

**Town of Wascott
Douglas County, WI**

Ordinance 2023-01

**Amendment to Ordinance 2016-05 – ATV/UTV Route Ordinance
Section 6. Designation of ATV/UTV Routes**

The Town Board of the Town of Wascott, Douglas County, Wisconsin, do ordain as follows:

PART I. Ordinance 2000-01, 2010-03, 2010-05, 2012-09 2012-10, 2013-0, 2013-07, 2013-09, 2014-03, 2014-08, 2016-05, and all amendments hereto, are hereby repealed.

PART II. Ordinance 2023-01 is hereby amended to read: All Town roads in the Town of Wascott, *shall* be designated as ATV/UTV routes.

Section 1. Title and Purpose

The title of this ordinance is the Town of Wascott All-Terrain Vehicle/Utility Terrain Vehicle (ATV/UTV) Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle/utility terrain vehicle routes in the Town and to regulate the operation of all-terrain vehicles/utility terrain vehicles in the Town.

Section 2. Authority

The Town Board of the Town of Wascott, Douglas County, Wisconsin, has the specific authority to adopt this ATV/UTV Route Ordinance under § 23.33 (8) (b) and (11), Wis. Stat. See attached Addendum 1.

Section 3. Definitions

In this Ordinance, the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context clearly indicates a different meaning:

“All-terrain vehicle” or “ATV” has the meaning specified under § 340.01 (2g), Wis. Stats.

“Utility-terrain vehicle” or “UTV” as defined in addendum 1.

“All-terrain vehicle route” means a town road designated by the Town Board for use by ATV/UTV operators.

“Town road” or “road” means any road or highway under the Town’s jurisdiction, exclusive of the gravel shoulders, grassy slope, ditches, or other highway right-of-way outside the area intended for vehicular use.

Section 4. 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 ATV/UTV routes in the Town and to regulate the use of those routes and ATV/UTV vehicles in the Town.

Section 5. Operations of ATV/UTV

- A. Operation *shall* be subject to all provisions of § 23.33, Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to § 23.33 (11), Wis. Stats., and Wisconsin UTV laws, effective 7-1-12 (see addendum).
- B. No person may operate an ATV/UTV on any Town road *except* on Town roads that are designated as ATV/UTV routes by this ordinance. No person may operate an ATV/UTV on the gravel shoulders, grassy slope, ditches, or other highway right-of-way outside the area intended for vehicular use.
- C. Operation of an ATV/UTV on a Town road that is an ATV/UTV route is authorized only for the extreme right side of the road *except* that left turns may be made from any part of the road that is safe, given prevailing conditions.
- D. All ATV/UTV operators *shall* ride single file.
- E. Headlights and tail lights of the ATV/UTV *shall* be turned on at all times.
- F. All ATV/UTV operators *shall* observe posted route speed limits.
- G. The speed limit for operation of an ATV/UTV on a designated Town road *shall* be 26 miles per hour, *except* as otherwise provided in this section.
- H. All ATV/UTV operators *shall* slow the vehicle to 10 mph or less when operating within 50 feet of a dwelling.
- I. All ATV/UTV operators *shall* slow the vehicle to a speed not to exceed 10 mph and yield the right-of-way when traveling within 100 feet of a person who is not on an ATV/UTV vehicle, a snowmobile or a motorcycle, *except* as provided under ch. 46, Wis. Stats., where applicable.
- J. Operation of an ATV/UTV on a designated ATV/UTV route while under the influence of an intoxicant or a restricted controlled substance is prohibited.
- K. Any person under 18 years of age operating an ATV/UTV on a designated route *shall* wear protective headgear with the chin strap properly fastened, *except* as otherwise exempted by § 23.33 (3g), Wis. Stats.
- L. All persons under 16 years of age are required to have safety certificates.

Section 6. Designation of ATV/UTV Routes

All Town roads in the Town of Wascott shall be designated ATV/UTV routes.

Section 7. Conditions Applicable to Signage of ATV/UTV Routes

- A. Routes *shall* be marked with uniform ATV/UTV route signs in accordance with § NR. 64.12 (7) Wisconsin Administration Code.
- B. An ATV/UTV route sign with directional arrow, where appropriate, *shall* be placed at the beginning of an ATV/UTV route and at such locations and intervals as necessary to enable ATV/UTV operators to follow the route and comply with speed limits.
- C. No person may intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail sign or standard if the sign or standard is legally placed by the state, any municipality, or any authorized individual.

- D. No person may possess any uniform ATV/UTV 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 ATV/UTV route or trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.
- E. All ATV/UTV route signing *shall* be done by or under the direction of and is the responsibility of the Town Board.

Section 8. Enforcement

- A. This ordinance may be enforced by any enforcement officer or other officer as specified under § 23.33 (12), Wis. Stats.
- B. A copy of this ordinance *shall* be sent by the Town Clerk to the Douglas County Sheriff's Department and the Wisconsin DNR.

Section 9. Penalties

The penalties under § 23.33 (13), Wis. Stats., are adopted by reference and 7-1-12 law changes.

Section 10. 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 11. Effective Date

This ordinance is effective on publication or posting. The Town Clerk shall properly publish this ordinance as required under Wis. Stats. 60.80.

Adopted this 2nd day of May, 2023.

By the Town Board:

Chuck Youngquist, Chairperson

Kim Sorensen, Supervisor

Jeff Christensen, Supervisor

Attest: Jeannette Atkinson, Clerk/Treasurer