

TOWN OF BURLINGTON
RACINE COUNTY, WISCONSIN

ORDINANCE NO. 10.18

AN ORDINANCE CREATING CHAPTER 10.18 OF THE TOWN OF BURLINGTON
MUNICIPAL CODE RELATING TO THE OPERATION OF ALL-TERRAIN VEHICLES
(ATVs) AND UTILITY TERRAIN VEHICLES (UTVs)

WHEREAS, Wisconsin Statutes § 23.33 authorizes towns to designate highways under their jurisdiction for the operation of All-Terrain Vehicles (ATVs) and Utility Terrain Vehicles (UTVs) and to regulate such operation in the interest of public safety; and

WHEREAS, the Town Board of the Town of Burlington seeks to authorize limited ATV/UTV use on Town roadways in a manner that is enforceable by the Racine County Sheriff's Office using existing traffic and forfeiture procedures; and

WHEREAS, the Town Board finds that regulating ATV/UTV operation in a manner consistent with surrounding municipalities promotes regional consistency, safety, and clarity of enforcement;

NOW, THEREFORE, the Town Board of the Town of Burlington, Racine County, Wisconsin, does ordain as follows:

10.18.010. PURPOSE

The purpose of this Chapter is to establish all-terrain vehicle (ATV) and utility-terrain vehicle (UTV) routes and to regulate the operation of ATVs and UTVs on such routes within the Town of Burlington. Any ATV and UTV operation is at the operator's own risk, and the Town of Burlington makes no warranty, expressed or implied, that any routes, crossings, or trails are safe for the operation of such vehicles.

10.18.020. AUTHORITY AND APPLICABILITY

This section is adopted pursuant to Wis. Stat. § 23.33 and 60.22.

10.18.030. DEFINITIONS

For purposes of this Chapter, the statutory provisions establishing definitions and regulations with respect to vehicles, ATVs, and UTVs, as found in Wis. Stats. Chs. 23, 340 to 348, and 350 and Wis. Admin. Code Ch. NR 64, All-Terrain Vehicles, as well as any future amendments, revisions or modifications thereto, are adopted and incorporated herein by reference, including but not limited to, the definitions of ATV and UTV.

All-Terrain Vehicle (ATV) - A commercially designed and manufactured motor-driven device that does not meet federal motor vehicle safety standards effective July 1, 2012, that is not a low speed vehicle, neighborhood electric vehicle, golf cart, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a paved road, and that has, and was manufactured with, all of the following:

1. A weight, *without* fluids, of 900 pounds or less.

2. Four or more tires.
3. A steering handlebar, single or dual headlights, a tail and brake light.
4. A width of no more than 50 inches.

Utility-Terrain Vehicle (UTV) - A commercially designed and manufactured motor-driven device that does not meet federal motor vehicle safety standards effective July 1, 2012, that is not a low speed vehicle, neighborhood electric vehicle, golf cart, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was manufactured with, all of the following:

1. A weight, without fluids, of 3,000 pounds or less.
2. Four or more tires.
3. A cargo box installed by the manufacturer measured laterally between the outermost wheel run on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.
4. A steering wheel, tail and brake lights, and two headlights.
5. A width of no more than 65 inches.
6. A system of seat belts, or similar system, for restraining each occupant of the device in the event of a collision.
7. A system of structural members designed to reduce the likelihood that an occupant would be crushed as a result of a rollover of the device (roll bars).

Golf Cart - A golf cart is not an ATV or UTV. Operation of golf carts on public roads within the Town of Burlington is prohibited.

10.18.040. GENERAL AUTHORIZATION

ATV and UTV operation is permitted on all Town highways under the jurisdiction of the Town of Burlington, except those highways or portions thereof expressly prohibited or restricted by the Town Board and posted accordingly.

10.18.050 ROUTE SIGNS

Signage shall be posted in accordance with Wisconsin Administrative Code section NR 64.12(7) and WIS State § 23.33(8)(e). No person may erect, obscure, deface, damage or remove any official designated route sign without written authorization from the Town of Burlington Board.

10.18.060. OPERATOR REQUIREMENTS

- a. Operators must be at least sixteen (16) years old and possess a valid Wisconsin driver's license.
- b. Any operator born on or after January 1, 1988, shall possess and carry a valid ATV or UTV safety certificate.

10.18.070. VEHICLE REQUIREMENTS

- a. All ATVs/UTVs must be registered with the Wisconsin Department of Natural Resources
- b. shall carry general liability insurance or other insurance with the same minimum liability coverage amounts for property damage and injury or death as are required by state law for the operation of a motor vehicle on a public highway, and shall also carry proof of such insurance.

10.18.080. RULES FOR USE OF ROUTES

In addition to the provisions of § 23.33, the following limitations apply on all areas designated as an ATV/UTV route under this chapter:

- a. ATVs/UTVs shall not be operated at a speed greater than 35 MPH, nor above any slower speed where posted at a lower limit.
- b. ATVs/UTVs shall be operated single file on the extreme right side of the roadway or paved surface, except that left turns shall be made from any portion of the road that is safe under the circumstances
- c. ATVs/UTVs may be operated on paved surfaces only, unless yielding the right of way.
- d. All traffic laws under Wis. Stat. ch. 346 apply. Reckless operation and impaired operation are prohibited. Open intoxicants are prohibited while operating on any trail designated by this Chapter.
- e. Headlights and taillights shall be present and on at all times while operating an ATV or UTV.
- e. ATVs and UTVs shall yield the right-of-way to non-motorized vehicles, such as bicycles and pedestrians.
- f. No person shall leave or allow an ATV or UTV owned or operated by him/her to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.
- g. No person may operate or be a passenger on an ATV or UTV without wearing protective headgear of the type required by 347.485(1)(a) and with the chin strap properly fastened unless the person is at least 18 years old, subject to the expectations in § 23.33(3g)

10.18.090. PROHIBITED AREAS

ATVs and UTVs may not operate on sidewalks, trails, private property without permission, or posted closed roads.

10.18.100. HOURS OF OPERATION

ATV/UTV operation is permitted between 5:00 a.m. and 11:00 p.m.

10.18.110. ENFORCEMENT AND PENALTIES

This ordinance shall be enforced by the Racine County Sheriff's Office. Violations are subject to the Town's general penalty provisions.

10.18.120. EFFECTIVE DATE

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

10.18.130. ROUTE MAINTENANCE

The designation of any highway as an ATV/UTV route does not impose upon the Town or any other authority a greater duty of care or responsibility for maintenance of such highway.

Operators of ATVs or UTVs on public streets assume all risks of riding the vehicle. The Town accepts no liability for the operation of ATVs or UTVs on any route designated under this Chapter. In establishing ATV and UTV ordinances under this Chapter, the Town specifically intends to be acting under the immunity and liability protections afforded by Wis. Stat. § 895.52, however the Town does not waive any other liability exemption, immunity, or defense otherwise available to it.