

## **CHAPTER 528 - Use of All-Terrain Vehicles and Utility Terrain Vehicles on Town Roads.**

### **§ 528-1. State All-Terrain Vehicle Laws Adopted.**

The provisions and definitions within § 23.33, Wis. Stats. and subsequent amendments thereto, and Wisconsin Administrative Code § NR 64, are adopted by reference and fully incorporated herein by reference except for those provisions therein that conflict with this chapter.

### **§ 528-2. All-Terrain Vehicles and Utility Terrain Vehicles**

- A. Purpose. The purpose of this ordinance is to authorize the use of, regulate, and establish All-Terrain Vehicle (ATV) and Utility Terrain Vehicle (UTV) routes in the Town of Koshkonong and to regulate the operation of ATVs and UTVs in the Town.
- B. Saving Clause. This section shall in no way be deemed to supplant or otherwise invalidate any provision of the state statutes relating to the subject matter hereof. Any person entrusted with the enforcement of this section may, in the exercise of his or her discretion, proceed under applicable state statutes.
- C. Operation of ATVs and UTVs. Except as otherwise provided in § 23.33(4), Wis. Stats. no person may operate an ATV or UTV on the roadway portion of any highway in the Town except on roadways that are designated as ATV or UTV routes by this ordinance. Operation of ATVs and UTVs on a roadway in the Town that is an ATV and UTV route is authorized only for the extreme right of the roadway except for that left turns may be made from any part of the roadway that is safe given prevailing conditions.
- D. Designation of ATV and UTV Routes.
  - (1) Designating Routes. Pursuant to § 23.33(8)(b)1, Wis. Stats. the Town of Koshkonong designates all Town roads as ATV/UTV routes, including the following:
    - (a) State Highway 106 (Blackhawk Island Road to Sinnissippi Drive)
      - i. Note: Drivers crossing bridges on ATV/UTV designated routes shall do all of the following:
        1. Cross the bridge in the most direct manner practicable and at a place where no obstruction prevents a quick and safe crossing.
        2. Stay as far to the right of the roadway or shoulder as practicable.
        3. Stop the vehicle prior to the crossing.
        4. Yield the right of way to other vehicles, pedestrians, electric scooters, and electric personal assistive mobility devices using the roadway or shoulder.
        5. Exit the highway as quickly and safely as practicable after crossing the bridge.
  - (2) Marking Routes. All routes shall be marked with uniform ATV/UTV route signs in accordance with NR 64.12(7). All signage shall be provided by and maintained by a

designated ATV and UTV Club. The Town of Koshkonong shall inspect the signs annually and will install signage at the cost of the ATV and UTV Club.

(3) Damage to and Possession of Signs Prohibited. No person may do any of the following regarding signs marking Town ATV/UTV routes:

- (a) Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard, or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail 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 or trail 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 or trail sign in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.

(4) Additional Restrictions and Hours of Operation.

- (a) All ATV/UTV Operators must be 16 years of age or older.
- (b) A valid State Motor Vehicle Driver's license is required to operate any ATV/UTV on a designated route within the Town.
- (c) All ATV/UTV vehicles must be operated in a single file.
- (d) No ATV/UTV operator shall exceed the posted ATV/UTV speed limit of the road being traveled.
- (e) All ATV/UTV riders under the age of 18 must wear a helmet.
- (f) All ATV/UTVs must be operated on (paved or graveled) road surfaces only.
- (g) No ATV/UTVs may be operated on road shoulders or in road ditches except to cross at a right angle for property access.
- (h) Any and all ATV/UTV routes may be closed at any time at the discretion of the Town Board by removing posted route signage and providing notice to the public.
- (i) ATV/UTV operators are required to maintain a policy of insurance that provides coverage for incidents involving the operator's use of an ATV or UTV.
- (j) All ATV/UTVs shall have operational headlights, taillights, mirrors, and brake lights.
- (k) All ATV/UTV headlights and taillights must remain on at all times.
- (l) ATV/UTVs may not be operated on any Town of Koshkonong road between the hours of 10:00 p.m. and 5:00 a.m. unless directly related to farming operations.
- (m) All ATV/UTV operations are subject to Wisconsin Department of Natural Resources ATV/UTV Regulations.
- (n) Operation of an ATV/UTV within any municipal park is prohibited, with the exception of designated parking areas

- (o) All ATV/UTV exhaust systems must be maintained in proper working order and noise may not exceed the rating of the original manufacturer or state law.
- (p) All ATV/UTVs shall only carry the number of riders as designed by the manufacturer.
- (q) All ATV/UTV operators shall not operate their ATV/UTV in such a manner that causes a public nuisance as set forth Chapter 391 of the Town of Koshkonong Code of Ordinances.

(5) Enforcement. This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

(6) Penalties. The penalties under § 23.33(13)(a), Wis. Stats. are adopted by reference.