

Ordinance 2023-07

Town of Saukville, Ozaukee County
An Ordinance
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 Saukville, Ozaukee County, Wisconsin do ordain as follows:

I. Definitions.

In this ordinance, the following definitions and interpretive provisions apply:

- A. "All-terrain vehicle" has the meaning specified in Wis. Stat. § 23.33(1)(b).
- B. "All-terrain vehicle route" has the meaning specified in Wis. Stat. § 23.33(1)(c).
- C. "Town highway bridge" means any 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 Saukville, regardless of whether the Town of Saukville has maintenance jurisdiction over the highway bridge.
- D. "Town roadway" means the roadway portion of any public highway under the maintenance jurisdiction of the Town of Saukville. "Town roadway" does not include any portion of a highway that is designated as a county trunk highway, state trunk highway, or Interstate highway.
- E. "Utility terrain vehicle" has the meaning specified in Wis. Stat. § 23.33(1)(ng).
- F. Any other definition set forth in Wis. Stats. §§ 23.33 or 340.01 is hereby adopted by reference.
- G. All references to Wisconsin Statutes or Wisconsin Administrative Code are to the provisions in effect on the date of passage, and are intended to encompass any future amendments to or renumbering of such statutory or administrative code provisions.

II. Establishment of routes and regulations.

- A. All town roadways are hereby designated as all-terrain vehicle routes; provided, however, that no all-terrain vehicle route shall be considered open unless and until any signage required by Wis. Stat. § 23.33(8)(e) and Wis. Admin. Code § NR 64.12 is in place.
- B. A person may operate an all-terrain vehicle or utility terrain vehicle over a town highway bridge, except that the operator is required to:
 - 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.
- C. On any all-terrain vehicle 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 all-terrain vehicle route that runs upon the boundary.
- D. No person shall operate an all-terrain vehicle or utility terrain vehicle on any town roadway from 11:00pm to 5:00am.
- E. When multiple all-terrain vehicles or utility terrain vehicles are operating in the same location on a town roadway, the operators shall proceed single-file and may not operate 2 or more vehicles abreast.

III. Statewide regulations adopted by reference.

- A. Wisconsin Statute § 23.33 is hereby incorporated by reference as if set forth here in full.
- 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.
- C. Wisconsin Administrative Code § NR 64 is hereby incorporated by reference as if set forth here in full.

IV. 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 of Saukville is immune from liability to any person who engages in a recreational activity except as provided in Wis. Stat. § 895.52(4).

V. Enforcement and penalty.

- A. The provisions of this Ordinance may be enforced by any officer designated by Wis. Stat. § 23.33(12)(a).
- B. The penalty for any violation of this Ordinance 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).
- C. To the extent any violation of this Ordinance is not encompassed by Wis. Stat. § 23.33(13), the penalty shall be a forfeiture of \$250.00.

VI. Severability.

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.

VII. This ordinance becomes effective upon passage and publication.

Adopted by the Town Board of the Town of Saukville _____, 2023.

Kevin Kimmes, Town Board Chairman

ATTEST:

Raquel Engelke, Town Clerk