

## **ORDINANCE NO. 2022-1**

### **AN ORDINANCE OF THE TOWN OF KICKAPOO, VERNON COUNTY, WISCONSIN, RELATING TO ATV/UTV OPERATION AND ROUTES, AND TO ESTABLISH PENALTIES FOR VIOLATION THEREOF**

THE TOWN BOARD OF THE TOWN OF KICKAPOO, VERNON COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

#### **SECTION I – TITLE AND PURPOSE**

The title of this ordinance is the Town of Kickapoo All-Terrain Vehicle and Utility Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle and utility terrain vehicle routes in the town and to regulate the operation of all-terrain vehicles and utility terrain vehicles in the town.

#### **SECTION II – AUTHORITY**

The Town Board of the Town of Kickapoo, Vernon County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle and Utility Terrain Vehicle Ordinance under Wis. Stat. secs 23.33(8)(b) and (11).

#### **SECTION III – ADOPTION OF ORDINANCE**

This ordinance adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the town to designate all-terrain vehicle and utility terrain vehicle routes in the town and to regulate the use of those routes and all-terrain vehicles and utility terrain vehicles in the town, designates all-terrain vehicle and utility terrain vehicle routes in the town and provides for the regulation of the use of those routes and of all-terrain vehicles and utility terrain vehicles in the town.

#### **SECTION IV – OPERATION OF ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES**

Pursuant to Wis. Stat. sec. 23.33(4)(d)4., except as otherwise provided by Wis. Stat. sec. 23.33(4), no person may operate an all-terrain vehicle or utility terrain vehicle on the roadway portion of any highway in the town except on roadways that are designated as all-terrain vehicle and utility terrain vehicle routes by this ordinance. Operation of all-terrain vehicles and utility terrain vehicles on a roadway in the town that is an all-terrain vehicle and utility 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 that is safe given prevailing conditions.

#### **SECTION V – DESIGNATION OF ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES**

All highways are designated all-terrain vehicle and utility terrain vehicle routes in the town, except highways that are signed to prohibit such use.

#### **SECTION VI – CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES**

Pursuant to Wis. Stat. sec. 23.33(8)(d), the following restrictions are placed on the use of the town all-terrain vehicle and utility terrain vehicle routes designated by this ordinance:

A. Routes shall be marked with uniform all-terrain vehicle and utility terrain vehicle route signs in accordance with Wis. Stat. sec. 23.33(8)(e) and Wis. Admin. Code sec. NR 64.12(7). No person may do any of the following in regard to signs marking town all-terrain vehicle and utility terrain vehicle routes:

1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle and utility 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. Possess any uniform all-terrain vehicle and utility 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 and utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

B. Operation shall be subject to all provisions of Wis. Stat. sec. 23.33, which is adopted as a part of this ordinance by reference, pursuant to Wis. Stat. sec. 23.33(11).

C. A copy of this ordinance shall be sent by the town clerk to the Department of Natural Resources, the Vernon County Sheriff's Department and any other law enforcement agency serving the Town of Kickapoo's jurisdiction.

D. Other Restrictions

1. All ATVIUTV operators must carry liability insurance coverage.
2. All ATVs/UTVs must be property registered with the Department of Natural Resources prior to operating on any routes.
3. All ATVIUTV operators shall observe posted speed limits.
4. All ATVIUTV operators shall operate on paved portions of the roadway only. Operation on gravel shoulders, grassy in-slopes, ditches, or other highway rights-of-way is prohibited.
5. All ATVIUTV operators shall ride in single file on the right-hand side of the paved portion of the highway.
6. All ATV/UTV operators shall have their headlight illuminated, and taillight, if the vehicle was originally manufactured with a taillight, while operating on a town

highway. All ATV/UTV operators without taillights shall be equipped with reflectors.

7. ATV/UTV operators who are born after January 1,1988 and operating on a town highway are required to have an ATV Safety Certificate provided by the Department of Natural Resources.
8. ATV/UTV operators shall be 16 years of age or older.
9. ATV/UTV operators under 18 years of age shall wear protective headgear of the type required by Wis. Stat. sec. 347.485(1)(a).
10. ATV/UTV operators shall engage in recreational use of the routes between 8:00 AM and 9:00 PM only. All all-terrain vehicle and utility terrain vehicle operators shall observe posted roadway speed limits.

#### SECTION VII - ENFORCEMENT

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

#### SECTION VIII - PENALTIES

The penalties under Wis. Stat. sec. 23.33(13) are adopted by reference.

#### SECTION IX – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

#### SECTION X – EFFECTIVE DATE AND SUNSET PROVISION

This ordinance is effective on publication. This ordinance shall remain in full force and effect through November 15, 2023, and shall be of no further force and effect thereafter.

Adopted this \_\_\_\_\_ day of November 2022.

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Jeff Clements, Town Chairman

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Andy Kellogg, Supervisor

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Rick Kettner, Supervisor

ATTEST:

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Alan Buss, Town Clerk

Date adopted: \_\_\_\_\_

Date recorded: \_\_\_\_\_

Date published: \_\_\_\_\_

Effective date: \_\_\_\_\_