ALL TERRAIN VEHICLE ROUTES ON ALL TOWN ROADS IN THE TOWN OF ANGELICA

The Town of Angelica Board of Supervisors, Shawano County, Wisconsin, ordains as follows:

Section 1. Title and Purpose:
This ATV/UTV Route Ordinance is adopted to establish ATV/UTV routes on town roads and to promote public health and safety by providing for the regulation of ATV/UTV's within the Town of Angelica. This does not include jurisdiction of County and State Roads.

The establishment of this ordinance is for the convenience of the ATV/UTV riding public only, and the Town Board of the Town of Angelica makes no warranty express or implied that the aforementioned routes are safe for ATV/UTV operation.

Section 2. Adoption of State Statutes:
~~E~~except as otherwise specifically provided in this chapter, and pursuant to the authority granted in Section 23 of the Wisconsin Statutes, Town Board of Supervisors of the Town of Angelica does hereby adopt Chapter 23 of the Wisconsin State Statutes and Chapter NR 64 of the Wisconsin Administrative Code which deals with All Terrain Vehicles/Utility Terrain Vehicles, to be applied on all town roads in the Town of Angelica.

Section 3. Authorization:
This ordinance is authorized by Wisconsin State Statutes Chapter 23, specifically section 23.33 and Chapter NR 64 of the Wisconsin Administrative Code, all subsections and amendments thereto.

Section 4. Definitions:
ATV: "All-terrain vehicle" means a commercially designed and manufactured motor driven device which has a dry weight of 900 pounds or less, which has a width of 50 inches or less, which is equipped with a seat designed to be straddled by the operator and which is designed to travel on 3 or more low-pressure tires. A low-pressure tire is a tire, which has a minimum width of 6 inches, which is designed to be mounted on a rim, with a maximum diameter of 12 inches and which is designed to be inflated with an operating pressure not to exceed 6 pounds per square inch as recommended by the manufacturer. ATV must be equipped with at least a single white headlamp and a red tail lamp that must be activated during the hours of darkness or while operating on or along a roadway, even when crossing roads.
UTV/Side by Side Vehicles: Vehicles meeting specifications may purchase and display Public Use – ATV registration and operate on ATV trails and ATV road routes in participating counties. Most ATV laws apply, except that minimum operating age is 16 with a valid ATV safety certificate.
UTV Specifications as originally manufactured include:

- Not a golf cart or low speed vehicle
- Dry weight of less than 2,000 pounds
- Four or more low pressure tires, maximum 10 p.s.i.
- Commercially designed and manufactured
- Steering wheel, brake light, tail light, 2 head lights, seat belts for each occupant
- Maximum 65 inches wide
- Seating for at least 2 passengers, non-straddle type seats
- Roll bar or similar device

ATV/UTV Club: means a club consisting of individuals that promotes the recreational use of ATV/UTV's.
ATV/UTV Route: means a highway or sidewalk designated for use by all terrain/utility terrain vehicle operators by the governmental agency having jurisdiction as authorized under this section.

ATV/UTV Trail: means a marked corridor on public property or on private lands subject to public easement or lease, designated for use by ATV/UTV operators by the governmental agency having jurisdiction, but excluding roadways of highways except those roadways that are seasonally not maintained for motor vehicle traffic.
Designated Adult: parent, guardian or adult designated by the parent or guardian.

Section 5. Application:
This ordinance is binding on all individuals traveling in and through the Town of Angelica in any manner on any and all marked Town roads. Any cost associated with the opening of County Roads shall be paid by the requesting club.

Section 6. Route:
All town roads in the Town of Angelica are open to ATV/UTV's, unless posted otherwise. This does not include private roads or driveways. Does not include private property in the Town of Angelica. The aforesaid ATV/UTV Routes shall be open for ATV/UTV operation 24 hours per day, 365 days of the year. Any/all ATV/UTV Routes may be suspended at the discretion of the board at any time.

Section 7. Laws:
The Town of Angelica accepts no liability for the operation of ATV/UTV's on any Town road under the provisions of this Ordinance.

ATV/UTV's that operate on the aforementioned roads shall abide by all state laws regulating ATV/UTV's operation including the following:

A. Operate in the extreme right hand portion of the traveled part of the road and single file
B. Speed limit shall not exceed 35 mph. EXCEPT within 150 feet of a home or dwelling or 100 feet of a pedestrian when the speed SHALL NOT exceed 10 mph.
C. Signs shall be posted to notify operators of ATV/UTV's and to notify motorists that ATV/UTV's may be traveling these roads. It requires the posting of signs along the ATV/UTV Route shall be the responsibility of the local ATV/UTV Club or Clubs. The signs must be placed at every entrance to the town and display dates of operation.
D. ATV/UTV's operated on Town roads pursuant to this Ordinance shall have the following properly working equipment:
    1. one or more headlights
    2. off road auxiliary lighting not allowed
    3. a red rear light
    4. number plate bracket
    5. brakes in good mechanical condition.
    6. a muffler system and such other equipment or devices that comply with the noise level standards as set forth in 23 V.S.A. §3505(b), and regulations adopted pursuant thereto.
E. ATV/UTV's operated on Town roads shall be currently registered by the State of Wisconsin in accordance with Wisconsin State Statutes. Registration does not constitute a license to cross or operate an ATV/UTV on public or private lands.
F. General Age & Safety Certificate Requirements:
    1. ATV's – All ATV operators at least age 12 and born on or after January 1, 1988 must possess a valid ATV safety certificate issued by the State of Wisconsin or any other state or province. All ATV safety certified operators age 12-15 must also be accompanied by an adult while operating on a designated ATV Route.
    2. UTV's – All UTV operators at least age 12 and born on or after January 1, 1988 must possess a valid ATV safety certificate issued by the State of Wisconsin or any other state or province. Children age 12-15 years may only operate small UTV's (200 ccs or less) on public, off-road ATV Trails only. The child may cross roads at trail crossings, however no other roadway operation is allowed. The child must be accompanied by a designated adult.
G. Except as otherwise provided in this Ordinance, a person may only operate or permit an ATV/UTV owned by him or under their control to be operated in accordance with Wisconsin State Statutes and all regulations adopted pursuant thereto.

H. ATV/UTV's traveling on Town roads shall travel on the right side of the road, in single file, and with headlights on at a rate of speed not to exceed 35 MPH. (See item B above for other speed limitations)
I. When operating an ATV/UTV under this ordinance, if the ATV/UTV has no turn signals and/or brake lights, the operator shall use hand signals when making turns or stopping.
J. No public or private landowner shall be liable for any property damage or personal injury sustained by any person operating or riding as a passenger on an ATV/UTV or upon a vehicle or other device drawn by an ATV/UTV upon the public or private landowner's property, whether or not the public or private landowner has given permission to use the land unless the public or private landowner charges a cash fee to the operator or owner of the ATV/UTV for the use of the property or unless damage or injury is intentionally inflicted by the landowner.
K. ATV/UTV operators must remain on the approved marked ATV/UTV Trail or ATV/UTV Route or DNR and other penalties will apply.
L. No ATV operators under age 12 and no UTV operators under age 16 may operate on a public roadway for any reason.
M. All ATV/UTV operators and passengers under the age of 18 are required to wear a minimum DOT standard ATV or motorcycle helmet. Bicycle helmets do not meet this requirement.
N. All UTV passengers must have their seatbelts fastened at all times. It is illegal for a passenger to ride in or on any part of a UTV that is not originally designed or intended by the manufacturer to be used by passengers. It is not legal to operate with passengers in any after-market seating placed in the cargo area of the UTV.

Section 8. Severability:
Should any portion of this ordinance be declared unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Section 9. Enforcement:
The Town of Angelica Board of Supervisors gives the authority to enforce this ordinance to the State of Wisconsin Highway Patrol, Shawano County Sheriff's Department, Town of Angelica Chairperson, or their designee, and/or the Town Board of Supervisors or their designee, and any other enforcement authority as allowed by Wisconsin Statutes.

The enforcement officer may order the owner or operator of any vehicle being operated on a highway to suspend operation.
Verbal or written warnings may be allowed at the discretion of the enforcement authority in the above paragraph.

Section 10. 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.

Adopted this 14th day of October, 2019