

Ordinance #2021-01  
Municipality Code 59028  
STATE OF WISCONSIN  
Town of Sherman  
Sheboygan County

## **All-terrain Vehicle and Utility-terrain Vehicle Route Ordinance**

### **SECTION I – TITLE AND PURPOSE**

The title of this ordinance is the Town of Sherman All-Terrain Vehicle and Utility Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle and utility terrain vehicle routes in the town and to regulate the operation of all-terrain vehicles and utility terrain vehicles in the town.

### **SECTION II – AUTHORITY**

The Town Board of the Town of Sherman, Sheboygan County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle and Utility Terrain Vehicle 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 all-terrain vehicle and utility terrain vehicle routes in the town and to regulate the use of those routes and all-terrain vehicles and utility terrain vehicles in the town, designates all-terrain vehicle and utility terrain vehicle routes in the town and provides for the regulation of the use of those routes and of all-terrain vehicles [and utility terrain vehicles] in the town.

### **SECTION IV – OPERATION OF ALL-TERRAIN VEHICLES [AND UTILITY TERRAIN VEHICLES]**

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 all-terrain vehicle and utility terrain vehicle on the roadway portion of any highway in the town except on roadways that are designated as all-terrain vehicle and utility terrain vehicle routes by this ordinance. Operation of all-terrain vehicles [and utility terrain vehicles] on a roadway in the town that is an all-terrain vehicle and utility terrain vehicle 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.

### **SECTION V – DESIGNATION OF ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES**

All town roads (except for Townline and Mill Roads) will be open to all-terrain vehicles and utility terrain vehicles unless otherwise posted. Townline Road will be closed until the Town of Fredonia allows all-terrain vehicles and utility terrain vehicles on its town roads, and Mill Road will be closed until the Town of Holland allows all-terrain vehicles and utility terrain vehicles on its town roads.

All county and state roadways posted 35 mph or less will be open to ATV/UTV usage as authorized under Wis. Stats. S. 23.33 (11) (am) (4) unless otherwise posted.

Certain connector segments of county roads will be opened upon approval of the Sheboygan County Transportation Committee. (include a map and listing of connectors once approved)

## **SECTION VI – CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES**

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

- A. Routes shall be marked with uniform all-terrain vehicle and utility terrain vehicle route signs in accordance with s. 23.33 (8) (e), Wis. stats., and s. NR 64.12 (7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking town all-terrain vehicle and utility terrain vehicle routes:
  1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle 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.
  2. 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.
- B. 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.
- C. A copy of this ordinance shall be sent by the town clerk to the Department of Natural Resources, the Sheboygan County Sheriff's Department and any other law enforcement agency serving the Town of Sherman's jurisdiction.
- D. Additional restrictions: The town reserves the right to open and close any or all routes by a simple Town Board motion.

## **SECTION VII - ENFORCEMENT**

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin [and additionally as stated in the Town's citation authority ordinance adopted per s. 66.0113]

## **SECTION VIII - PENALTIES**

The penalties under s. 23.33 (13), 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 – 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 4 day of May, 2021

William C. Goehring  
William C. Goehring, Town Chair

Howard C. Mitchell  
Howard C. Mitchell, Town Supervisor

Kris Klein  
Kris Klein, Town Supervisor

Patricia Horne  
Patricia Horne, Town Supervisor

James Fahney  
James Fahney, Town Supervisor

Rhonda J. Klatt  
Attest: Rhonda J. Klatt, Clerk/Treasurer