

Town of LeRoy, Dodge County, Wisconsin
Ordinance # 2022-03
All-Terrain and Utility Vehicle Route Ordinance

Section I – Purpose

The purpose of this ordinance is to establish all-terrain and utility-terrain vehicle route in the Town of LeRoy and to regulate their operation. Following due consideration of the recreational value to connect trail opportunities and weighed against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created.

Section II - Statutory Authority

The Town Board of the Town of Leroy, Dodge County, Wisconsin has the specific authority to adopt this All-Terrain and Utility-Terrain Vehicle Ordinance under sec 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 of the Town to designate all-terrain and utility-terrain vehicle route in the Town and to regulate the use of those routes and all-terrain and utility-terrain vehicles in the Town.

Section IV – Definitions

For the purpose of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; 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”, “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 not more than 50 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more tires.

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

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. Four or more tires.
 - b. A weight, without fluids, of 3,000 pounds or less.
 - c. A steering wheel.
 - d. A tail light.
 - e. A brake light.
 - f. Two headlights.

- g. Width of not more than 65 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.
 - 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 does not meet federal motor vehicle safety standards in effect on July 1, 2012; is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle; is designed to be used primarily off of a highway; and has, and was originally manufactured with, a weight, without fluids, of not more than 3,000 pounds;
 - b. It has a width of 65 inches or less as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation;
 - c. It is equipped with a seat designed to be straddled by the operator;
 - d. It travels on 3 or more tires.
 - e. It is not an all-terrain vehicle, as defined above.

Section V – Operation of All-Terrain and Utility Terrain Vehicle

Pursuant to s. 23.33 (4) (d) 4., Wis. Stat., except as otherwise provided in s. 23.33 (4), Wis. Stat., 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 VI – Designation of All-Terrain and Utility Terrain Vehicle Routes

All roads under the jurisdiction of the Town of LeRoy are designated all-terrain and utility terrain vehicle routes unless posted. The Town of LeRoy reserves the right to close or modify routes at any time.

Section VII – Conditions Applicable to All Terrain and Utility Terrain Vehicle Routes

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

- (1) Routes shall be marked with uniform all-terrain and utility-terrain vehicle route signs in accordance with s. NR64.12 (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 or 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.

- (2) Operation shall be subject to all provisions of s. 23.33, Wis. stat., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33 (11), Wis. stats.
- (3) Operators must abide by all traffic laws unless further restricted by this Ordinance.
- (4) The speed limit for ATVs and UTVs shall be established at not greater than 35 (thirty-five) miles per hour or the speed limit for automobiles, whichever is lower, on all segments of Town Road designated as ATV route. All ATV/UTV operators shall slow the vehicle to a safe speed when with 100 feet of a pedestrian or animal.
- (5) ATVs/UTVs may be operated on paved surfaces only, unless yielding the right of way.
- (6) All all-terrain and utility terrain vehicle operators shall ride in single file.
- (7) No ATV/UTV may be operated on any designated route without fully functional headlights, taillights, and brake lights. Operators must display a lighted headlight, taillight, and registration license plate at all times.
- (8) On all roads shared with another jurisdiction the most restrictive ordinance shall apply.
- (9) No ATV/UTV may be operated on any designated route between the hours of 11:00 p.m. and 6:00 a.m. daily, or during times of reduced visibility due to heavy rain, snow, fog, or unless a different restriction on hours of operation has been specified by the Town and notice of the same is duly posted on the segment. This daily time restriction does not apply to units licensed for agricultural use.
- (10) 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 gravel shoulders, grassy in-slope, ditches, or other highway right-of-way is prohibited, unless yielding right of way.
- (11) 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.
- (12) No person under the age of 16 (sixteen) may operate an ATV/UTV on any segment of Town Road which is designated ATV route.
- (13) No person under the age of 18 (eighteen) may operate an ATV/UTV on any designated route unless wearing approved protective head gear.
- (14) Every person who operates an ATV/UTV on a segment of Town road which is designated as an ATV route shall have in his or her immediate possession a valid motor vehicle operator's license and shall display the license document upon demand from any law enforcement officer or official describes in Wis. Stat. Sec. 23.33 (12).
- (15) All ATV/UTV must be properly licensed and/or registered with the State of Wisconsin.
- (16) All UTV drivers and passengers are required to wear seatbelts at all times.

(17)No open intoxicants are allowed in or upon any ATV/UTV while the vehicle is in operation.

(18)ATV/UTV operation is at the risk of the operator. All ATV/UTV operators must carry liability insurance and proof of insurance. The Town of LeRoy has no liability for any damage or injury to person, real property or personal property, arising out of the operation of ATV's and UTV's on designated ATV/UTV routes under s, 895.52 (1)(d)(g) Wis. Stats..

(19)No person may operate an ATV/UTV on or across a cemetery, burial ground, campground, park, school property or church property without consent of the owner.

(20)No person shall leave or allow any ATV owned or operated by him/herself to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition

Section VIII – Enforcement

This Ordinance may be enforced by any member of the Town Board 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, the Dodge County Sheriff's Department and any other law enforcement agency serving the Town of LeRoy's jurisdiction.

Section IX – Penalties

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

Section X – 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 XI- Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidly 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 XII – Reserved Authority

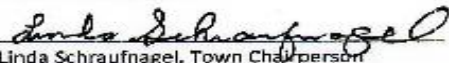
The Town of LeRoy Board reserves the right to repeal, open, close, or modify this Ordinance and prevent all use of ATV/UTV on Town of LeRoy roadways at any time by a simple Board motion.

Section XIII – Effective Date

This ordinance is effective on publication or posting, and installation of proper signage, The Town Clerk, shall properly publish this Ordinance as required under ss 60.80, Wis. Stats. Upon passage of this ordinance, it will become part of the Town of LeRoy Code of Ordinances.

Adopted by the Town Board this 24th day of May, 2022

Town of LeRoy Board


Linda Schraufnagel, Town Chairperson


Raymond Collier, Supervisor #1


Susan Gassner, Supervisor #2

ATTEST: 
Sandra Porter, Clerk

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