

**AN ORDINANCE**  
**DESIGNATING ALL-TERRAIN VEHICLE ROUTES**  
**AND REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES**

**WHEREAS** on December 9, 2019, the Town of Mitchell Town Board held a public hearing, preceded by a Class 2 noticed published on and in The Review, to adopt an ordinance designating All Terrain Vehicle Routes and Regulating the Operation of All- Terrain Vehicles.

**NOW, THEREFORE**, the Town Board of the Town of Mitchell does hereby ordain as follows:

**Section I - Intent**

The Town of Mitchell, Sheboygan County adopts the following all-terrain vehicle route for the operation of all-terrain vehicles upon all Town roads. 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**

Open usage of Town roads is done pursuant to Town authority as authorized by 23.33 (8) (b), Wis stats. The applicable provisions of 23.33 regulating ATV/UTV operation pursuant to routes are adopted.

**Section III - Routes**

All Town roads will be open to ATV/UTV usage unless otherwise posted.

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

**Section IV - Conditions**

As a condition for use of Town roads, the following conditions shall apply to all operators (and passengers);

- All ATV/UTV operators shall observe posted speed limits
- No person under 18 years of age may operate or be a passenger on an ATV/UTV without wearing protective headgear of the type required under s. 347.485(1)(a) and with the chin strap properly fastened, except as specifically exempted under s. 23.33(3g)(b, c and d) Wis. Stats
- All ATV/UTV operators under 16 years old must be in direct verbal supervision of a parent or legal guardian when operating on a designated all-terrain vehicle route.
- Operation of ATVs and UTVs on roadways designated as ATV/UTV Routes are authorized only for the extreme right side of the roadway, on the paved surface (if the roadway is paved), except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
- Approved hand signals are required whenever the operator intends to direction if vehicle is not equipped with turn signals.
- All ATV/UTV operators shall ride single file.
- The operator of an ATV/UTV shall obey all traffic laws, Local ordinances and DNR Regulations
- The operator of an ATV/UTV shall display a lighted headlamp, tail lamp and working brake light on the ATV/UTV and display the registration license plate at all times.
- All roads must be signed in accordance with NR 64.12, and NR 64.12 (7)

ATV/UTV operation is at the risk of the operator. The TOWN OF MITCHELL has no liability for any 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. Stats

Routes are open year round.

On all roads shared with another jurisdiction the most restrictive Ordinance shall apply.

The Town reserves the right to open or close routes by a simple Board motion

**Section V - Enforcement**

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

**Section VI - Penalties**

Wisconsin State All-Terrain Vehicle penalties as found in s. 23.33 (13) (a) Wis Stats., are adopted by reference.

**Section VII - Severability**

The provision of this ordinance shall be deemed severable and it is expressly declared that the Town would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be deemed affected.

**Section VIII - Effective Date**

This ordinance becomes effective upon passage and publication.

Passed this 9th day of December, 2019

TOWN OF MITCHELL:  
  
JACKIE VELDMAN, Chairperson

**CERTIFICATE OF ENACTMENT**

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Mitchell on the 9th day of December, 2019.

  
KRISTIN BECKFORD, Clerk

Roll Call Vote:	<u>Aye</u>	<u>Nay</u>
Chairperson Jackie Veldman	<u>  x  </u>	<u>      </u>
Supervisor Jen Buelow	<u>  x  </u>	<u>      </u>
Supervisor Ben Propson	<u>  x  </u>	<u>      </u>
Supervisor Norb Kraemer	<u>  x  </u>	<u>      </u>
Supervisor Ken Sonntag	<u>  x  </u>	<u>      </u>

