

**Town of Belle Plaine Ordinance No. 2020-1** allowing All-Terrain Vehicles (ATV) and Utility Terrain Vehicles (UTV) on certain town roads

**Section I. Purpose:** The Town of Belle Plaine, Shawano County, adopts the following ATV/UTV routes for the operation of All Terrain Vehicles (ATV) or Utility Terrain Vehicles (UTV) upon the roadways listed in Section III of this ordinance.

**Section II. Statutory Authority:** This ordinance is enacted under the authority of Sec. 23.33 (8) (b), Sec. 23.33 (11) and Sec. 60.22 (3) of Wis. Statutes. The provisions of Sec. 23.33 Wis. Statutes, and the provisions of Wisconsin Administrative Code NR 64 regulation ATV and UTV operations and containing applicable definitions are hereby adopted and incorporated into this Ordinance as though set forth in full herein.

**Section III. Routes:** The following town highways are designated as routes:

A. All ATV/UTV signed town highways. ATV/UTV use on state Highway 22 and 29 as well as county roads is prohibited within the town limits.

B. The Town reserves the right to close or modify routes at any time. Any restrictions of routes shall be designated by a motion and by majority of the Town Board and shall be marked accordingly.

C. All ATV/UTV routes established pursuant to this ordinance may be reviewed annually by the Town of Belle Plaine supervisors to consider the continued value, efficacy or need for the routes or for the inclusion of additional ATV/UTV routes.

**Section IV. Conditions:** As a condition for the use of these routes, the following conditions shall apply to all operators (and passengers):

A. The speed limit on all designated routes shall be thirty-five (35) miles per hour. Operators shall reduce speed whenever the posted speed limit is less, or as required by Wisconsin Statutes, or as conditions warrant.

B. All ATV/UTV operators shall ride single file, on the extreme right hand portion of the roadway on the paved surface.

C. Routes must be signed in accordance with NR 64.12 and NR 64.12 (7)c.

D. All ATV/UTV operators must stay on the paved portion of the roadway. No riding on shoulder of the roads.

E. All ATV/UTV operators must be 16 years of age or older, except children aged 12-15 years of age may operate an ATV/UTV on a designated ATV route if accompanied by a designated adult. Sec. 23.33 (5) Wis. Stat.

F. All ATV/UTV operators and passengers under the age of 18 shall wear a helmet approved by the Wisconsin Department of Transportation.

G. ATVs and UTVs can only be operated during daylight hours, plus one hour before sunrise and one hour after sunset, on designated Town highways.

H. All ATV/UTVs operated on Town highways pursuant to this ordinance shall have the following properly working equipment: 1. one or more headlights 2. a red rear light 3. number plate bracket 4. brakes in good mechanical condition 5. a muffler system and such other equipment or devices that comply with the noise level standards as set forth in 23 VSA Sec. 3505(b) and regulations adopted pursuant thereto

I. At all times, while operating an ATV/UTV on town highways, operators shall have a valid driver's license or pass an approved safety course. Drivers shall obey all Wisconsin laws regarding the operation of ATV/UTVs.

J. The Town of Belle Plaine accepts no liability for the operation of ATV/UTVs on any town road.

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

**Section VI. Penalties:** Wisconsin ATV/UTV penalties as found in Sec. 23.33 (13) Wis. Stat. are adopted by reference. If there is any instance where a penalty under Sec. 23.33 (13) cannot be determined and/or applied, then there shall be a forfeiture of \$100 for a violation of this ordinance.

It shall also be a non-moving violation of this Ordinance for any person to do any of the following: intentionally remove, damage, deface, move, or obstruct any ATV and/or UTV route or trail sign or standard or intentionally interfere with the effective operation of any ATV and/or UTV route or trail sign or standard if the sign or standard is legally placed by the Town, or any other highway authority or authorized person, or on behalf of the Town or any other highway authority or authorized person.

**Section VII. Severability:** The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town would have passed the provisions of this ordinance irrespective of whether or not 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 other person's circumstances shall not be deemed affected.

**Section VII. Effective Date:** This ordinance shall be effective upon passage and publication as required by law. No travel on designated town highways shall be allowed until ATV/UTV signs have been installed. A copy of this ordinance and any revisions shall be sent by the Town Clerk to the Department of Natural Resources, the Wisconsin State Patrol, and the Shawano County Sheriff's Department.

Adopted this Ninth day of March, 2020, by the Town Board of the Town of Belle Plaine, Shawano County.

/s/ Alvin Bartz Town Chairperson

/s/ Kristine Vomastic, Town Clerk

