

ORDINANCE NO. O-2024-003

TOWN OF LEDGEVIEW, BROWN COUNTY, WISCONSIN

AN ORDINANCE TO CREATE and AMEND Chapter 118, Vehicle and Traffic, by CREATING Section 118-5, Regulation of All-Terrain / Utility-Terrain Vehicles (ATV / UTV) and AMENDING Section 118-4, Off-Road Motorized Recreational Vehicle Regulations and Section 118-5 Violations and Penalties

The Town Board of Supervisors of the Town of Ledgeview do hereby ordain as follows:

PURPOSE: The purpose of this ordinance is to enact the Town of Ledgeview Code of Ordinances to create and amend Chapter 118, Vehicle and Traffic, by Creating Section 118-5, Regulation of All-Terrain / Utility-Terrain Vehicles (ATV / UTV) and Amending Section 118-4, Off-Road Motorized Recreational Vehicle Regulations and Section 118-5 Violations and Penalties, that has been prepared and authorized by the Town Board.

AUTHORITY: Repeal of inconsistent ordinances. The Town Board of the Town of Ledgeview, Brown County, Wisconsin, has the specific authority under §66.0103, Wis. Stats., to prepare and enact the following:

§ 118-4 Off-road motorized recreational vehicle regulations.

- A. Publicly owned property. The operation of recreational off-road motor vehicles is prohibited on all publicly Town owned property parcels in the Town of Ledgeview.

§ 118-5 Regulation of All-Terrain/Utility-Terrain Vehicles.

- A. **Purpose.** The purpose of this ordinance is to enact the use and regulation of All-Terrain/Utility Terrain Vehicles on all Town streets except as defined in section 118-5. This ordinance does not pertain to Golf Carts.
- B. **Authority.** Pursuant to and the adoption of the provisions of Sec. 23.33, Chapters 340-348, Wis. Stats., NR64 Wis. Admin Code, and the provisions of this subsection, the operation of ATV/UTV, as defined in the subsection (3) below, shall be permitted on all Town streets except as defined in section 118-5.
- C. **Definitions.** The definitions prescribed in Sec. 23.33(1). Wis. Stats., shall apply to the Section; and, as used in this Section, the following terms shall have the meaning indicated:
 - 1) “All Terrain Vehicle” (“ATV”) shall mean a motorized vehicle as more particularly defined in Section 340.01 (2g), Wis. Stats.
 - 2) “Utility Terrain Vehicle” (“UTV”) shall mean a motorized vehicle as more particularly defined by Section 22.33(ng) Wis. Stats.
 - 3) “ATV/UTV Route(s)” shall mean highway, road, street, or right-of-way designated for use by ATVs or UTVs by the Town.
- D. **UTV/ATV Routes.** All streets in the Town of Ledgeview are open to ATVs/UTVs unless specifically prohibited below and/or designated signage indicating the street is closed to ATV/UTV traffic. The ATV/UTV Route Map is attached hereto and incorporated herein.

The following streets are **prohibited** for ATV/UTV use:

- 1) All County Highways
- 2) All State Highways
- 3) All Federal Highways
- 4) Ledgeview Road from Lone Oak to Creamery Road
- 5) Swan Road from Dickinson Road to Heritage Road

E. Conditions and Restrictions on Operation. In addition to the provisions contained in Sec. 233.33, Chaps. 340-348, Wis. Stats and NR64 Wis. Admin Code, and as a condition for the use of ATV/UTV routes designated and authorized herein, the following conditions and restrictions shall apply to all ATV/UTV operators and passengers, as applicable:

- 1) ATV/UTV operators shall observe all applicable rules of the road governing motorized vehicles while operating on Town streets in accordance with Sec. 23.33 and Chap. 346 of the Wis. Stats.
- 2) ATV/UTV operators or passengers under 18 years of age shall wear protective headgear which meets a minimum DOT standard ATV or motorcycle helmet with the chin strap properly fastened. Bicycle helmets do not meet this requirement.
- 3) UTV operators and passengers shall have their seat belts fastened as defined in Sec. 347.48, Wis. Stats.
- 4) ATV/UTV operators shall not exceed posted Town speed limits. Where a different speed is posted by an official ATV/UTV speed limit sign, ATVs/UTVs shall abide by that limit.
- 5) No person shall operate an ATV/UTV on any Town street from sunset to sunrise, except as permitted in 23.33 (4)(f), Wis. Stats.
- 6) ATV/UTV operators shall not operate an ATV/UTV equipped with metal studded tires and/or tire chains on or alongside any Town street.
- 7) ATV/UTV operators shall be permitted to operate an ATV/UTV pursuant to Sec. 23.33(4)(d)(5) if the vehicle is an implement of husbandry or used exclusively for agricultural purposes.
- 8) ATV/UTV operators shall be permitted to operate an ATV/UTV pursuant to 23.33(4)(f) for the purpose of snow removal.

F. Licensing, Registration, and Insurance:

- 1) ATV/UTV operators must hold a valid State issued motor vehicle operator's license and shall display that proof to a law enforcement officer upon request.
- 2) ATV/UTV operators born after January 1, 1988, shall hold a valid safety certificate, carry proof of a valid safety certificate and shall display that proof to a law enforcement officer upon request in accordance with Sec. 23.33 (5)(b)., Wis. Stats.
- 3) ATV/UTV units shall be registered for public use in accordance with Wisconsin Department of Natural Resources (WDNR) regulations, and proof of registration shall be displayed as required by Wis. Statutes during operation.
- 4) Insurance Requirements. No person may operate an ATV/UTV or allow another person to operate their ATV/UTV on any Ledgeview street unless the owner of the ATV/UTV carries liability, and/or other insurances consistent with Sec. 344.62, Wis. Stats. (Motor vehicle liability insurance required). Insurance documentation shall be kept with each ATV/UTV that is operated on Ledgeview streets and shall display proof of documentation to a law enforcement officer upon request.

G. Disturbing the peace, and nuisance activities.

- 1) Cruising prohibited. No person shall, while operating an ATV/UTV, engage in the practice of “cruising” on any Town roadway. Cruising is defined as running all or part of the length of a roadway multiple times, per day, back and forth, for any purpose other than departing or arriving at their destination.
- 2) Exhaust system/muffler modifications prohibited. No person may operate any ATV/UTV on any Town street unless such ATV/UTV is equipped with a functioning muffler to prevent excessive or unusual noise and with a functioning spark arrester of a type approved by the U.S. forest service. All muffler systems shall not emit any noise greater than 96 decibels when measured on the “A” scale; measured in the manner prescribed in the reaffirmed 1998-07, Society of Automotive Engineers Standard J1287, Measurement of Exhaust Sound Levels of Stationary Motorcycles.
- 3) Radios or electronic sound amplification devices. No person may operate or park an ATV/UTV vehicle while using a radio or other electronic sound amplification device emitting a sound from the vehicle that is audible under normal conditions from 75 feet or more, unless the electronic sound amplification device is being used to request assistance or to warn against an unsafe condition.
- 4) ATV/UTV lighting. ATVs/UTVs equipped with additional adverse weather lamps, spot lamps, auxiliary lamps, or any other lamp on the front of the ATV/UTV that is capable of projecting a beam of intensity of more than 300 candlepower shall operate lights in accordance with §23.33 (6)(Ch) Wis. Stats.

H. Penalty.

- 1) Any forfeiture for a violation of this section shall conform to the forfeiture permitted to be imposed for violation of those similar Wisconsin Statutes or statutes referenced in this section, as set forth in the Uniform Deposit and Misdemeanor Bail Schedule of the Wisconsin Judicial Conference, including any variations or increases for subsequent offenses, which schedule is adopted by reference. Reference Chapter 118 of the Town of Ledgeview Municipal Code has the adopted said applicable Wisconsin State Statutes.
- 2) If the ordinance subsection has no corresponding State Statute, the penalty for violation of any provision of this chapter shall be a forfeiture in accordance with § 1-16 Forfeiture Schedule (A)(7a) of the Town of Ledgeview Municipal Code.

§ ~~118-5~~ 118-6 Violations and penalties.

- A. Any persons violating any provisions of this article shall be subject to a forfeiture and penalty as provided by Chps. 343 and 346, Wis. Stats.

All existing town ordinances, parts of ordinances, and amendments thereto in conflict with any of the provisions of this ordinance are hereby repealed.

ADOPTION OF ORDINANCE: Severability. This ordinance, adopted by a majority of the town board with a quorum present and voting and proper notice having been given, provides the authority for the town to prepare and enact **O-2024-003**. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provision shall not be affected hereby.

EFFECTIVE DATE: This ordinance shall take effect upon passage, postage, and publication as required by §60.80, Wis. Stats.

ADOPTED this 20th day of February 2024.

Renee Van Rossum, Acting Chair
Town of Ledgeview, Brown County, WI

ATTEST:

I, Jennifer L Broich, Clerk of the Town of Ledgeview, do hereby certify that this is a true and correct copy of the original ordinance required by law to be in my custody and which was adopted by the Town of Ledgeview at a meeting held February 05, 2024.

Jennifer L. Broich, Clerk

Posted: March 22, 2024

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