

Ordinance 2022-02

**Town of Port Washington, Ozaukee County
An Ordinance
Amending Chapter 322 of the Town Code
Concerning All-Terrain Vehicles and Utility Terrain Vehicles**

WHEREAS, the Town Board intends to enhance transportation options, recreational opportunities, and improve commerce within the Town; and

WHEREAS, Wis. Stat. s. 23.33(8)(b) grants to municipalities the ability to designate highways under its jurisdiction as all-terrain vehicle routes; and

WHEREAS, Wis. Stat. s. 23.33(8)(d) grants to municipalities the ability to specify effective periods for the use of all-terrain vehicle routes; and

WHEREAS, Wis. Stat. s. 23.33(11) grants to municipalities the ability to enact ordinances regulating all-terrain vehicles and utility terrain vehicles on designated routes;

THEREFORE, the Board of Supervisors of the Town of Port Washington, Ozaukee County, Wisconsin do ordain as follows:

- I. Chapter 322 of the Town Code is hereby amended by adding Article V as follows:

**Article V
ATV/UTV Regulations**

§ 322-9. Adoption of state statutes and administrative code provisions by reference.

- A. Wisconsin Statute § 23.33 is hereby incorporated by reference as if set forth here in full, including any amendments or renumbering to said statute as may be made by the Legislature in the future.
- B. Those portions of Chapter 346 of the Wisconsin Statutes identified in Wis. Stat. § 346.02(11) are hereby incorporated by reference as if set forth here in full, including any amendments or renumbering to either § 346.02(11) or to the sections identified by reference within § 346.02(11) as may be made by the Legislature in the future.
- C. Wisconsin Administrative Code § NR 64 is hereby incorporated by reference as if set forth here in full, including any amendments or renumbering to said administrative code chapter as may be made by the Department of Natural Resources in the future.

§ 322-10. Routes designated.

All highways under the maintenance jurisdiction of the Town of Port Washington are hereby designated as all-terrain vehicle routes, except for the following highway(s) which are expressly not designated as all-terrain vehicle routes:

- a. River Lane Road.

§ 322-11. ATV and UTV operation authorized.

The operation of all-terrain vehicles or utility terrain vehicles is authorized:

- A. On a highway bridge that is not part of the national system of interstate and defense highways, that is 1,000 feet in length or less, and that is located within the territorial boundaries of the Town of Port Washington, regardless of whether the Town has jurisdiction over the highway, provided that the operator do all of the following:
 - 1. Cross the bridge in the most direct manner practicable and at a place where no obstruction prevents a quick and safe crossing.
 - 2. Stay as far to the right of the roadway or shoulder as practicable.
 - 3. Stop the vehicle prior to the crossing.
 - 4. Yield the right-of-way to other vehicles, pedestrians, electric scooters, and electric personal assistive mobility devices using the roadway or shoulder.
 - 5. Exit the highway as quickly and safely as practicable after crossing the bridge.

- B. On a highway that is not part of the national system of interstate and defense highways, that has a speed limit of 35 miles per hour or less, and that is located within the territorial boundaries of the Town of Port Washington, regardless of whether the Town has jurisdiction over the highway.

§ 322-11. Restrictions.

- A. No person shall violate any provision of any state statute or administrative code adopted by reference in § 322-9.
- B. No person shall operate an all-terrain vehicle or utility terrain vehicle between the hours of 11:00 p.m. and 5:00 a.m.
- C. On any route that runs upon the boundary with another municipality, as between the Town and the adjoining municipality, the more restrictive provision shall apply upon the full width of the route that runs upon the boundary.
- D. When multiple all-terrain vehicles or utility terrain vehicles are operating in the same location, the operators shall proceed single-file and may not operate 2 or more vehicles abreast.

§ 322-12. No Town liability.

Operation of an all-terrain vehicle or utility terrain vehicle is a recreational activity as defined by Wis. Stat. § 895.52(1)(g). Pursuant to Wis. Stat. § 895.52(2), the Town is immune from liability to any person who engages in a recreational activity except as provided in Wis. Stat. § 895.52(4).

§ 322-13. Enforcement and penalty.

- A. The provisions of this Article may be enforced by any officer designated by Wis. Stat. § 23.33(12)(a).
- B. The penalty for any violation of this Article shall be as set forth in Wis. Stat. § 23.33(13) with the deposit amount as set forth in the Uniform Deposit and Bail Schedule adopted pursuant to Wis. Stat. § 23.66(4).

- II. The provisions 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.

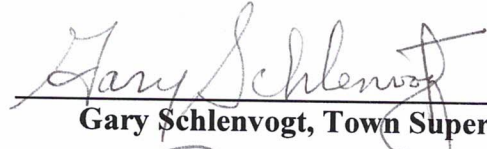
- III. This ordinance becomes effective upon publication and upon posting of necessary signage as set forth by Wisconsin Administrative Code § NR 64.

ADOPTED THIS 2 day of May, 2022.

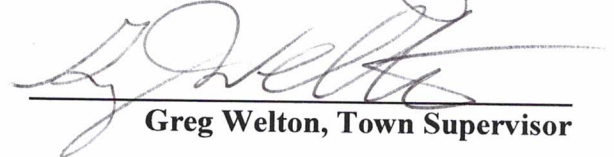
**BY THE TOWN BOARD OF SUPERVISORS
TOWN OF PORT WASHINGTON
OZAUKEE COUNTY, WI**



Michael Didier, Town Chair

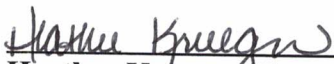


Gary Schlenvogt, Town Supervisor



Greg Welton, Town Supervisor

Attest:



Heather Krueger, Town Clerk