

**ORDINANCE NO. 2021-01****ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ORDINANCE**

WHEREAS, pursuant to the authority granted in Wis. Stat. § 23.33 the Town Board has determined that establishment of regulations concerning how, when, and where all-terrain vehicles and utility terrain vehicles may be operated on public roads in the Town will promote the public health, safety and welfare; and

NOW, THEREFORE, the Town Board of the Town of Belgium, Ozaukee County, Wisconsin do ordain as follows:

SECTION 1. Ordinance No. 2021-01, entitled “All-Terrain Vehicle and Utility Terrain Vehicle Ordinance” is hereby created to read as follows:

**ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES****Section I – Intent.**

Pursuant to the authority granted in Wis. Stat. § 23.33, the Town Board of the Town of Belgium, Ozaukee County, adopts the following provisions concerning the operation of all-terrain and utility terrain vehicles within the Town to promote the public health, safety and welfare.

**Section II - Definitions.**

- A. Except as otherwise may be specifically provided in this Ordinance, the definitions set forth in Wis. Stat. § 23.33(1), and as amended from time to time, are hereby incorporated herein and made part of this Ordinance by reference as if fully set forth.
- B. As used in this Ordinance, the term “ATV/UTV” shall refer to an “All Terrain Vehicle” as defined in Wis. Stat. § 23.33(1)(b) and/or a “Utility Terrain Vehicle” as defined in Wis. Stat. § 23.33(1)(ng).

**Section III – Designated ATV/UTV Routes.**

- A. Only those roads within the Town designated with signage as provided under Wis. Stat. § 23.33(8)(e) shall be open to ATV/UTV usage as ATV/UTV routes.
- B. Such routes shall be limited to state and county roads posted with speed limits of 35mph or less and shall be further limited to the area in the Town of Belgium West of and including Lake Church Road, Clay Ridge Road, and Six Mile Road, as well as Silver Beach Road connecting Lake Church Road and Clay Ridge Road, and Jay Road connecting Clay Ridge Road and Six Mile Road as depicted on the map incorporated herein as Exhibit A that have been posted with signage required under Section III(A) of this ordinance.
- C. Use of ATV/UTV routes designated under this Ordinance shall be limited to the hours of 5:00AM through 11:00PM.
- D. The chair of the Lakeshore ATV/UTV Club, or his or her designee, is authorized to post signage on designated routes in compliance with Wis. Stat. § 23.33(8)(e) and Wis. Admin. Code §§ NR 64.12 and NR 64.12(7).

**Section IV – Rules of Operation.**

All ATV/UTV operators and passengers shall comply with the following Rules of Operation:

- A. No ATV/UTV operator shall operate at a speed in excess of the posted speed limit.

- B. Age-related restrictions set forth in Wis. Stat. § 23.33(5), and as amended from time to time, are incorporated herein and made part of this Ordinance by reference as if fully restated herein.<sup>2</sup>
- C. 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.
- D. Approved hand signals are required whenever the operator intends to change direction if the vehicle is not equipped with turn signals.
- E. All ATV/UTV operators shall ride single file.
- F. The operator of an ATV/UTV shall obey all traffic laws, local ordinances and DNR Regulations
- G. No person shall operate an ATV/UTV that does not comply with all applicable equipment provisions in Wis. Stat. § Wis. Stat. § 23.33(6).
- H. No person shall ride in or upon any part of any ATV/UTV in violation of the passenger restrictions set forth in Wis. Stat. § 23.33(6r).
- I. No person shall operate an ATV/UTV that is in violation of the noise limits set forth in Wis. Stat. § 23.33(6m).
- J. ATV/UTV operators are required to have proof of liability insurance coverage.
- K. ATV/UTV operators shall restrict noise issues, radios and sound systems are allowed but the volume must be kept to a minimum and is limited to within the personal space of the vehicle.
- L. No open intoxicants are allowed in or upon any ATV/UTV while the vehicle is in operation.
- M. On all roads shared with another jurisdiction, the more restrictive Ordinance shall apply.
- N. Provisions concerning operation of an ATV/UTV while under the influence of an intoxicant set forth in Wis. Stat. § 23.33 are incorporated and made part of this Ordinance as if fully set forth herein and a violation of any such provision shall constitute a violation of this Ordinance.
- O. No person may operate an ATV/UTV on or across a cemetery, burial ground, campground, park, school property or church property without consent of the owner.
- P. No person may operate an ATV/UTV at a rate of speed that is unreasonable or improper under the circumstances.
- Q. The operator of an ATV/UTV shall slow his or her vehicle to a speed not to exceed 10 miles per hour and yield the right-of-way when traveling within 100 feet of a person who is not on an ATV/UTV, a snowmobile or a motorcycle except as provided under Chapter 346 of the Wisconsin Statutes, where applicable.

**Section V – Town Immunity from Liability.**

ATV/UTV operation is at the risk of the operator and any passenger(s). In establishing ATV/UTV routes under this Ordinance for recreational use the Town of Belgium intends to utilize the liability and immunity protections provided under Wis. Stat. § 895.52 provided, however, that the Town does not waive any other liability exemption(s) and/or limitation(s) afforded the Town under Wisconsin law.

**Section VI – Interference, Possession of Posted Signs Prohibited.**

No person shall interfere with or possess any sign posted pursuant to this Ordinance in violation of Wis. Stat. § 23.33(8)(f).

**Section VII -- Enforcement**

- A. Pursuant to Wis. Stat. § 23.33(12), any State traffic patrol officer under Wis. Stat. § 110.07(1), an inspector under Wis. Stat. § 110.07(3), a conservation warden appointed by the Wisconsin Department of Natural Resources under Wis. Stat. § 23.10, county sheriff, or municipal peace officer shall have authority and jurisdiction to enforce this Ordinance.
- B. No operator of any ATV/UTV may refuse to stop after being requested to do so by a law enforcement officer or a commission warden.

**Section VIII - Penalties**

The penalties set forth in Wis. Stat. § 23.33(13), are adopted by reference and, upon conviction of a violation of this Ordinance, any violator of this Ordinance shall be subject to the forfeiture(s) set forth in that statute, together with statutory costs and assessments and, in default of payment, the Court may impose an alternate penalty as set forth in Wis. Stat. § 800.095.

**Section IX. Town Clerk to Provide Required Notices.**

Pursuant to Wis. Stat. § 23.33(11)(b), following adoption, the Town Clerk shall provide copies of this Ordinance to the Wisconsin Department of Natural Resources, the Wisconsin State Patrol, and the Ozaukee County Sheriff's Office.

**Section X - Severability**

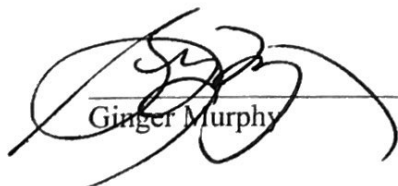
The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other ordinances whose terms conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

**Section XI - Effective Date**

This ordinance shall become effective upon its passage and publication/posting.

Passed this 7th day of September, 2021

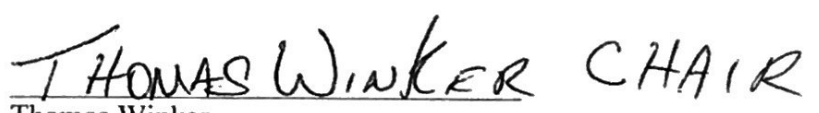
Town of Belgium, Clerk




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Ginger Murphy

Town of Belgium, Chairman




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Thomas Winker

Town of Belgium, Supervisor




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William Janeshek

Town of Belgium, Supervisor




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Thomas Bichler

Posted this date of September 9, 2021