

STATE OF WISCONSIN
Town of York, Green County

Ordinance # 2022-2
All-Terrain Vehicle and Utility Terrain Vehicle Routes and Regulations

A. INTENT.

The intent of this ordinance is to provide for the safe operation of all-terrain vehicles and utility terrain vehicles within the Town of York and establish routes upon certain town highways designated in Section D.

B. AUTHORITY.

The Town Board of the Town of York, Green County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle and Utility Terrain Vehicle Ordinance under s. 23.33(8)(b) and (11), Wis. Stats.

C. APPLICABLE LAW.

This ordinance adopts all applicable provisions of Wis. Stat. § 23.33 and Wis. Admin. Code § NR 64 relating to the designation of ATV routes and the operation of ATVs and UTVs upon such routes. Every term or phrase included in this ordinance shall have the meaning specified in Wis. Stat. § 23.33, unless indicated otherwise. In the event that any term or provision of this ordinance conflicts with any applicable provision of state law, state law shall control.

D. DESIGNATION AND REGULATION OF ATV AND UTV ROUTES.

1) Routes. Only the following roads are designated as routes under this ordinance:

- a. Gould Hill Road, from the Town line to Yankee Hollow Road,
- b. Yankee Hollow Road, from Gould Hill Road to County Hwy A, and
- c. Vinger Road, from Yankee Hollow Road to the Town line.

2) General Age and Safety Certification Requirements under Wis. Stat. § 23.33:

- a. No person under 16 may operate an UTV.
- b. No person under 12 may operate an ATV.

-All ATV operators at least age 12 and born on or after January 1, 1988, must possess a valid ATV safety certificate issued by this state or any other state or province. Operators must be in possession of this certificate while operating.

-All ATV safety certified operators aged 12-15 must also be accompanied by an adult (subject to continuous direction or control, but not necessarily on same machine), while operating on a designated ATV route.

c. All ATV/UTV operators and passengers under the age of 18 are required to wear a minimum DOT standard ATV or motorcycle helmet with the chin strap properly fastened.

3) Local Regulation:

All ATV/UTV operators shall obey all State of Wisconsin laws regarding the operation of ATVs/UTVs and the following conditions:

a. All ATV/UTV operators shall operate only on the roadway portion of any town road in the town unless it has been designated and properly signed, in accordance with Wisconsin Natural Resources Administrative Code NR 64.12(7)(c) as an ATV and/or UTV route, by this ordinance.

b. ATV/UTV's may only be operated on an approved ATV/UTV route between ½ hour before sunrise and ½ hour after sunset.

c. All ATV/UTV operators shall ride on the extreme right side of the pavement except that left turns may be made from any part of the roadway which is safe given prevailing conditions but shall not operate on the shoulders or in the ditch.

d. All ATV and UTV operators on any portion of a designated route shall not exceed 35 miles per hour, unless a reduced speed is otherwise required by law or roadway conditions. Separate speed limit signs for ATV's-UTV's will be required.

e. All ATV and UTV operators shall slow to a safe and prudent speed when there are animals on or near the roadway.

f. All ATV/UTV operators on any portion of a designated route shall be single file in a line of ATVs and/or UTVs arranged one behind another.

g. All ATV/UTV operators on any portion of an established designated ATV or UTV route shall always display lighted headlights and taillights conforming to Wis. Stat. § 23.33 equipment requirements.

h. All ATV/UTV machines operating on Town of York routes must be registered through WI DNR and display registered decals and plates.

*-NOTE (Dual Registration requirement): **Agricultural purpose registration** is defined as "a purpose related to the transportation of farm implements, equipment, supplies, or products on a farm or between farms. This form of registration is valid during operation on public roads for agricultural purposes, but is not valid for operation on public, frozen waterways or public lands otherwise open to ATVs/UTVs. If you want to use your ATV or UTV recreationally as well, you may dual register it for public use also."*

i. No ATV/UTV may be operated on any designed route unless such ATV/UTV meets all applicable State noise standards.

-Section 23.33(6)(e), Stats., requires every ATV to be equipped with a functioning muffler to prevent excessive or unusual noise and with a functioning spark arrester of a type approved by the U.S. Forest Service. Section 23.33(6m)(a), Stats., was created by Act 251 and prohibits ATVs from emitting noise above 96 decibels when tested according to rules promulgated by the department. NR 64.085 Refusal to allow testing. No operator or owner of any all-terrain vehicle may deny inspection or may refuse to operate his or her all-terrain in a manner prescribed by

the law enforcement officer who reasonably suspects a violation of all-terrain equipment requirements found in s. 23.33, Stats.

4) Signage of ATV/UTV Routes:

a. Routes shall be marked with uniform all-terrain vehicle route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code.

-All required designated route sign shall be paid for and maintained by any ATV/UTV club or donations, approved under the direction of the Town of York Board.

-The quantity and location of signage shall be reviewed and approved by the Town of York Board, where appropriate, placed at the beginning of an ATV/UTV route within the Township and such locations and intervals deemed necessary to enable the ATV/UTV operators to follow the route.

-No person may intentionally remove, damage, deface, move or obstruct any uniform ATV/UTV route sign.

-No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

5) Enforcement:

This ordinance shall be enforced by any law enforcement officer with jurisdictional authority to enforce the laws of the State of Wisconsin, within the Town of York, Green County.

6) Penalties:

a. Any person who violates this ordinance shall forfeit not less than \$50.00 nor more than \$500.00 for each offense, plus court costs.

b. Nothing in this ordinance is intended to foreclose the enforcement of the provisions of state law with regard to ATV and UTV operation, specifically including Wis. Stat. § 23.33 in a court of competent jurisdiction.

E. SEVERABILITY.

The provision of this ordinance shall be deemed severable, and it is expressly declared that the Town would have passed the other provisions of this ordinance irrespective of whether 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 the other person's circumstances shall not be deemed affected.

F. NOTIFICATION OF ENFORCEMENT ENTITIES.

The Town Clerk shall immediately send a copy of the ordinance to the Wisconsin Department of Natural Resources (WDNR), the state traffic patrol, and to the Green County Sheriff's Department per Wis. Stat. § 23.33(11)(b).

G. EFFECTIVE DATE.

This ordinance shall become effective upon its passage and publication according to law AND upon the installation of appropriate route signage as stipulated in Wis. Stat. § 23.33(8)(e) and NR 64.12 and NR64.12(7)c.

Passed this 13th day of December 2022.

s/ Dan Truttman Dan Truttman, Chairman

s/ April Prusia April Prusia, First Supervisor

s/ Travis Leonard Travis Leonard, Second Supervisor

Attest:

s/ Jessica L. Schlumpf Jessica L. Schlumpf, Clerk-Treasurer

Roll Call Vote:

Chairman Truttman X Aye / Nay

Supervisor Prusia X Aye / Nay

Supervisor Leonard X Aye / Nay