

ORDINANCE 2018-08-16

All-Terrain Vehicle/Utility Terrain Vehicle Routes and Regulation of All-Terrain Vehicle Operations

6.1 Authority

This ordinance is adopted pursuant to the authority vested in the Town of Washington pursuant to §23.33 Wis Stats. It is also enacted pursuant to the granting of Village Powers to the Town Board by the electors of the town which authorizes the enactment of ordinances under §61.34 Wis Stats.

6.2 Purpose

The purpose of this ordinance is to designate the following all-terrain/utility terrain vehicle routes identified in Section 4 of this ordinance and regulate the operation of such all-terrain/utility terrain on such routes within the corporate limits of the Town of Washington. The enactment of the Ordinance is deemed to be in the best interests of the health, safety, and welfare of the general public after due consideration of the recreational opportunities as weighed against public dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic.

6.3 Definitions

As used in this Ordinance:

- A. "All-terrain vehicle" means an engine driven device which has a net weight of 900 pounds or less, which has a width of 48 inches or less, which is equipped with a seat designated to be straddled by the operator and which is designed to travel on 3 or more low-pressure tires. A low-pressure tire is a tire which has a minimum width of 6 inches, which is designed to be mounted on a rim with a maximum diameter of 12 inches and which is designed to be inflated with an operating pressure not to exceed 6 pounds per square inch as recommended by the manufacturer. For purposes of this ordinance an "All-terrain vehicle" shall be referred to as an ATV.
- B. "Utility terrain vehicle" means any of the following: a motor-driven device that does not meet federal motor vehicle safety standards; this is not a golf cart, low speed vehicle, dune buggy, mini-truck or tracked vehicle; that is designed to be used primarily off of a highway; that has, and was originally manufactured with all of the following:
 - 1. Net weight is less than 2,000 pounds
 - 2. Four or more low pressure tires
 - 3. Cargo box
 - 4. Steering wheel
 - 5. Tail light
 - 6. Brake light
 - 7. Two headlights
 - 8. Maximum width of 65 inches
 - 9. Non-straddled seats for at least 2 people
 - 10. Seat belts for occupants

11. Roll bar of similar structural system or device

For purposes of this ordinance an “Utility-terrain vehicle” shall be referred to as an UTV.

- C. “All-terrain vehicle route” means a highway designated for use by ATV/UTV operators by the Town of Washington. For purposes of this ordinance an “All-terrain vehicle route” shall be referred to as a route.
- D. “Operate” means to exercise physical control over the speed or direction of an ATV/UTV to physically manipulate or activate any of the controls of an ATV/UTV to be put it in motion.
- E. “Operation” means the exercise of 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 in motion.
- F. “Operator” means a person who operates an ATV/UTV, who is responsible for the operation of an ATV/UTV or who is supervising the operations of an ATV/UTV.
- G. “Town Road” is a road located within the Town of Washington and maintained by the Town of Washington. Town roads are identified by a street name. ex. S. Lowes Creek Road
- H. “County Highway” is a highway located in the Town of Washington and maintained by the Eau Claire County Highway Department. County Highways are identified by a letter. ex. County Highway HH

6.4 Regulations of ATV/UTV Designated Route(s)

The Town of Washington, as authorized by §23.33(11)(a) Wis. Stats, and Chapter NR 64, Wisconsin Administrative Code, which are adopted as part of this ordinance by reference, regulates the operation of ATV/UTVs on designated route(s) as follows:

- A. All ATV/UTV operators shall operate at no more than 35mph.
- B. All ATV/UTV operators shall ride single file.
- C. All ATV/UTV operators must ride on the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
- D. All wheels of the ATV/UTV must stay on the paved surface.
- E. Routes will be open one hour before sunrise and close one hour after sunset.
- F. All ATV/UTV operators shall have their headlights and taillights turned on at all times.
- G. All ATV/UTV operators shall slow the ATV/UTV to 10mph or less when operating within one hundred fifty (150) feet of a pedestrian.
- H. All ATV/UTVs must have an exhaust system muffling the noise of the ATV/UTV, acceptable to any law enforcement officer.
- I. All ATV/UTV operators and riders under age 18 must wear a helmet.
- J. All ATV/UTV operators under the age of 16 are required to have a rider safety certificate to ride and must be accompanied by a parent or guardian.
- K. All ATV/UTV operators must have a valid driver’s license or be compliant with the DNR licensing and riding requirements. An ATV Safety Certificate is required if operator is born after January 1, 1988.
- L. All ATV/UTV owners must have liability insurance coverage.

- M. Vehicle parking on Town roads if for the purpose of unloading or parking while riding the routes is prohibited.

6.5 Responsibility of Approving and Signing Route(s)

The Town of Washington shall maintain the supervisory responsibility of ensuring that the ATV/UTV routes identified in Section 6.6 are signed in compliance with the standard requirements and regulation established by federal, state and local governments and their respective departments and agencies, including but not limited to, the Wisconsin Department of Natural Resources.

Sign Placement: All routes shall be signed in accordance with NR 64.12 Wisconsin Administrative Code, the DNR Trail Signing Handbook and the Uniform Traffic Control Devices Manual. Signs shall be located at least 10 feet from the pavement edge and be placed on a steel post. Signs shall not be placed on existing town road sign posts.

No person may do any of the following in regard to signs marking town ATV/UTV route(s):

- A. Intentionally remove, damage, deface, move or obstruct any uniform ATV/UTV route sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV route sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
- B. Possess any uniform ATV/UTV route sign or standard of the type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform ATV/UTV route sign or standard in a lawful manner. Possession of a uniform ATV/UTV route sign or standard creates a rebuttal of presumption of illegal possession.

6.6 Routes

- A. All town roads in the Town of Washington are eligible to be petitioned for designation as a route. The following criteria will be considered by the Town Board during the review and approval of reasonable requests for ATV/UTV route establishments:
 - 1. Approval by the local ATV/UTV Club of which the town has a current mutual agreement
 - 2. Completed application
 - 3. Requested segment connects to other route networks
 - 4. Posted speed limit of requested segment
 - 5. Pavement condition
 - 6. Traffic volume
 - 7. Horizontal and vertical alignment safety concerns
- B. The boundaries of the Town are located on the center lines of Elm Road, Walnut Road, Hillview Road, Partridge Road, Lincoln Town Line Road, and River View Drive and responsibility is shared with the Towns of Brunswick, Pleasant Valley, Clear Creek and the Town of Lincoln. Mutual agreement

between the Town of Washington and the respective Town sharing said boundary shall be reached before any sections of the said roads will be opened for ATV/UTV routes.

- C. A town road may be removed from the approved route(s) at the discretion of the board if:
 - 1. The Town Board determines a safety reason exists to warrant the closure of the road.
 - 2. The Town Board determines the route is being misused by ATV/UTV users and the Club or law enforcement officials are unable to properly solve the issue with the offenders.
 - 3. The Town Board determines unnecessary damage is being caused to the road due to ATV/UTV users.
- D. A current map and listing of open roads shall be maintained on the Town of Washington website and posted at the Town Hall.
- E. Route(s) are not considered open until the Town Board has approved by resolution the section(s) of road to be opened and the required signage on the route. Furthermore, route(s) are not considered open until all approved signage is installed.

6.7 Notification of Proper Authorities

A copy of this ordinance shall be sent by the town clerk to the Department of Natural Resources, the Eau Claire County Sheriff's Department and any other law enforcement agency serving the Town of Washington jurisdiction.

6.8 Enforcement

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin and additionally as stated in the Town's citation authority ordinance.

6.9 Penalties

The penalties under §23.33(13)(a-f), Wisconsin Statutes and the applicable sections of the Wisconsin Uniform Bond Schedule are adopted by reference.

Any person violating the provisions of this ordinance shall forfeit a sum of not less than \$50.00 nor more than \$250.00 for each offense together with the costs of prosecution. Each day that a violation occurs shall constitute a separate offense.

6.10 Severability and Interpretation

- A. Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid, unlawful or unenforceable by a final order of a court of competent jurisdiction, including all applicable appeals, the remainder of this ordinance shall remain in full force and effect.

- B. The provisions of this ordinance shall be liberally construed in favor of the Town shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town.
- C. All other ordinances or parts of other ordinances in conflict with this ordinance are hereby repealed insofar as they conflict with this ordinance.

6.11 No Liability for Damages.

This ordinance shall not be construed as an assumption of liability by the Town of Washington for damages because of injuries sustained or property destroyed by any person's failure to comply with the requirements set forth herein.

6.12 Effective date.

This ordinance shall take effect upon passage and publication as required by law. Routes will be effective upon publication or posting and signage being installed.

This ordinance may be reviewed on an annual basis by December 31 or at any time deemed appropriate by the town board.

Adopted this 16th day of August, 2018.

Micheal Peterson, Chairperson

Janelle Henning, Administrator/Clerk/Treasurer