

Ordinance 2021-1

Town of Wyocena

All-Terrain Vehicles & Utility Terrain Vehicles

The Town Board of the Town of Wyocena, Columbia County, does ordain as follows:

SECTION I. Purpose and Authority. The purpose of this ordinance is to establish all-terrain vehicle and utility terrain vehicle routes in the Town of Wyocena and to regulate the operation of all-terrain vehicle and utility terrain vehicles in the Town. The Town Board has the specific authority to adopt this ordinance §23.33(8)(b) and (11) Wis. Stats.

SECTION II. Operation of All-Terrain Vehicle and Utility Terrain Vehicles. Except as otherwise provide in §23.33(4), Wis. Stats., no person may operate and all-terrain vehicle or utility terrain vehicle on the roadway portion of any highway in the Town of Wyocena 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 and utility terrain vehicle route is authorized only on the paved portion of the roadway and only on the extreme right side of the paved portion of the roadway, except that left turns may be made from any part of the roadway that is safe, given prevailing conditions. Operation on the shoulder, ditches or other portion of the right of way is prohibited.

SECTION III. Designation of All Terrain Vehicle and Utility Terrain Vehicle Routes. Only town roads located in the Town of Wyocena as defined by the Town Board in Appendix A of this ordinance are designated as all-terrain vehicle and utility terrain vehicle routes in the Town. Removal of all-terrain vehicle or utility terrain vehicle routes may be made by Resolution adopted by the Town Board.

SECTION IV. Conditions Applicable to All-Terrain Vehicle and Utility Terrain Vehicle Routes. Pursuant to Chapter 23 of the Wisconsin Statutes, the following restrictions are places 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 the requirements under the Wisconsin Administrative Code. No person may do any of the following in regard to signs marking 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 standard in a lawful manner. Possession of an all-terrain vehicle and utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

2. Possess any uniform all-terrain 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 all-terrain vehicle and utility terrain vehicle route or trail sign or standard in a lawful manner.
- B. All signage shall be reviewed and approved by the Town of Wyocena Town Board before installation. No signs may be mounted on any existing Town sign posts unless authorized by the Town Board. No town operating funds shall be used to fund the purchase of signs and sign posts or installation of the signs and sign posts.
- C. Operation shall be subject to provisions of §23.33 Wis. Stats., which is adopted as a part of this ordinance by reference pursuant to §23.33 (11) Wis. Stats.
- D. In addition to other applicable laws and regulations, the following rules shall apply to the operation of all-terrain vehicle and utility terrain vehicles on Town Roads.
1. All operators shall observe the lower of posted roadway speed limits or 35 mph.
 2. All operators shall ride in single file on the righthand side of the paved portion of the road.
 3. All operators shall have their headlights illuminated while operating on a Town road.
 4. Every person born on, or after, January 1, 1988 and operating an all-terrain vehicle or utility terrain vehicle must hold a valid safety certification issued by the Wisconsin DNR, another state, or a province of Canada. All persons required to hold a safety certification shall carry the certificate with them while driving and shall display the certificate to a law enforcement officer upon request.
 5. All-Terrain Vehicles Age Restrictions.
 - a. No person who is under sixteen (16) years of age may operate an all-terrain vehicle under the authority provided under Sec. 23.33(4)(d)4 or 7, Wis. Stats.
 - b. No person who is under sixteen (16) years of age may operate an all-terrain vehicle under the authorization provided under Sec. 23.33(4)(f), Wis. Stats., under any circumstances.
 6. Utility Terrain Vehicles Age Restrictions.
 - a. No person under sixteen (16) years of age may operate, rent, or lease a utility all-terrain vehicle unless he or she is operating the UTV for an agricultural for an agricultural purpose and he or she is under the supervision of a person over eighteen (18) years of age. "Supervision" does not require that the person under sixteen (16) years of age be subject to continuous direction and control by the person over eighteen (18) years of age.
 7. All operators and passengers under 18 years of age shall wear approved protective headgear while operating on Town roads.

8. All operators shall have in his/her immediate possession a valid motor vehicle operator's license and shall display such license upon demand from any law enforcement officer or official described in Sec. 23.33(12), Wis. Stats.
 9. All operators shall carry liability and other insurance coverage consistent with state law for the operation of a motorized vehicle.
- E. ATV/UTV operation is limited to the hours of 7:00 a.m. to 10:00 p.m.

SECTION V. Enforcement. This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin. A copy of this ordinance shall be sent by the Town Clerk to the Department of Natural Resources, the Columbia County Sheriff's Department and any other law enforcement agency serving the Town of Wyocena's jurisdiction.

SECTION VI. Penalties. The penalties under §23.33(13)(a) Wis Stats, are hereby adopted by reference.

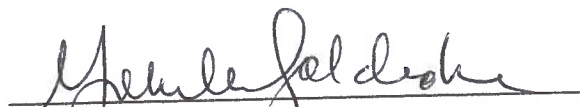
SECTION VI. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions of applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions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

SECTION VIII. Effective Date. This Ordinance shall be effective upon publication and posting as provided by law. No roadways approved by the Town Board of the Town of Wyocena as an all-terrain vehicle and utility terrain vehicle route shall be open for that use until the signage required under this ordinance has been installed and the Town Board has approved that route to be open for that use.

Adopted this 19th day of October, 2021.


Airling Gunderson, Chairman

Posted this 19th day of October, 2021.


Michelle Goldade, Clerk

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Appendix A

Approved ATV/UTV Route Designations

All current existing town roads.