

THE TOWN OF WHEATON ORDINANCE-CHAPTER 45

Designation of All-Terrain Vehicle/Utility Terrain Vehicle Routes and Regulation of All Terrain/Utility Terrain Vehicle Operation

45.1 Authority

This Ordinance is adopted pursuant to the authority vested in the Town of Wheaton pursuant to Sec.23.33 Wis. Stats.

45.2 Purpose

The purpose of this ordinance is to designate all town roads as all terrain/utility terrain vehicle routes and regulate the operation of such all terrain/utility terrain on such routes within the corporate limits of the Town of Wheaton. The Town Board of the Town of Wheaton deems the enactment of this Ordinance 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.

45.3 Definitions

- a. "All-terrain vehicle" has the meaning specified under Wis. Stat. § 23.33(1)(b).
- b. "Utility terrain vehicle" means any of the following: has the meaning specified under Wis. Stat. §23.33(1)(ng).
- c. "All-terrain vehicle route" means a town road designated for use by all-terrain/utility terrain operators by the Town of Wheaton.
- d. "Operate" means to exercise physical control over the speed or direction of an all terrain/utility terrain to physically manipulate or activate any of the controls of an all terrain/utility terrain vehicle necessary to put it in motion.
- e. "Operation" means the exercise of physical control over the speed or direction of an all- terrain/utility terrain vehicle or to physically manipulate or activate any of the controls of an all-terrain/utility terrain vehicle necessary to put it in motion.
- f. "Operator" means a person who is 16 years of age or older and has a valid drivers license, who operates an all-terrain/utility terrain vehicle, who is responsible for the operation of an all-terrain/utility terrain vehicle or who is supervising the operations of an all-terrain/utility terrain vehicle.

45.4 Routes

The following are designated as all-terrain/utility terrain routes as authorized by sec. 23.33 (8)(b) Wis. Stats.

- a. All Town Roads in the Town of Wheaton that are properly posted.
- b. A town road may be removed from the approved routes if a majority, more than half, of property owners that live on the road or section of road in question, petition the town board to change the designation of any road or section thereof as an all-terrain/utility terrain vehicle route. Such petition shall be in writing clearly stating the facts and circumstances justifying the request, based on roadway safety factors. The petition shall be signed by all property owners who live on the road or section of the road and are supporting closure of the route in question. If the town board receives such a petition, the town board shall conduct a public hearing within 60 days. Following such public hearing, the town board may, in its sole discretion, amend this Ordinance and change the designation of any road designated as an all-terrain/utility terrain vehicle route.
- c. The Town Board may establish a safety ambassador program to educate operators and promote safe operating practices on behalf of the Town Board. Any such appointments would be on a volunteer basis serving at the discretion of the Board and be reviewed annually.

45.5 Regulations of All-Terrain/Utility Terrain Vehicles Designated Routes

The following regulations apply to the operation of all-terrain/utility terrain vehicles on designated route(s) as follows:

- a. The operation of all-terrain/utility terrain vehicles on designated routes is subject to all provisions of Wis. Stat. § 23.33, which is adopted as part of this Ordinance by reference.
- b. All all-terrain/utility terrain vehicle operators and riders under 18 years must wear a DOT rated helmet.
- c. All all-terrain/utility terrain vehicle operators shall ride single file.
- d. All four wheels of the all-terrain/utility terrain vehicle must stay on the paved surface unless the operator is yielding the right of way to other traffic traveling in the same direction.
- e. Roads will be open one-half hour before sunrise and one-half hour after sunset.
- f. All all-terrain/utility terrain vehicle operators shall be 16 years of age and have a valid driver's license.
- g. All all-terrain/utility terrain vehicle operators shall have their headlights and taillights turned on at all times.
- h. All all-terrain/utility terrain vehicles shall have operating brake lights.
- i. All all-terrain/utility terrain vehicles shall have liability insurance.
- j. All all-terrain/utility terrain vehicle operators shall observe the speed of 45 MHP or the posted speed limit, whichever is less on all designated routes.

k.No person shall operate or ride in any part of an all-terrain/utility terrain vehicle that is not designed or intended to be used by passengers.

l.No person may operate an all-terrain vehicle or utility terrain vehicle on any designated route that is not equipped with an adequate muffler in constant operation that is properly maintained to prevent any loud,excessive or unusual noise or annoying smoke or exhaust.

m.All occupants riding in a utility terrain vehicle must be seated with a seatbelt fastened in a manner prescribed by the manufacturer.

n. All utility vehicles shall be equipped with a rear view mirror.

o. No operator or passenger shall consume or transport open intoxicants or controlled substances.

p.No person shall use or operate an ATV/UTV while under the influence of intoxicating liquor, fermented malt beverages or controlled substances.

q.No person shall carry on his person or the ATV/UTV while operating the vehicle, firearms or bow, unless it is unloaded and encased and bow unstrung or enclosed in a case.

45.6 Liability

In enacting this Ordinance, the Town does not accept any liability for any damages arising from or in connection with the operation of any all-terrain/utility terrain vehicles on any town roadway or road right of way.

45.7 Enforcement

This ordinance shall be enforced by the Chippewa County Sheriff Department sec. 23.33(12) Wis. Stats. Section 8 penalties.

45.8 Penalties

a.The penalties as set forth in Wis. Stats. § 23.33(13)(a) are adopted by reference. Any forfeiture for a violation of a state statute adopted by reference in this section shall conform to the forfeiture permitted to be imposed for violation of such Statutes, including any variations or increases for subsequent offenses.

b.The penalty for exceeding a posted or fixed speed limit in violation of subsection(g)(2) shall be a forfeiture as set forth in the following schedule:

(1) 1-10 miles per hour over posted or fixed speed - \$25.00

(2) 11-15 miles per hour - \$50.00

(3) 16-19 miles per hour - \$75.00

(4) 20-24 miles per hour - \$100.00

(5) 25 miles per hour and over - \$125.00

c. Any violation of this Chapter not included for which no forfeiture is specified shall result in a forfeiture of \$75.00 for each offense.

d. Penalties. The penalties as set forth in § 23.33(13)(a) Wis. Stats., are adopted by reference.

This ordinance shall take effect upon its adoption and publication as required by law.