
Section 10.40 Establishing ATV/UTV Routes

10.40 ATV/UTV ROUTE ORDINANCE:

(1) **Purpose:**

The purpose of this ordinance (“Ordinance”) is to establish all-terrain vehicle ("ATV") and utility terrain vehicle ("UTV") routes in the Town of Union, and to regulate the operation of ATV/UTVs within the Town of Union.

(2) **Authority:**

This Ordinance is adopted by the Town Board of the Town of Union pursuant to Sections 23.33(8), 23.33(11)(a) and (am), and 350.18 of the Wisconsin Statutes.

(3) **Title and Effective Date:**

This Ordinance shall hereafter be known, cited, and referred to as the *Town of Union ATV/UTV Route Ordinance* and shall be effective immediately upon publication of due notice of the adoption of the Ordinance.

(4) **Adoption of State Law:**

Unless otherwise provided for in this Ordinance, the statutory provisions in Chapters 23, 340 to 348, and 350 of the Wisconsin Statutes, which establish definitions and regulations with respect to ATVs and UTVs, are hereby adopted and incorporated by reference as if fully set forth herein. Any future amendments, revisions or modifications of the statutes incorporated herein are made part of this Ordinance by reference to ensure uniform regulation of ATVs and UTVs within the State of Wisconsin.

(5) **Definitions:**

In this Ordinance:

- A. “ATV” means any all-terrain vehicle, a motorized off-highway vehicle designed to travel on three or four low-pressure or non-pneumatic tires, having a seat designed to be straddled by the operator and handlebars for steering control, that is designed for use on various types of terrain.
- B. “UTV” means any utility terrain vehicle, a motorized off-highway vehicle designed to travel on four low-pressure or non-pneumatic tires, having side-by-side seating and a steering wheel for steering control, that is designed for use on various types of terrain.
- C. “Town” means the Town of Union, Rock County, Wisconsin.
- D. “Town Board” means the Board of Supervisors for the Town of Union, Rock County, Wisconsin and includes any designee of the Board authorized to act for the Board.

(6) **Designated ATV/UTV Routes:**

Pursuant to Sections 23.33(11)(a) and (b), all roads under the jurisdiction of the Town of Union are designated ATV and UTV routes.

(7) Route Signage:

- A. Under the direction of the Town, route signage for ATV/UTV routes shall be marked and paid for by the Western Rock County ATV Club, or their successor, with uniform all-terrain vehicle route signs in accordance with Section NR64.12(7) of the Wisconsin Administrative Code. ATV/UTV signage shall be inspected annually and shall be maintained by the Western Rock County ATV Club or their successors.
- B. No person may do any of the following in regard to signs marking Town of Union ATV/UTV routes:
 - i. Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail sign or standard if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
 - ii. Possess any uniform ATV/UTV route or trail sign established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform ATV/UTV or snowmobile route or trail sign or standard in a lawful manner. Possession of an ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.

(8) Conditions:

In addition to statutory and regulatory requirements, the following conditions and restrictions shall apply to designated ATV/UTV routes within the jurisdiction of the Town of Union:

- A. The Town of Union, under its sole discretion, may close designated ATV/UTV routes or trails within the territorial boundaries of the Town at any time.
- B. Closure of any designated route or trail shall be indicated by providing notice to the public and the placement of signage indicating route or trail closure.
- C. ATV/UTV operators shall observe posted speed limits.
- D. ATV/UTV operators shall operate only on the far right side of a roadway designated as a route and/or trail.
- E. ATV/UTVs shall have operating headlights, taillights, and brake lights, and shall operate with headlights and taillights on at all times. Operators of ATV/UTVs must use turn signals from dawn to dusk.
- F. ATV/UTV operators shall yield the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway or shoulder.
- G. No person may operate an ATV/UTV on the private property of another without the consent of the owner or lessee. Failure to post private property does not imply consent for ATV/UTV use.
- H. All designated ATV/UTV routes shall be closed between the hours of 10:00 p.m. to 4:00 a.m. every day.

(9) Enforcement and Penalties:

This Ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin. Any person who violates any section of this Ordinance or the statutes adopted by reference shall be subject to the penalties set forth in Sections 23.33(13) and 350.11 of the Wisconsin Statutes.

(10) Notifications:

A copy of this ordinance shall be sent by the Town of Union Clerk to the Rock County Sheriff's Department, Wisconsin State Patrol, and the Wisconsin Department of Natural Resources.

(11) Severability Clause:

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 provisions or application, and to this end, the provisions of this Ordinance are severable.

(12) Effective Date: Following passage by the Town Board, this Ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

ADOPTED this ____ day of _____, 2021.

(Town Board Chairperson)
Kendall Schneider, Chairman

Date

Attest:

(Town Clerk)
Regina Riedel, Town Clerk

Date

[Published / Posted] this ____ day of _____, 20 ____.