

ORDINANCE NO. 2022-04

AN ORDINANCE TO ALLOW ATV'S AND UTV'S TO
OPERATE ON TOWN ROADS

The Town Board of the Town of Dekorra hereby ordains as follows:

1. Section 12.08 of the Town of Dekorra Code of Ordinances is hereby created to read as follows:

SECTION 12.08 ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES.

- (a) **Authority and Purpose.** This ordinance is adopted pursuant to the authority granted pursuant to Wis. Stats. §23.33(8)(b) and (11) 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.
- (b) **Operation of All-Terrain and Utility Terrain Vehicles.** Except as otherwise provided in Wis. Stats. §22.33(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 or utility terrain vehicle routes by this ordinance.
- (c) **Definitions.** Unless otherwise expressly provided, all words and phrases in this Section shall have the meanings ascribed to them as set forth in Wis. Stats. §§23.33, 340.1 and 346.01 and Wis. Admin. Code Chap. NR 64.
- (d) **Designated Routes.** All town highways, county highways designated by Columbia County are designated all-terrain and utility terrain vehicle routes.
- (e) **Regulations Applicable to Operation of All-Terrain and Utility Terrain Vehicles on Designated Routes.** The following restrictions are placed on the use of the town all-terrain vehicle and utility terrain vehicle routes designated under this section:
 - (1) **Signs.** Routes shall be marked with uniform all-terrain vehicle and utility terrain vehicle route signs meeting the standards of Wis. Admin. Code §NR 64.12(7). A sign shall be erected on each highway that crosses the territorial boundary of the town in a position to be viewed by motorists as they enter the town. The signs shall alert motorists that all highways under the jurisdiction of the town, village, city, or county have been designated as all-terrain vehicle routes. No

person may do any of the following in regard to signs marking town all-terrain vehicle and utility terrain vehicle routes:

- (A) 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 town, county, state, or any authorized individual.
 - (B) 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.
- (2) Helmets. All individuals under the age of 18, either operating or riding on an all-terrain or utility terrain vehicle, must wear a helmet.
- (3) Operator Requirements.
- (A) No person who is under 16 years of age may operate an all-terrain vehicle unless the person is accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian.
 - (B) No person who is at least 12 years old and who is born on or after January 1, 1988, may operate an all-terrain vehicle unless holding a valid safety certificate or a valid certificate from another state or Canada and carries the certificate while operating. The operator shall present the certificate to a law enforcement officer upon request.
 - (C) No person who is under 16 years may operate a utility terrain vehicle on a roadway.
 - (D) No person may operate an all-terrain or utility terrain vehicle while under the influence of an intoxicant to a degree which renders them incapable of safe operation or results in injury to another person. No person while under the influence of an intoxicant to a degree which renders them incapable of safe operation of an all-terrain vehicle or utility terrain vehicle may cause injury to another person by the operation of an all-terrain vehicle or utility terrain vehicle.

- (E) No person may engage in the operation of an all-terrain or utility terrain vehicle while the person has an alcohol concentration of 0.08 or more. No person who has an alcohol concentration of 0.08 or more may cause injury to another person by the operation of an all-terrain vehicle or utility terrain vehicle.
- (F) No person may engage in the operation of an all-terrain or utility terrain vehicle while the person has a detectable amount of a restricted controlled substance in his or her blood. No person who has a detectable amount of a restricted controlled substance in his or her blood may cause injury to another person by the operation of an all-terrain vehicle or utility terrain vehicle.
- (4) Proof of Registration. Each all-terrain or utility terrain vehicle shall have its Wisconsin registration number clearly visible and in legible letters from the rear of the vehicle. A copy of the current, valid registration certificate shall be present on the vehicle and shall be presented to law enforcement when requested.
- (5) Speed Limits. All-terrain and utility terrain vehicles shall travel at specific designated speeds.
- (A) Where speeds are not posted, all-terrain and utility terrain vehicles shall not be operated at a speed greater than 35 miles per hour.
- (B) Within 100 ft of a pedestrian or within 150 ft of a home, all-terrain and utility terrain vehicles shall not be operated at a speed greater than 10 miles per hour.
- (6) Hours. All-terrain and utility terrain vehicles shall not be operated on any highway between the hours of 10:00 p.m. and 5:00 a.m.
- (7) Lights. All-terrain and utility terrain vehicles shall not be operated on any highway without fully functional headlights, taillights, and brake lights. Headlights and tail lights must be turned on at all times.
- (8) Operations.
- (A) All-terrain and utility terrain vehicles shall operate on the extreme right side of the paved surface or travel except that left turns may be made from any part of the roadway that is safe given prevailing conditions.


- (B) All-terrain and utility terrain vehicles shall only operate on the paved portion of the road right-of-way; unless yielding the right of way or lane if pavement does not exist.
- (C) Multiple units shall operate single file, providing sufficient distance between vehicles.
- (D) All-terrain and utility terrain vehicles may not harass or restrict travel for frightened or distressed animals used in transportation within the roadway,
- (E) Seatbelts. All occupants riding in or operating a utility terrain vehicle shall be required to wear a seatbelt when travelling on any County Highway in Columbia County.

(f) Penalties. The penalties under Wis. Stats. §23.33(13) are hereby adopted by reference.

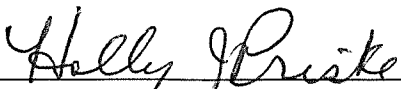
(g) Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions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

The above and foregoing Ordinance amendment was duly adopted at a regular meeting of the Town Board of the Town of Dekorra on the 13 day of ~~August~~, 2022.
September

TOWN OF DEKORRA

By: 
Kyle Khuteson, Town Chairperson

ATTEST:


Holly Priske, Town Clerk

VOTE:

Ayes: 4
Noes: 0

Adopted: 9/13/22
Published: 9/14/22