

STATE OF WISCONSIN ATV/UTV REGULATION SUMMARY

ATV/UTV state regulations can be found in full at DNR.WI.GOV Search for ATV or UTV: The town would adopt and reference Wis stat 23.33 if an ATV ordinance is approved.

The state regulates:

- Ages of user, Rockland would prefer riders be 16 years of age and hold a drivers license to ensure they understand the rules of the road.
- Education required/safety certificate
- Helmet use
- How to safely transport passengers
- Registration of vehicles and license plates
- The portion of the roadways that can be used (if they are part of the route system)
 - Far right side, single file
 - For left turns from any part of the roadway which is safe given prevailing conditions
- Lights must be on
- Standard equipment: Headlights, tail lights, brakes, mufflers, spark arresters and tires, and on UTV's seat belts
- Proper transporting archery or firearms
- Restrictions on posted public land (Fox River Trail)
- How to safely cross a county or state highway or bridge
 - done in the most direct manner practicable, done in an area without obstruction, the ATV/UTV is stopped prior to crossing, ATV/UTV yields to other vehicles using the roadway
- Use for implements of husbandry (ag vehicles)
- Use for snow removal
- That no enforcement will occur if use is on your own private property.
- All penalties are spelled out in the state code for dangerous use, including drunk driving and drug impairment.
- Riders must slow to 10 mph or less within 150' of residences, within 100' of person not on a motorized vehicle, unless driving on an authorized route or trail
- Signage requirements, which would be paid for by the taxpayers (unless an ATV club sponsors them)
This code does not apply to or include golf carts. Golf Carts are not permitted on roads in Wisconsin.

The DNR orders that ATV/UTVs must be trailered from a dwelling to an ATV route. Operation on the unimproved right-of-way or ditch, outside the regular traveled portion of the road, is highly restricted and in most cases illegal. Many right of ways or ditch lines are privately owned, and as such operation on private property without permission is trespassing.

No ATV/UTV can access private property without permission from the owner. Owner established trails must be posted as an ATV trail in order to be used by the public. Landowners who allow ATV/UTV trails to cross their property are not required to keep the premises safe for recreational activities, to inspect the property, or to give warning of an unsafe condition, use or activity on the property. They are generally held free of liability, but there are a few requirements. Again, trails must be posted as an ATV trail with the appropriate signage to be used by the general public. Neighbors would need to work together to allow users to cross their property to gain access to approved ATV routes. If a neighbor objects to such traffic, users are encouraged to be respectful of their wishes and mindful of use around their properties.

The town can only set the routes, and the hours of operation.

ATV/UTV

Hi Rockland Residents,

For some time now, the Town Board has been getting asked about permitting ATV/UTV use on town roads. We have had multiple conversations with people at the Town Board meetings over the last year. Planning and Zoning reviewed ordinances from neighboring communities and did research with the Department of Natural Resources, the agency that regulates their use. We asked you via the summer newsletter to offer your feedback, but the response was very small. Feedback has been all over the board: those in favor seem to be strongly in favor, and those opposed, seriously opposed. After all this conversation and discussion, a draft has finally been prepared for your consideration. It is only a draft. The Town Board is seeking your opinions.

ATV Route: roads that permit ATV/UTVs within the town limits. It is the Town's discretion to add all roads, or to limit them in some fashion.

ATV Trail: off road trail that crosses private property to access an ATV route/roadway—
Rockland has no ATV trails

As the Clerk, I will be gathering feedback from residents 16 years of age and older. I ask you to contact me with the votes for your whole household. Please provide your information to me in this format:

Axel Rose	54 yrs	5555 Bob Bea Jan Road	yes I support
Joan Jett	54 yrs	5555 Bob Bea Jan Road	no, no support
April Rose	17 yrs	5555 Bob Bea Jan Road	indifferent

- Preferred method is to send this information to me in an email: jkoenig@townofrockland.org
- You can call and leave a message on the voice mail at the Town office (920) 336-2814.
- Send a note in the mail (or slide it into the mailbox) 1712 Bob Bea Jan Rd, De Pere, WI.
- Come talk to me in person—Julie Koenig, Clerk

I will assemble the results and provide a summary to the board. **Please respond before October 5, 2019.** Thank you.

STATE OF WISCONSIN
Town of Rockland, Brown County

Section 1 – TITLE AND PURPOSE

The title of this ordinance is the Town of Rockland All-Terrain and Utility Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle and utility terrain vehicles routes in the town and to regulate the operation of ATV and UTVs in the town. This does not apply to golf cart type vehicles.

Section II – AUTHORITY

The Town Board of the Town of Rockland, Brown County, Wisconsin, has the specific authority to adopt this ATV/UTV ordinance under s. 23.33 (8) (b) and (11), Wis Stats.

Section III – 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 ATV/UTV routes in the town and to regulate the use of those routes and ATV/UTVs in the town. Operation shall be subject to all provisions of 23.33, Wis. Stats., which is adopted as a part of the ordinance by reference, pursuant to s. 23.33 (11), Wis. Stats.

Section IV – OPERATION OF ATV/UTVs

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 ATV/UTV on the roadway portion of any highway in the town except on roadways that are designated as ATV/UTV routes by this ordinance.

Section V- LOCAL REGULATION

The operator of an ATV/UTV shall obey ALL State of Wisconsin laws regarding the operation of ATVs/UTVs and the following conditions:

- 1) No person may operate an ATV/UTV on the roadway portion of any highway in the town unless it is a town road or a road that has been properly signed in accordance with the Wisconsin Natural Resources Administrative Code NR 64.12 (7) (c) as an ATV or UTV route, by this ordinance.
- 2) All town roads are designated ATV/UTV routes in the town EXCEPT THE FOLLOWING:
 - All county Highways (OO, W, PP, ZZ)
 - State Hwy 57
 - All dead end roads or cul de sacs, or road signed with a No ATV sign
- 3) All ATV/UTV operators:
 - a) shall ride on the extreme right side of the pavement except that left turns may be made from any part of the roadway which is safe and given prevailing conditions, but shall not operate on the shoulders or in the ditch.
 - b) shall not exceed the posted speed limit for automobiles or the posted speed limit for ATV/UTV traffic whichever is lower.
 - c) shall be single file in a line of ATV/UTVs arranged one behind the other.
 - d) shall be 16 years of age or older and possess a valid driver's license.
 - e) shall be allowed access to routes in the most direct manner practicable, yielding to motor vehicle and pedestrian traffic as necessary.
 - f) shall be allowed use of ATV/UTV routes in the Town of Rockland from one hour prior to sunrise and to one hour past sunset. Routes are considered closed outside those hours, except for properly licensed agricultural ATV/UTVs, when being used for agricultural purposes.
- 4) All ATV/UTVs operating on any portion of an established designated ATV/UTV route shall display lighted headlight (s) and tail lights conforming to Wisconsin State Statute 23.33 equipment requirements at all times.
- 5) ATVs may be operated on Brown County highways ONLY and EXCLUSIVELY if the ATV/UTV is used exclusively for agricultural purposes pursuant to Wis Statutes 23.33 (4) (d) 5.

Section VI – ENFORCEMENT

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin, including but not limited to elected Town Officials. Upon approval of this ordinance, the Town Clerk shall immediately send a copy to the Wisconsin Department of Natural Resources (WDNR), to the state traffic patrol, and to the Brown County Sheriff's Department per Wisconsin State Statute 23.33 (11) (b).

Section VII – PENALTY

- 1) Any person who violates this ordinance shall forfeit not more than \$250, plus court fees.
- 2) Nothing in this ordinance is intended to foreclose the enforcement of the provisions of state law with regard to ATV/UTV operation, specifically including Wis Stat 23.33 in a court of competent jurisdiction

Section VIII – SEVERABILITY

The provision of this ordinance shall be deemed severable, and it is expressly declared that the Town would have passed the other provisions of this ordinance irrespective of whether one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to the other persons circumstances shall not be deemed affected.

Section IX – EFFECTIVE DATE

This ordinance shall become effective upon its passage and publication according to law AND upon the installation of appropriate route signage as stipulated in 23.33 (8) (e.), and NR 64.12 and NR64.12 (7) c.

Passed this _____ day of _____, 20__.

Dennis J Cashman, Chairman

Matthew Meeuwsen, Supervisor

Alan Lasee, Supervisor

Attest: _____
Julie Koenig, Clerk

Roll Call Vote:

Chairman Cashman _____
Supervisor Lasee _____
Supervisor Meeuwsen _____
Aye ____ / Nay ____