

**TOWN OF HOLLAND
ORDINANCE NO. 2022-04**

**ORDINANCE CREATING ARTICLE VII OF CHAPTER 318 OF
THE CODE OF THE TOWN OF HOLLAND, SHEBOYGAN COUNTY, WISCONSIN**

BE IT ORDAINED by the Town Board of the Town of Holland, Sheboygan County, Wisconsin, that Article VII of Chapter 318 of the Code of the Town of Holland is hereby created to read as follows:

**CHAPTER 318
VEHICLES AND TRAFFIC**

**ARTICLE VII
All-Terrain Vehicles and Utility Terrain Vehicles**

§ 318-24. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

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 not more than 50 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation; is equipped with a seat designed to be straddled by the operator; and travels on 3 or more tires; as defined in Wis. Stats., § 340.01(2g).

Utility terrain vehicle (UTV)

Any of the following, as defined in Wis. Stats., § 23.33(1)(ng):

1. A commercially designed and manufactured motor-driven device that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:
 - a. A weight, without fluids, of 3,000 pounds or less.
 - b. Four or more tires.
 - d. A steering wheel.
 - e. A tail light.
 - f. A brake light.
 - g. Two headlights.
 - h. A width of not more than 65 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.
 - j. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
 - k. 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.
2. A commercially designed and manufactured motor driven device to which all of the following applies:
 - a. It does not meet federal motor vehicle safety standards in effect on July 1, 2012; is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle; is designed to be used primarily off of a highway; and has, and was originally manufactured with, a weight, without fluids, of not more than 3,000

pounds.

b. It has a width of 65 inches or less as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.

c. It is equipped with a seat designed to be straddled by the operator.

d. It travels on 3 or more tires.

e. It is not an all-terrain vehicle, as defined in Wis. Stats., § 340.01(2g).

§ 318-25. Statutory Authority; adoption of statutory provisions.

ATV/UTV usage of town roads is permitted pursuant to town authority as authorized by Wis. Stats., § 23.33(8)(b). The provisions of Wis. Stats., § 23.33 and Wis. Stats., Chs. 340 to 348 establishing definitions and regulations with respect to ATVs and UTVs and Wis. Admin. Code, § NR 64, and any future amendments or revisions thereto, are hereby adopted by reference.

§ 318-26. Routes.

A. All town roads located within the Town of Holland shall be open to ATV/UTV usage unless otherwise posted. ATV/UTV Routes are open year-round.

§ 318-27. Conditions of operation.

As a condition for use of town roads, the following conditions shall apply to all operators and any passengers;

1. All ATV and UTV operators shall observe posted speed limits.

2. No person under 18 years of age may operate or be a passenger on an ATV or UTV without wearing protective headgear of the type required under Wis. Stats., § 347.485(1)(a) and with the chin strap properly fastened, except as specifically exempted under Wis. Stats., § 23.33(3g)(b), (c) and (d).

3. Operation of ATVs and UTVs on roadways designated as ATV/UTV Routes are authorized only for the extreme right side of the roadway, on the paved surface (if the roadway is paved), except that left turns may be made from any part of the roadway that is safe given prevailing conditions.

4. All ATV and UTV operators shall ride single file.

5. The operator of an ATV or UTV shall obey all traffic laws, local ordinances and DNR Regulations.

6. The operator of an ATV or UTV shall display a lighted headlamp and tail lamp on the ATV or UTV and display the registration or license plate at all times during operation.

7. Town roads used must be posted with signs in accordance with Wis. Admin. Code, § NR 64.12 and § NR 64.12 (7).

8. ATV or UTV operation is at the risk of the operator and any passengers. The Town of Holland has no liability for any damage or injury to persons, real property or personal property, arising out of the operation of ATVs and UTVs on designated ATV/UTV Routes.

9. No person may operate an ATV or UTV that travels on anything other than tires.

10. No person (except emergency services personal) may operate an ATV or UTV that is equipped with any of the following:

A. A lamp that emits any color of light other than white or amber and that is visible from directly in front of the ATV or UTV.

B. A lamp that emits any color of light other than red, yellow, amber, or white and that is visible from directly behind the ATV or UTV.

C. A flashing, oscillating, or rotating lamp that emits any color other than yellow or amber.

11. Any person operating an ATV or UTV must dim their high-beam headlamps and any auxiliary lamps when within 500 feet of an approaching ATV, UTV or other vehicle, and within 500 feet to the rear of another ATV, UTV or other vehicle. In addition, an operator must dim their backup lamps unless actively backing.

12. No open intoxicants are allowed in or upon any ATV or UTV while the vehicle is in operation.

§ 318-28. Enforcement.

A. Pursuant to Wis. Stats., § 23.33(12), any state traffic patrol officer under Wis. Stats., § 110.07(1); inspector under Wis. Stats., § 110.07(3); conservation warden appointed by the Wisconsin Department of Natural Resources under Wis. Stats., § 23.10; or county sheriff officer has authority and jurisdiction to enforce this Article.

B. No operator of an ATV or UTV may refuse to stop after being requested or signaled to do so by a law enforcement officer or a conservation warden.

§ 318-29. Penalties.

Wisconsin State All-Terrain Vehicle penalties as found in Wis Stats., § 23.33(13)(a) are hereby adopted by reference. The penalty for any violation of this Article not addressed in Wis. Stats., § 23.33(13)(a) shall be as set forth in Chapter 1, Article I of this Code.

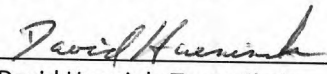
§ 318-30. Town Clerk to provide required notices.

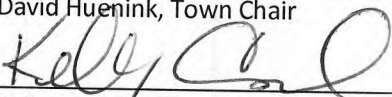
Pursuant to Wis. Stats., § 23.33(11)(b), following adoption, the Town Clerk shall provide copies of this ordinance to the Wisconsin Department of Natural Resources, the Wisconsin State Patrol, and the Sheboygan County Sheriff's Office.

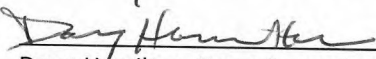
This Ordinance shall become effective upon passage and posting.


Adopted this 8th day of August, 2022.

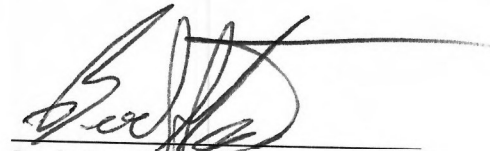
TOWN OF HOLLAND


David Huenink, Town Chair

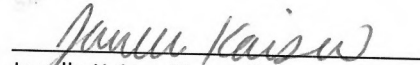

Kelly Caswell, Town Supervisor


Doug Hamilton, Town Supervisor


Stanley Lammers, Town Supervisor


Brody Stapel, Town Supervisor

ATTEST:


Janelle Kaiser, Town Clerk