

## ORDINANCE 2016-1

### ALL-TERRAIN VEHICLE ROUTE TOWN OF WASHINGTON, VILAS COUNTY

#### AN ORDINANCE DESIGNING ALL-TERRAIN VEHICLE ROUTES AND REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES

##### **SECTION I – Intent**

The Town of Washington, Vilas County, adopts the following all-terrain vehicle route for the operation of all-terrain vehicles upon the roadways listed in Section III.

Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, these routes have been created.

##### **SECTION II – Statutory Authority**

These routes have been created pursuant to municipal authority under section 1.1.01 as authorized by 23.33 (8) (b), Wis. Stats.

The applicable provisions of 23.33 regulating ATV/UTV operation pursuant to routes are adopted.

##### **SECTION III – Definitions**

All-terrain vehicle (ATV)- a commercially designed and manufactured motor -driven device that has a weight, without fluids of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more low-pressure tires or non-pneumatic tires.

All-terrain vehicle route- means a highway or sidewalk designated for use by all-terrain vehicles or utility terrain vehicle operators by the governmental agency having jurisdiction as authorized under this section.

All-terrain vehicle trail- means a marked corridor on public property or on private lands subject to public easement or lease, designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction, but excluding roadways of highways except those roadways that are seasonally not maintained for motor vehicle traffic.

Utility terrain vehicle (UTV)- means any of the following:

1. A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off a highway, and that has, and was originally manufactured with, all of the following:
  - a. A Weight, without fluids, of 2,000 pounds or less.
  - b. Four or more low-pressure tires or non-pneumatic tires.
  - c. A cargo box installed by the manufacturer.
  - d. A steering wheel.
  - e. A tail light.
  - f. A brake light.
  - g. Two headlights.
  - h. A width of not more than 65 inches.
  - i. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
  - j. A system of structural members designated to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.
  
2. A commercially designed and manufactured motor driven device to which all of the following applies:
  - a. It has a weight, without fluids, of more than 900 pounds but not more than 2,000 pounds.
  - b. It has a width of 50 inches or less
  - c. It is equipped with a seat designed to be straddled by the operator.
  - d. It travels on 3 or more low-pressure tires or non-pneumatic tires.

All other applicable words or phrases defined within chapter 23.33 and 340.01 of the Wisconsin State statues are incorporated within this ordinance.

#### **SECTION IV – Routes**

1. All Town of Washington roads may be used for ATV/UTV routes with the exception of any road unsuitable at the discretion of the Town Board.
  
2. The Town of Washington reserves the right to close or modify

routes at any time.

3. The Landover ATV Club, designated by the Town of Washington Board, will provide, install, inspect and maintain all signage. All routes must be signed in accordance with NR 64.12 and NR 64.12(7)c.

#### **SECTION V – Conditions**

As a condition for the use of these routes, the following conditions shall apply to all operators and passengers as applicable;

1. All ATV/UTV units shall be registered in accordance with WI DNR regulations.
2. All ATV/UTV operators shall observe all applicable rules of the road governing motorized vehicles on municipal streets in accordance with WI State Statute Chapter 346 and WI State Statute 23.33.
3. All operators of ATV's or UTV's are subject to WI State Statute and/or DNR rules and regulations pertaining to age, safety and safety certificate requirements.
4. All ATV/UTV operators shall ride single file.
5. All ATV/UTV routes will be open year round.

#### **SECTION VI- Enforcement**

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

#### **SECTION VII – Penalties**

Wisconsin state ATV & UTV penalties as found in the Uniform State Traffic Deposit Schedule are adopted by reference.

#### **SECTION VIII – Severability**

The provision of this ordinance shall be deemed severable and it is expressly declared that the Town of Washington would have passed the other 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

persons circumstances shall not be deemed affected.

**SECTION IX – Effective Date**

This ordinance becomes effective upon passage and publication.

Passed this 2 Day of May 2016.

  
Michele Sanborn- Clerk

  
Jim Spring- Chairman

  
Keith Numrich- Supervisor

  
Steve Burr- Supervisor