

TOWN OF EMMET
DODGE COUNTY, WI
ORDINANCE 42

**AN ORDINANCE ESTABLISHING ALL-TERRAIN VEHICLE (ATV) AND UTILITY-TERRAIN VEHICLE (UTV)
ROUTES AND REGULATING THE OPERATION OF ALL-TERRAIN AND UTILITY-TERRAIN VEHICLES**

SECTION 1 PURPOSE— The Purpose of this ordinance is to establish All-Terrain Vehicle (ATV) and Utility Terrain Vehicle (UTV) routes in the Town of Emmet, Dodge County, Wisconsin and to regulate the operation of All-Terrain Vehicles (ATV) and Utility Terrain Vehicles (UTV) on town roads.

SECTION 2 AUTHORITY – The Town of Emmet, Dodge County, Wisconsin has the specific authority to adopt this ATV/UTV Ordinance under s. 23.33(8)(b) and (11), Wisconsin statutes. Any future amendments, revisions or modifications of the statutes incorporated herein are made part of this ordinance to secure uniform statewide regulation of ATVs and UTVs.

SECTION 3 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 the roadways that are designated routes by this ordinance. Operation of ATV/UTV on a roadway in the town that is an ATV/UTV route is authorized for the extreme right of the roadway, except for left turns that may be made from any part of the roadway that is safe given prevailing conditions. ATV/UTVs shall not operate in the ditch, or other parts of the highway right-of-way and yield the right-of-way to other vehicles, pedestrians, or animals using the roadway or shoulder.

SECTION 4 DESIGNATION OF ATV/UTV ROUTES

1. Routes: Any town road that is signed in accordance with NR 64.12 and NR 64.12(7)c (as those sections may hereafter be amended) may be used by the ATV/UTVs in accordance with such signage as provided by the applicable portions of 23.33 Wis. Stat and this ordinance.
2. Designation: Under Wis. Stat. s. 23.33(8)(b)1, the town of Emmet designates all town roads as an ATV/UTV route with the exception of the following, which are restricted to use by property owners/residents on designated roads:
 - a. Dead end and gravel roads
 - b. Juneau Street
 - c. Hill Road
 - d. Rhine Rd (Including the section on the south side of Hwy 16 between N Water Street & N Second Street)

SECTION 5 CONDITIONS APPLICABLE TO ATV/UTV ROUTES

1. Routes shall be marked with uniform ATV/UTV route signs in accordance with s.NR 64.12(7), Wis Administrative Code. No person may do any of the following regarding signs marking town ATV/UTV routes:
 - a. Intentionally remove, damage, deface move, or obstruct any uniform ATV/UTV route or trail sign or standard, or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail sign or standards if the sign or standard is

legally placed by the state, by this municipality, Quad County Runners ATV/UTV Club or any authorized individual.

- b. Possess any uniform all-terrain vehicle [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 vehicle [and utility terrain vehicle] route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle [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. stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33 (11), Wis. stats.
3. In accordance with 23.33(9), ATV/UTV signs will be posted at all entrances to the township. Under Wisconsin Act 87, authorized routes with a posted speed limit in this municipality of 35 mph or less are included as ATV/UTV routes under this ordinance.
4. Route signs in the Town of Emmet shall be provided by and shall be marked by the Quad County Runners ATV/UTV Club or their successor with uniform all-terrain vehicle route signs in accordance with Wisconsin Administrative Code §NR6.12(7). Signage shall be inspected annually and shall be maintained by the Quad County Runners ATV/UTV Club or their successor. The Town shall be notified immediately of any change in responsibility for maintenance of ATV/UTV Route signs.

ADDITIONAL RESTRICTIONS AND APPLICABLE TIME PERIODS

1. All ATVs/UTVs must be properly licensed and/or registered by the State of Wisconsin.
2. All ATV/UTV Operators must be 16 years of age or older.
3. A valid WI Department of Transportation driver's license is required to operate any ATV/UTV on a designated route within the township.
4. All ATV/UTV vehicles must be operated in single file.
5. No ATV/UTV operator shall exceed the posted speed limit of the road being traveled.
6. All ATV/UTV operators or passengers under the age of 18 must wear a DOT approved helmet.
7. All UTV operators and passengers are required to wear seatbelts at all times.
8. All ATV/UTVs must be operated on paved road surfaces only.
9. All ATV/UTV operators are required to have applicable liability insurance and carry proof of insurance. The Town of Emmet has no liability for damage or injury to persons, real property, or personal property, arising out of the operation of ATVs and UTVs on designated ATV/UTV routes under s. 895.52(1)(d)(g) Wis Statutes.
10. All ATV/UTVs shall have working headlights, taillights, and brake lights.
11. All ATV/UTVs must always have their headlights and taillights on.
12. All ATV/UTV operations are subject to Wisconsin Department of Natural Resources ATV/UTV Laws and Regulations.
13. All ATV/UTV operators shall slow the vehicle to safe speed when within 100 feet of a pedestrian, bicyclist, or animals.
14. No person may operate, or allow another individual to operate an ATV/UTV if they are prohibited by law, are underage, or are incapable of operating because they are physically or mentally unable to exercise physical control over the speed or direction of the machine, or are under the influence of alcohol or drugs.
15. Every ATV/UTV shall be equipped, maintained, and operated so as to prevent excessive or unusual noise.

16. No ATV/UTV shall be allowed to operate on Town of Emmet, Dodge County roadways between the hours of 12:00 am and 7:00 am.

SECTION 7 RESERVED AUTHORITY

The Town of Emmet Town Board reserves the right to repeal this Ordinance and prevent all use of ATVs and UTVs on Town of Emmet Town roads at any time, with or without cause.

SECTION 6 ENFORCEMENT This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

SECTION 7 PENALTIES The penalties under s. 23.33(13), Wis. Stats., are adopted by reference.

SECTION 8 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 provisions or application, and to this end the provisions of this ordinance are severable.

SECTION 9 MISCELLANEOUS The Clerk is directed to send a copy of this ordinance to the Department of Natural Resources and the Dodge County Sheriff's Department.

SECTION 10 EFFECTIVE DATE This ordinance is effective upon publication or posting. The Town Clerk shall properly publish this ordinance as required under s.60.80, Wis. Stats.

Adopted this 12th day of January, 2022

Signatures of Town Board

William Nass

Chairman

Richard Walter

Supervisor 1

Brent W.

Supervisor 2

Attest: Debra L. Carlson

Town Clerk