

# CHAPTER 2

## Town of Taycheedah Fond du Lac County

### AN ORDINANCE DESIGNATING ALL-TERRAIN and UTILITY-TERRAIN VEHICLE ROUTES and REGULATING THE OPERATION of ALL-TERRAIN and UTILITY-TERRAIN VEHICLES

#### SECTION 1.0 PURPOSE

The purpose of this ordinance is to establish all-terrain and utility terrain vehicle routes in the Town of Taycheedah and to regulate the operation of all-terrain and utility terrain vehicles in the Town.

#### SECTION 2.0 AUTHORITY

The Town Board of the Town of Taycheedah, Fond du Lac County, Wisconsin, has the specific authority to adopt this All-Terrain and Utility Terrain Vehicle Ordinance under s. 23.33(8)(b) and (11), Wis. Stats.

#### SECTION 3.0 ADOPTION OF ORDINANCE

This ordinance adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town to designate all-terrain vehicle and utility terrain vehicle routes in the Town and to regulate the use of those routes and all-terrain vehicles and utility terrain vehicles in the Town.

#### SECTION 4.0 DEFINITIONS

For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The words "shall", "will", and "must" are always mandatory. The words "may" and "should" are discretionary terms. The masculine shall include the feminine. Terms not defined in this Section, shall be interpreted based on common usage.

All-Terrain Vehicle (ATV): means a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more low pressure tires or non-pneumatic tires.

Town: means the Town of Taycheedah, the Town Board or any other Town of Taycheedah official(s) authorized by the Town Board to act on behalf of the Town of Taycheedah.

Utility Terrain Vehicle (UTV): means any of the following:

1. A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, 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 2,000 pounds or less.
  - b. Four or more low-pressure tires or non-pneumatic tires.
  - c. A steering wheel.
  - d. A tail light.
  - e. A brake light.
  - f. Two headlights.
  - g. A width of not more than 65 inches.
  - h. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.

- i. 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 has a weight, without fluids, of more than 900 pounds but not more than 2000 pounds.
  - b. It has a width of 50 inches or less.
  - c. It is equipped with a seat designed to be straddled by the operator.
  - d. It travels on 3 or more low-pressure tires or non-pneumatic tires.

## **SECTION 5.0 OPERATION OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLES**

Pursuant to s. 23.33(4)(d)4, Wis. Stats., except as otherwise provided in s. 23.33(4), Wis. Stats., no person may operate an all-terrain or utility terrain vehicle on the roadway portion of any highway in the Town except on roadways that are designated as all-terrain and utility terrain vehicle routes by this ordinance.

## **SECTION 6.0 DESIGNATION OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTES**

The Town of Taycheedah hereby designates the following town roads as all-terrain vehicle and utility terrain vehicle routes:

All town roads except for those roads whose jurisdiction is shared with another town, in which case such road will not be a designated route unless the other town approves its designation as a route. The Town also designates all county and state roadways posted 35 mph or less as authorized under Wis. Stat. § 23.33(11)(am)4 unless otherwise posted.

## **SECTION 7.0 CONDITIONS APPLICABLE TO ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTES**

Pursuant to s. 23.33(8)(d), Wis. Stats, the following restrictions are placed on the use of the Town all-terrain and utility terrain vehicle routes designated by this resolution:

**7.1** Routes shall be marked with uniform all-terrain and utility terrain vehicle route signs in accordance with s. NR 64.12 (7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking Town all-terrain and utility terrain vehicle routes:

- A. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain and utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain and utility terrain vehicle 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 all-terrain and utility terrain vehicle 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 all-terrain and utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain and utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

**7.1-1** Local clubs, or groups of ATV/UTV operators will be responsible for purchasing, and installing, route signage. All signage will conform to Wisconsin State DOT guidelines and will be done under the direction of the Town of Taycheedah Road Maintenance Department or the Fond du Lac County Highway Department.



**7.2** Operation shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33(11), Wis. Stats.

**7.3** Operators must abide by all traffic laws unless further restricted by this Ordinance.

**7.4** The speed limits for ATVs and UTVs shall be as follows:

ATV and UTV operators will be required to follow the posted speed limit or maximum speed of 35 miles per hour on all routes with the exception of:

- Fisherman's Road, beginning at US Hwy 151 and ending at the Fisherman's Road Boat Landing.
- Perch Lane in its entirety.
- Sturgeon Street in its entirety.
- Minnow Lane in its entirety.
- Walleye Drive in its entirety.
- will have a posted speed limit of 20 MPH.
- Operators will lower their speed to 10 MPH when approaching and passing pedestrian traffic.

**7.5** ATVs/UTVs may be operated on paved surfaces only, unless yielding the right of way.

**7.6** All all-terrain and utility terrain vehicle operators shall ride single file.

**7.7** No ATV/UTV may be operated on any designated route without fully functional headlights, tail-lights and brake lights. Headlights and tail-lights shall be on when operating on an ATV/UTV route.

**7.7-1** Operators are required to use signal lights or hand signals when making turns.

**7.8** No ATV/UTV may be operated on any designated route after 10PM or before 5AM. No operation during times of reduced visibility due to heavy rain, snow, or fog. All ATV/UTV operators must carry liability insurance coverage and proof of insurance.

**7.8-1** A person may operate an ATV with a snow removal device attached, for snow removal purposes and under the following restrictions:

- At a speed not to exceed 5 mph while on a public sidewalk
- At a speed not to exceed 15 mph while on or adjacent to a roadway
- Operation is allowed on all roadways where the motor vehicle speed limit is 45 mph or less
- Operation shall be restricted to the far-right hand side of the road
- Operation is also allowed on roads that are legal and open ATV Routes
- Operators must be 16 years or older and if born on or after January 1, 1988 must also possess a valid ATV Safety Certificate.
- Operation is only allowed between October 1 and April 30 for the purpose of removing snow
- Operators may not travel at a distance greater than 2 miles from their original starting or loading point
- Machines must display one or more illuminated, yellow lights that are flashing or rotating and visible for 360 degrees

**7.9** All ATV/UTV operators shall ride on the right-hand side of the paved portion of the highway, unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way is prohibited, unless yielding right of way.

**7.10** No ATV/UTV may be operated on any designated ATV route if the ATV/UTV does not meet all applicable Federal noise and air pollution standards.

**7.11** Except as provided in par. (4) (d) 1., 2., and 3. a., no person who is under 16 years of age may operate a utility terrain vehicle on a roadway. 23.33(5) (am)3

**7.12** No person under the age of eighteen (18) may operate or be a passenger on an ATV/UTV on any designated route unless wearing approved protective head gear.

**7.13** Every person who operates an ATV/UTV on any highway in the Town of Taycheedah shall have in his or her immediate possession a valid motor vehicle operator's license, or safety certificate, and shall display the license document upon demand from any law enforcement officer or official described in Wis. Stat., Section 23.33(12).

**SECTION 8.0 ENFORCEMENT**

This ordinance may be enforced by the Town Board, Town Constable, or law enforcement officer authorized to enforce the laws of the state of Wisconsin. A copy of this ordinance shall be sent by the Town Clerk to the Department of Natural Resources, Wisconsin DOT the Fond du Lac County Sheriff's Department, Wisconsin State Patrol-Fond du Lac Post, and any other law enforcement agency serving the Town of Taycheedah's jurisdiction.

**SECTION 9.0 PENALTIES**

**9.1** The penalties under s. 23.33(13), Wis. Stats., are adopted by reference.

**SECTION 10.0 MAINTENANCE**

Designation of segments of the Town road system as ATV/UTV routes does not impose upon the Town a greater duty of care or responsibility for maintenance of those segments than for any other segment of Town road. Operators of ATV/UTV's on Town roads assume all the usual and normal risks of ATV/UTV operation.

**SECTION 11.0 SEVERABILITY**

If any provision of 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.

**SECTION 12 EFFECTIVE DATE**

This ordinance is effective on publication or posting. The Town clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

Dated this: November 12, 2018  
Amended Section 6.0 dated this: July 13, 2020

TOWN OF TAYCHEEDAH

Joe Thome Chairperson  
Attest:  
Kris Marcoe, Town Clerk