All ATV and UTV operators and passengers under 18 years old shall wear protective headgear while operating on Town highways.
8. No person under the age of 16 may operate an ATV or UTV on any segment of a Town Highway that is a designated ATV route.
9. Every person who operates an ATV or UTV on any segment of a Town Highway which is designated as an ATV route shall have in his or 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 Wis. Stat. 8§110.07(1), conservation warden or municipal peace officer.
10. No ATV or UTV may be operated on any designated ATV route if the ATV or UTV does not meet all applicable Federal noise and air pollution standards.
11. No person may ride in or on any part of an ATV or UTV that is not designated or intended to be used by passengers.

SECTION XI – ENFORCEMENT

- A. This Ordinance shall be enforced by an officer employed by the Green Lake County Sheriff's Office or any other law enforcement official as set forth in Wis. Stats. 9§23.33 (12).
- B. Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter under this Ordinance.

SECTION XII – VIOLATIONS AND PENALTIES

Any person violating any provision of this chapter shall, upon conviction, forfeit a dollar amount not to exceed the maximum dollar amount of the forfeiture provided in the subsection(s) of Wisconsin Statutes violated, together with all applicable costs, and in default of payment of such forfeiture and costs, shall be confined in the Green Lake County Jail until such forfeiture and costs are paid, but not to exceed 30 days.

SECTION XIII – SEVERABILITY CLAUSE

Should any portion of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part declared invalid.

SECTION XIV – EFFECTIVE DATE

This ordinance shall become effective upon passage and publication or posting.

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

Roll Call Ayes 3 Nays 0 Absent _____ Abstain _____

APPROVED this 8th day of March, 2021.

TOWN OF MACKFORD

Steve Dawson
Town Chairperson

ATTEST:

Sandy James
Town Clerk

APPROVED AS TO FORM:

Daniel D. Sondalle
DANIEL D. SONDALLE, Town Attorney

Posted
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