

TOWN OF ASHIPGUN, DODGE COUNTY, WISCONSIN

ORDINANCE NO. 2019-001

An Ordinance establishing All-Terrain Vehicle and Utility-Terrain Vehicle routes and regulating the operation of All-Terrain and Utility-Terrain Vehicles on Town of Ashippun streets and roads.

SECTION I – TITLE, PURPOSE, DEFINITIONS

The title of this ordinance is Town of Ashippun All-Terrain Vehicles and Utility-Terrain Vehicles Operating on Roadways

“All-Terrain Vehicles and Utility-Terrain Vehicles” are hereinafter known as “ATV/UTV”.

The purpose of this ordinance is to establish ATV/UTV routes in the Town of Ashippun and to regulate the usage and operation of ATV/UTV on Town of Ashippun streets and roads.

“All-terrain vehicle” has the meaning specified under §340.01(2g), Wis. Stats. “All-terrain vehicle” 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.

“Utility terrain vehicle” 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 2,000 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 II – AUTHORITY

The Town Board of the Town of Ashippun, Dodge County, Wisconsin, has the specific authority to adopt this ATV/UTV Ordinance under §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 all ATV/UTV use in the Town.

SECTION IV – DESIGNATION OF ATV/UTV ROUTES

All official town streets and roads within the Town of Ashippun are designated as ATV/UTV routes. In accordance with §23.33(8), Wis. Stats., ATV/UTV signs will be posted at all entrances to the township. Under Wisconsin Act 87, all State and County roadways with a posted speed limit of 35 mph or less are included as ATV/UTV routes under this ordinance. No ATV/UTV shall be allowed to operate on Town of Ashippun roadways between the hours of 11:59 pm and 5:00 am.

SECTION V – CONDITIONS APPLICABLE TO ATV/UTV ROUTES

Pursuant to §23.33(8)(d), Wis. stats., the following restrictions are placed on the use of the Town of Ashippun ATV/UTV routes designated by this resolution:

- A. All persons operating an ATV/UTV on a roadway in the Town of Ashippun must have a valid Wisconsin Driver's License. No one under the age of sixteen is allowed to operate an ATV/UTV on any Town of Ashippun roadway.
- B. All ATV/UTV must be properly licensed and/or registered by the State of Wisconsin.
- C. Operation of ATV/UTV on a roadway in the Town of Ashippun that is an ATV/UTV route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
- D. All ATV/UTV routes shall have a speed limit based on current speed limits within the township. All ATV/UTV operators shall slow the vehicle to a safe speed when within 100 feet of a pedestrian or animals.
- E. All ATV/UTV operators shall ride single file.
- F. All ATV/UTV drivers and passengers under the age of 18 are required to wear a helmet.
- G. All UTV drivers and passengers are required to wear seatbelts at all times.
- H. Proof of liability insurance is highly recommended.

SECTION VI – 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 the NRA Police Department.

SECTION VII – ENFORCEMENT

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

SECTION VIII – PENALTIES

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

SECTION IX – 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 X – RESERVED AUTHORITY

The Town of Ashippun Board reserves the right to repeal this Ordinance and prevent all use of ATV/UTV on Town of Ashippun roadways.

SECTION XI – 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 §60.80, Wis. Stats.

Adopted by the Town Board this 14th day of February, 2019.

S/S
Steven Panozzo, Town Chairman

S/S
Norman Greeb, Supervisor #1

S/S
William Bremer, Supervisor #2

S/S
Willard Oschmann, Supervisor #3

S/S
James H. Meyer, Supervisor #4

S/S
ATTEST: Michelle Liesener, Clerk