

Ordinance 2018-02 DRAFT

Town of Morrison Brown County, WI

All-Terrain Vehicle and Utility Terrain Vehicle Ordinance

A. Intent. The intent of this ordinance is to establish routes and provide for the safe operation of ATVs and UTVs upon designated roadways within the Town of Morrison

B. Authority. The Town Board of the Town of Morrison, Brown 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. Designation and Regulation of ATV and UTV Routes.

1) **Adoption of State ATV and UTV Laws and Definitions:** State ATV and UTV laws and definitions found in Wisconsin State Statutes 23.33 and Wisconsin Administrative Code NR 64 are adopted by reference and fully incorporated herein by reference, pursuant to Wisconsin State Statutes 23.33 (11)(a).

2) Routes

- a. Any Town Road that is signed in accordance with NR 64.12 and NR 64.12(7)c (as those sections may hereafter be amended) may be used by ATVs and UTVs in accordance with such signage and as provided by the applicable portions of s 23.33 Wis. Stats. and this ordinance.
- b. The following roads cannot be used by ATVs or UTVs:
 1. All lettered County Highways (G, NN, W, Z)
 2. State Highway 96

3) **Local Regulation:** The operator of an ATV/UTV shall obey all State of Wisconsin laws regarding the operation of ATVs/UTVs and the following conditions:

- a. No person may operate an ATV or UTV on the roadway portion of any highway 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 routes in the Town of Morrison will be open from 5am to 11pm and closed from 11pm – 5am year round.
- c. All ATV and 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 operation on any portion of a designated route shall not exceed 25 miles per hour (MPH) or the posted speed limit for ATVs and UTVs whichever is lower.
- e. All ATV and UTV operation on any portion of a designated route shall be single file in a line of ATVs and/or UTVs arranged one behind another.
- f. No person may operate an ATV or UTV on a designated route or roadway unless:
 - 1. That person is twelve (12) years of age or older and has obtained a safety certificate from the Department of Natural Resources or,
 - 2. That person is sixteen (16) years of age or older and possesses a valid driver's license.
- g. All ATVs and UTVs operating on any portion of an established designated ATV or UTV route shall display lighted headlights and taillights conforming to Wisconsin State Statute 23.33 equipment requirements at all times.
- h. All-terrain vehicles may be operated on Brown County highways only if the all-terrain vehicle is used exclusively for agricultural purposes pursuant to Wis. Stats. 23.33(4)(d)5.

4) **Enforcement.** This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

5) **Penalties.**

- a. Any person who violates this section shall forfeit not more than \$250.
- 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 Wisconsin State Statute 23.33 in a court of competent jurisdiction.

- D. The provisions of this ordinance shall be deemed severable, and it is expressly declared that the Town would have passed the other provisions of this chapter irrespective of whether one or more provisions may be declared invalid. If any provision of this chapter or the application of any person or circumstances is held invalid, the remainder of the chapter and the application of such provisions to other person's circumstances shall not be deemed affected.

- E. 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 Brown County Sheriff's Department per Wisconsin State Statute 23.33(11)(b).

- F. This ordinance shall become effective upon its passage and posting according to law.

Adopted _____, **20**_____.

Tom Kempen, Chairman

Jenny Wasmuth, Supervisor

Dennis Laabs, Supervisor

Attested by Colleen Magley, Clerk