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Town of Winchester, Vilas County

Ordinance # _____

Designation of Town Roads as All-Terrain Vehicle and Utility-Terrain Vehicle Routes in the Town.

1) Intent

The purpose of this ordinance is to establish all-terrain and utility terrain vehicle (ATV/UTV) Routes in the Town of Winchester.

2) Statutory Authority

The Town Board of the Town of Winchester, has the Statutory Authority to adopt this ATV/UTV Ordinance under s. 23.33(8) (b) and (11), Wis. Stats.

3) Adoption of Ordinance

This ordinance adopted on proper notice with a quorum and a vote by a majority of the Town board present and voting, provides the authority for the town to designate ATV/UTV Routes in the town and to regulate the use of those routes and ATV/UTV's in the town.

4) Designation of ATV/UTV Routes

The Town Board of the Town of Winchester, do decree that all town roads in the Town of Winchester shall be designated as ATV/UTV routes. The routes will be open January 1st through December 31st of each year.

5) Regulations and/or Conditions

- a) Pursuant to s. 23.33(4) (d)., Wis. Stats., except as otherwise provided in s. 23.33(4)., Wis. Stats., no person shall drive any ATV/UTV on any town roads in the Town of Winchester which have not been designated as ATV/UTV routes.
- b) All signs required to be installed by the Town of Winchester on any authorized ATV/UTV route roads shall be installed by town employees or by a local ATV/UTV club, if directed to do so by the Town Board. All costs for installation and purchase of necessary signs shall be paid by the local ATV/UTV club prior to issuance of approval by the Town Board.
- c) No person shall operate an ATV/UTV with tire chains or studded tires on any town road in the Town of Winchester.
- d) No person shall deface, destroy, or remove any ATV/UTV sign posted on any approved ATV/UTV route. No person may possess any uniform ATV/UTV route sign unless it has been obtained pursuant to lawful manner.
- e) No person shall operate an ATV/UTV in the Town of Winchester which has been mechanically or otherwise altered from the manufacturer's specifications to generate additional speed, traction or noise.
- f) No person shall operate an ATV/UTV at a rate of speed that is unreasonable or improper under the circumstances or in any careless way, to endanger the person or property of another
- g) No person under twelve (12) years of age may operate an ATV and no person under the age of sixteen (16) years of age may operate an UTV on the town roads in Winchester. No person twelve (12) years of age or older, and who is born on or after January 1, 1988, may operate an ATV/UTV unless he or she holds a valid vehicle safety certificate.
- h) No person shall operate an ATV/UTV who is under the age of eighteen (18) years of age without wearing protective headgear of the type required under s. 347.485(1)(a) Wis. Stats., and with the chin strap properly fastened, unless the statutory exemption in s. 23.33(3g) applies.

- i) No person shall operate an ATV/UTV in the Town of Winchester unless it is registered.
- j) ATV/UTVs must obey all traffic regulations.
- k) No person shall operate an ATV/UTV on the Town of Winchester roads, in excess of, 20mph.
- l) The Town of Winchester does not assume any liability for the use of ATV/UTVs on the town roads.

6) Enforcement

This section shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin. Enforcement shall be stated in the Town Citation Ordinance.

- a) Any person to whom a citation or summons has been issued for violation of this ordinance may enter into a stipulation of no contest with the Town by posting the appropriate sum with the Vilas County Clerk of Court within the time provided in the summons or citation. Violators of this subsection who do not timely post such sum as a forfeiture shall be required to appear at the next regular session of court.
- b) The State of Wisconsin ATV/UTV penalties as stated in s. 23.33(13)(a) Wis. Stats. and NR 64, are adopted by reference and any future amendments thereof are also adopted by reference.

7) Annual Review

- a) In March of each year, the Town Board shall review all ATV/UTV designated routes for compliance with this Ordinance. At that time, the Town Board shall have the discretion to cancel the authorization to operate ATV/UTVs on any road in the designated route based upon input received from residents, visitors, or law enforcement agencies.
- b) The Town Board reserves the right to close any or all town roads to designated ATV/UTV usage if the Town Board believes that such ATV/UTV use of the roads results in excessive damage to the roadway or if the Town Board feels that usage of the route is not in compliance with this ordinance or for any other reason based upon the best interests of the Town of Winchester.

8) Severability

If any provision of this ordinance or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect with the invalid provision or application, and to this end, the provisions of this ordinance are severable.

9) Effective Date

This Ordinance shall be effective upon passage and publication as provided by law.

Adopted this _____, day of _____

Town Chairman _____

Attest: Town Clerk _____

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