

Ordinance # 2023-8-10

**TOWN OF WEST POINT
ALL TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ORDINANCE**

The Town Board of the Town of West Point, Columbia County, Wisconsin, does hereby ordain as follows:

WHEREAS, Wisconsin Statutes authorize Towns, at their discretion, to adopt ordinances designating Town roads as ATV (all-terrain vehicle) and UTV (utility terrain vehicle) routes and regulating use of ATVs and UTVs on Town Roads; and,

WHEREAS, the Town of West Point Town Board recognizes that surrounding towns permit the use of ATVs and UTVs on designated roadways; and,

WHEREAS, Section 9.13 of the Town of the Columbia County Code of Ordinances designates certain County roads as ATV/UTV routes; and,

WHEREAS, there is interest among some Town of West Point residents in designating Town roads as routes where the use of ATVs/UTVs would be allowed; and,

WHEREAS, the Town of West Point recognizes that if the use of ATVs and UTVs on designated Town roads is permitted, it is appropriate to provide for regulations for the protection of ATV/UTV operators, passengers, and the general public.

NOW, THEREFORE, BE IT RESOLVED, that Chapter 12 of the Town of West Point Code of Ordinances is hereby amended as follows:

SECTION 12.01 is hereby amended to read:

SECTION 12.01. AUTHORITY.

The Town Board of the Town has the authority to enact the provisions of this ordinance pursuant to Chapter 86, Wis. Stats., Chapter Trans. 231 of the Wisconsin Administrative Code, and by the Town's adoption of Village powers under Sec. 60.10(2)(c), 60.22(3), and 61.34(1), Wis. Stats. Further, the Town has authority to regulate ATV and UTV routes and usage under s. 23.33 and s. 349.26, Wis. Stats.

Section 12.02 is hereby amended to read:

SECTION 12.02. PURPOSE.

The purpose of this Chapter is to regulate the access of driveways to town roads as well as the siting, construction and maintenance of Driveways and Shared Driveways. This

chapter is also intended to regulate parking on Town Roads and the naming of Town Roads. This Chapter is further intended to regulate the usage of all-terrain vehicles (ATVs) and Utility Terrain Vehicles (UTVs) on those Town Roads designated as routes for ATV/UTV use. This Chapter is adopted to promote the public health, safety, and general welfare of the community, provide adequate access for emergency vehicles, preserve agricultural land, protect environmentally sensitive areas, and enforce the goals and policies set forth in the Town's Comprehensive Plan.

Section 12.45 is hereby created to read:

SECTION 12.45 USE OF ATVS/UTVS ON TOWN ROADS.

A. Adoption of State Regulations and Definitions. Pursuant to Sec. 23.33(1) (a), Wis. Stats., the regulations and definitions with respect to all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) in Sec. 23.33, Wis. Stats., Ch. 340 through 348, Wis. Stats., and NR 64, Wis. Adm. Code, and any future amendments or revisions, are hereby adopted by reference and incorporated by reference as if fully set forth herein.

B. Operation of All-Terrain Vehicles and Utility Terrain Vehicles only on Designated Routes. Pursuant to Wis. Stats. § 23.33(4),(d)(4), except as otherwise provided in § 23.33(4), Wis. Stats., no person may operate an all-terrain vehicle or utility terrain vehicle on the roadway portion of any Town highway or road in the town except on roadways that are designated as all-terrain vehicle and utility terrain vehicle routes by this ordinance.

C. Designation of All-Terrain and Utility Terrain Vehicle Routes. All Town highways and roads are designated all-terrain vehicle and utility terrain vehicle routes in the town, except the following:

All all-terrain vehicle and utility terrain vehicle routes shall be subject to regular review by the Town Board, and designated routes may be adjusted or withdrawn if the Town Board determines that to be in the public interest.

D. Rules for Operation and Other Requirements.

1. Operation of all-terrain vehicles and utility terrain vehicles on Town highways and roads under this ordinance shall be subject to all provisions of § 23.33, Wis. Stats., which are hereby adopted as part of this ordinance by reference, pursuant to § 23.33(11), Wis. Stats.

2. The following additional restrictions are placed on operators and passengers pursuant to Wis. Stats. §23.33(11).

- a. All individuals under the age of 18, either operating or riding on an ATV/UTV, shall wear a helmet.
- b. All occupants riding in or operating a UTV shall be required to wear a seatbelt when traveling on any town road in the Town of West Point.
- c. No person shall operate an ATV or UTV on a Town Road unless that person is at least 16 years of age and possesses a valid motor vehicle operator's license. All operators shall have in their motor vehicle operator's license in their immediate possession and shall display such license upon demand from any law enforcement officer or official described in Sec. 23.33(12), Wis. Stats.
- d. No person who is born on or after January 1, 1988, may operate an ATV or UTV unless holding a valid WDNR safety certificate or a valid certificate from another state or Canada, shall carry the certificate while operating, and shall present the certificate to a law enforcement officer upon request.
- e. All operators shall carry liability and other insurance coverage consistent with state law for the operation of a motorized vehicle and have proof of insurance.
- f. No operator or passenger of an all-terrain vehicle or utility terrain vehicle may possess, in or on an all-terrain vehicle or utility terrain vehicle on any road or highway designated as an all-terrain vehicle or utility terrain vehicle route, any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken or the contents of the bottle or receptacle have been partially removed or released.
- g. No person may engage in the operation while the person has an alcohol concentration of 0.08 or more.
- h. No person may engage in the operation while the person has a detectable amount of illegal controlled substances in his or her blood.
- i. The Wisconsin DNR registration number shall be in legible letters and clearly visible from the rear of the vehicle. A copy of the current, valid registration certificate shall be present on the vehicle and shall be presented to law enforcement when requested.

3. The following additional operating restrictions and vehicle requirements are adopted regarding all ATVs/UTVs being operated on designated Town Roads, pursuant to Wis. Stat. §23.33(11).

- a. Speed Limits. ATV/UTVs shall not be operated at a speed greater than 35 miles per hour, or at speed limit posted if lower.

b. Hours. ATVs/UTVs shall not be operated on any town road between the hours of 10:00 pm and 5:00 am.

c. Lights. ATVs/UTVs shall not be operated on any town road without fully functional headlights, taillights, and brake lights. Headlights and tail lights must be turned on at all times.

d. Golf carts are not designed as ATVs or UTVs, and use of golf carts on Town Roads is not authorized by this ordinance.

e. Operations.

1. ATVs/UTVs shall operate on the extreme right side of the paved surface or travel.

2. ATVs/UTVs shall only operate on the paved portion of the town road right-of-way; unless yielding the right of way or lane if pavement does not exist.

3. Multiple units shall operate single file, providing sufficient distance between vehicles.

4. ATVs/UTVs may not harass or restrict travel for frightened or distressed animals used in transportation within the roadway, Wis. Stat. 346.11.

E. Road Signage.

1. The most recent versions of the US Department of Transportation (USDOT) Federal Highway Administration (FHWA) Manual of Uniform Traffic Control Devices (MUTCD), Wisconsin Supplement of MUTCD, and Wisconsin Administrative Code NR 64.12(7) shall govern the use of proper installation and location of signage. Any amendments or modifications to these shall be incorporated automatically into this ordinance.

2. Approval, installation and maintenance of ATV/UTV signs for the Town of West Point shall be conducted by Town of West Point or a Town contractor.

3. The quantity and location of signage in accordance with State law.

4. No person shall operate an ATV/UTV contrary to an authorized and official posted sign.

5. No person shall do any of the following in regard to signage marking an ATV/UTV route:

a. Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV sign, or,

- b. Possess any uniform ATV/UTV sign of the type established by the township for the warning, instruction, or information of the public, unless obtained in a lawful manner. Possession of a uniform ATV/UTV sign creates a rebuttable presumption of illegal possession.

F. Administration, Enforcement and Penalties.

1. Authority Suspend Use of or Close Town Roads.

- a. The Town Board shall have the authority to close, terminate or temporarily suspend operation of ATVs/UTVs on any town road route or segment thereof due to hazards, construction, emergency conditions, road damage, or any other issue it deems appropriate.
- b. Routes temporarily removed as an ATV/UTV route shall be posted on the town website.

2. Enforcement.

- a. Provisions of the Ordinance may be enforced by the Columbia County Sheriff's Office or any other law enforcement official as set forth in Wis. Stat. 23.33(12).
- b. Adoption of this Ordinance shall not prohibit any law enforcement officer or WDNR warden from proceeding under any other ordinance, regulation, State Statute, law or order that pertains to the subject matter addressed under this section.

3. Penalties. The penalties under Wis. Stat. 23.33(13)(a), are hereby adopted and incorporated herein, by reference.


G. Severability. If any provision in this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

H. Notifications. A copy of this ordinance shall be sent by the Town Clerk to the Columbia County Sheriff's Department and to the Wisconsin Department of Natural Resources.

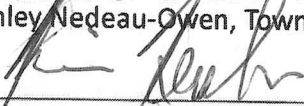
I. Effective Date. This Ordinance shall be effective upon publication and posting as provided by law. No Town roads, approved by the Board of the Town of West Point as an ATV and UTV route, shall be open for that use until the signage required under this Ordinance has been installed and the Town Board has approved the route to be open for that use.

Adopted this 10 day of August, 2023


TOWN OF WEST POINT, Town Board




Ashley Nedeau-Owen, Town Chair



Kevin Kessler, Supervisor



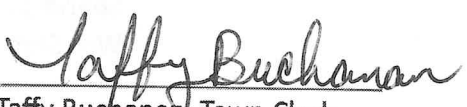
Scott Earnest, Supervisor



John Ungrodt, Supervisor



David Lendved, Supervisor

Attest: 

Taffy Buchanan, Town Clerk

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