

Town of Winchester
Vilas County
ATV/UTV Ordinance

1. PURPOSE

- A. The purpose of this ordinance is to establish and regulate All-Terrain Vehicles (ATVs) and Utility Terrain Vehicles (UTVs) routes in the Township of Winchester, Vilas County, Wisconsin.
- B. To provide a safe means for Town visitors and residents to use ATVs/UTVs on designated Town roads to facilitate access to routes and trail systems located in the county or adjoining counties.

2. AUTHORITY

The Town Board of Winchester has authority under Wisconsin Statutes 60, 23.33(11) and 23.33(8) as amended, for the purpose of establishing an ATV/UTV ordinance which lays out ATV/UTV routes in the Township of Winchester and incorporating the statutory provisions in Chapter 23 of the Wisconsin State Statutes, describing and defining regulations with respect to ATV/UTVs and traffic, and Chapter NR64, ATVS, WDNR, as amended.

3. ADOPTION AND ABORGATION

- A. This ordinance, adopted on proper notice with a quorum and by a majority vote of the Town Board present and voting, provides the authority for the Town to designate ATV/UTV local routes in the Town and to regulate the use of those routes.
- B. This ordinance authorizes the Town to regulate the use of ATVs and UTVs on Town roads and Town owned properties in the Town of Winchester.
- C. The Town of Winchester adopts the Wisconsin State Legislature Statute 23.33, the Wisconsin Legislature: Chapter NR 64, and The Wisconsin Department of Natural Resources "Wisconsin ATV/UTV Regulations", incorporated in here by reference.

4. DEFINITIONS

For this ordinance, the following definitions shall be used as defined in Wis 23.33 and NR64 and as may be amended from time to time. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The words "shall", "will", and "must" are always mandatory. The words "may" and "should" are discretionary terms. The

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masculine shall include the feminine. Terms not defined in this section shall be interpreted based on common usage.

- A. All-Terrain Vehicle (ATV) - Means a commercially designed and manufactured motor driven device to which all the following applies:
- 1) It has a weight, without fluids, of 900 pounds, but not more than 2000 pounds.
 - 2) It has a width of 50 inches or less.
 - 3) It is equipped with a seat designed to be straddled by the operator.
 - 4) It travels on 3 or more tires.
- B. Utility Terrain Vehicle (UTV) - Means a commercially designed and manufactured motor driven device that does not meet federal motor vehicle standards in effect on July 1, 2012, that is not a golf cart/low speed vehicle, dune buggy, or mini -truck and that has, and was originally manufactured with the following:
- 1) A weight, without fluids, of 3000 pounds or less
 - 2) Four or more tires
 - 3) A steering wheel
 - 4) A taillight(s)
 - 5) A brake light(s)
 - 6) Two headlights
 - 7) A width of not more than 65"
 - 8) A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident
 - 9) A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.
- C. ATV/UTV Club: A legally established club consisting of individuals and or businesses that promote and support recreational use of ATVs/UTVs.
- D. ATV/UTV Route: A road or trail designated for use by ATVs/UTVs by the Town.
- E. ATV/UTV Safety Certificate: All ATV/UTV operators at least 12 years old and born on or after January 1, 1988, must possess a valid ATV/UTV safety certificate issued by this state or any other state or province. Operators must be in possession of this certificate while operating in areas open to the public such as trails, routes, and frozen waterways. Operators must provide their safety certificate to a law enforcement officer upon request. Certified

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operators may transport other passengers. ATV Safety Institute (ASI) certificates are not valid in Wisconsin.

- F. Cruising: Consecutively running all or part of the length of a Town road multiple times, per day, back and forth without a destination.
- G. Local-Use-Only: All Town roads are designated as local-use-only, to be primarily used for residents or local property owners to access county highways.
- H. Private Roads: Roads that are not owned or controlled by the Town of Winchester, Vilas County, or the State of Wisconsin.
- I. Modified exhaust system: Exhaust systems modified or removed that do not comply with Wisconsin State or Federal regulations.
- J. Operate: To exercise physical control over the speed or direction of an ATV/UTV or to physically manipulate or activate any of the controls of an ATV/UTV necessary to put it into motion.
- K. Quiet Zone: A designated zone in which All-Terrain Vehicles must be operated at a speed not to exceed 20 miles per hour.
- L. Town Road: Every Town owned road within the Township of Winchester.
- M. Stunt riding: ATV/UTV stunt riding involves performing tricks and maneuvers. Common stunts include but are not limited to wheelies, jumps, flips, donuts, and drifting
- N. Town: Means the Town of Winchester, the Town Board, or any other Town of Winchester Official(s) or agent authorized by the Town Board to act on behalf of the Town of Winchester.

5. OPERATION OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLES

Pursuant to 23.33(4), Wisconsin Statutes., except as otherwise provided in 23.33 (4)(d)., Wisconsin Statutes., no person may operate an ATV/UTV on the roadway portion of any Town road in the Town except on Town roads that are designated as ATV/UTV routes by this ordinance. Operation of ATVs/UTVs on a Town route is authorized only for the extreme right side of the roadway, except that left turns may be made from any part of the lane of travel that is safe, given prevailing conditions.

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6. DESIGNATION OF ALL-TERRAIN VEHICLE/UTILITY TERRAIN VEHICLE ROUTES

- A. The Town does decree that ALL Town-owned roads in the Town of Winchester shall be designated as local use only ATV/UTV routes. Private lanes and roads are not part of the Town Routes.
- B. The Town does decree that all local Town routes in the Town of Winchester shall be open year-round to ATV/UTV local traffic only.
- C. The Town has the power to close any road to protect the health, safety, and or welfare of its residents.

7. CONDITIONS APPLICABLE TO ALL TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES (Pursuant to Wisconsin State Statute 23.33 (11), the following conditions are placed on the use of the ATV/UTV local routes designated by this ordinance)

- A. Pursuant to 23.33 (4) Wis. Stats., except as otherwise provided in Wis Stats, 23.33 (4)(d), No person shall operate any ATV/UTV on any Town road which has not been designated as an ATV/UTV local route.
- B. All local routes shall be marked with uniform ATV/UTV route signs, in accordance with Wis Stats NR64 12 (7), Wisconsin administrative code.
- C. No person shall deface, destroy or remove any ATV/UTV signage along any authorized ATV/UTV local route or trail.
- D. No person shall operate an ATV/UTV that has been mechanically or otherwise altered to exceed state or Federal noise or pollution standards.
- E. No person shall operate an ATV/UTV in the Town on designated Town local routes or trails unless it is properly registered and displayed.
- F. Local use routes are only to be used to access County Highways; they are not to be used as shortcuts or through routes between County Highways.
- G. ATVs/UTVs must obey all traffic regulations set forth under chapter 346 of the Wis Stats., notwithstanding the provisions of 346.02(11) and any additional restrictions of this ordinance.
- H. The speed limit for ATV/UTVs shall be 20 miles per hour on all Town ATV/UTV local routes, unless the posted speed limit for automobiles is lower.
- I. All town roads shall be quiet zones with a posted speed limit of 20 miles per hour.

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- J. All ATV/UTVs shall ride in a single file to the extreme right side of the pavement, if the road is gravel to the far-right side of the lane.
- K. No ATV/UTV may operate on a designated local Town route or trail without fully operational headlights, taillights and brake lights.
- L. No person under sixteen (16) years of age may operate an ATV/UTV on designated local Town routes or trails in the Town of Winchester.
- M. No person that was born after January 1, 1988, may operate an ATV/UTV on a local Town route or trail unless he or she is in possession of a valid ATV Vehicle safety certificate.
- N. No person under eighteen (18) may operate or ride on an ATV/UTV on any designated local Town route or trail unless they are wearing approved protective head gear as required under Wis. Stat. 347.485 (1)(a), with the chin strap properly fastened.
- O. No person may operate an ATV/UTV with a passenger(s) if the vehicle is not designed for carrying a passenger(s).
- P. No Person shall operate an ATV/UTV upon any road within the Town with any person, trailer, or sled attached or trailing said ATV/UTV, unless the conveyance is designed for use by an ATV/UTV. Anyone operating such conveyances in an unsafe or reckless manner shall be deemed in violation of this section.
- Q. No person shall operate ATVs/UTVs on a local Town route with tire chains, tracks, or studded tires.
- R. Stunt riding and cruising is prohibited on Town of Winchester local routes and trails.
- S. Park and rides are prohibited on all Town of Winchester properties
- T. ATVs/UTVs travel at their own risk. The Town, under 893.80 (4) Wis. Stat., does not assume any liability for the use of an ATV/UTV on any authorized ATV/UTV local route within the Town of Winchester.
- U. No ATV/UTVs may operate in any water body in the Town of Winchester

8. SIGNAGE

- A. The Northwoods UTV/ATV Club shall be responsible for the cost of purchasing all required ATV/UTV local route signage.
- B. All required ATV/UTV route signage shall be installed by a Town employee in accordance with Wisconsin Legislature: Chapter NR 64.12 (7).

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- C. Post “ATV/UTV local Route” signs as required by state law accompanied by 20 miles per hour ATV/UTV speed limit signs.
- D. Post signage indicating the termination of local routes in locations as directed by the Town.
- E. Post “Quite-Zone” signs in locations as directed by the Town.

9. ENFORCEMENT

- A. This ordinance may be enforced by the Town Board or any law enforcement officer authorized to enforce the laws of the State of Wisconsin. A copy of this ordinance must be sent by the Town Clerk to the Vilas County Sherriff’s Department, the Department of Natural Resources, and any other law enforcement agency serving the Town of Winchester’s jurisdiction.
- B. Any person to whom a citation or summons has been issued for violation of this ordinance may enter into a stipulation of no contest, by posting the appropriate sum of money with the Vilas County Clerk of Courts 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 their scheduled Vilas County court date.

10. SEVERABILITY CLAUSE

Should any portion of this ordinance or the affected code section(s) be held invalid by a court of competent jurisdiction, the remainder shall not be affected.

11. EFFECTIVE DATE

This ordinance is effective upon publication, posting, and the posting of local route signage. The Town Clerk shall properly post/publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this day of _____ 2025

Town Chairman :

Clerk: