

ORDINANCE NO. 2020-1

Town of Calamus, Dodge County, Wisconsin

ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTE ORDINANCE

Section 1 Application

An ordinance to establish all-terrain vehicle and utility vehicles routes pursuant to section 23.33(8)(b) and section 23.333(11) of the Wisconsin Statutes

Section 2 Authority

The Town of Calamus Board of Supervisors in Legal session Assembled

Section 3 Definition

The terms "ATV," "UTV," "operator" and "ATV route," shall be defined as provided by Sec. 22.33 Wis. Stats.

Section 3 Definition

ALL-TERRIAN VEHICLE DEFINED. Also referred to as an ATV in this ordinance. ATV means a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by operator, and travels on 2 or more low pressure tires or non-pneumatic tires. Hereby referred to as an ATV in this ordinance

UTILITY TERRIAN VEHICLE DEFINED. Also referred to an UTV in this ordinance. A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect as of July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that was originally manufactured with all of the following:

- a. A weight, without fluids, of 2,000 pounds or less
- b. Four or more low-pressure tires or non-pneumatic tires
- c. A steering wheel
- d. A taillight
- e. A brake light
- f. Tow headlights
- g. A width of not more than 65 inches
- h. A system of seat belts, or a similar system for restraining each occupant of the device in the event of an accident

Section 4 Purpose

The purpose of this ordinance is to establish an all-terrain vehicle and utility terrain vehicle route and provide safe and enjoyable all-terrain vehicle recreation consistent with public rights and interests.

Section 5 **Applicability and Enforcement**

The provision of this ordinance shall apply to all town roadways within the Town of Calamus jurisdiction.

Section 6 **Limitations**

The following limitations apply on all areas designated in section 5 of this ordinance:

- a. Operators must abide by all traffic laws unless further restricted by this section.
- b. No ATV/UTV shall be operated at a speed greater than 35 miles per hour unless posted at a lower limit.
- c. ATV/UTV may be operated on paved surfaces only, unless yielding the right of way.
- d. No ATV/UTV may be operated on any designated route without fully functional headlights, Taillights and brake lights
- e. No ATV/UTV may be operated on any designated route between the hours of 12:00am-5:00am daily.
- f. All ATV/UTV operators shall ride single file.
- g. All ATV/UTV operators shall ride on the right-hand side of the paved portion of the highway, unless making a left turn. Operation on the gravel shoulders. Grassy slope, ditches, or other highway right-of-way is prohibited unless yielding right of way.
- h. No ATV/UTV may be operated on any designated route that does not meet all applicable Federal noise and air pollution standards.
- i. No person under the age of sixteen may operate an ATV/UTV on any designated route.
- j. No person under the age of eighteen may operate an ATV/UTV on any designated route unless wearing approved protective head gear.
- k. Any person that operates an ATV/UTV on a town road that is designated as an ATV/UTV route shall have in their possession a motor vehicle operators license and shall display the license document on demand from any law enforcement officer described in Section 9

Section 7 **ATV/UTV Routes**

All routes to be designated as ATV/UTV routes, as allowed in Wisconsin Statute 23.33(8)(b), will be established by the Calamus Board of Supervisors. The Calamus Board of Supervisors shall have the authority to close or terminate any ATV/UTV route on Town Roadways with their jurisdiction.

Section 8 **Route Signs**

- a. All required designated route signs shall be purchased, installed and maintained by the Town of Calamus Board of Supervisors or its designee.
- b. Expenses for purchase, installation and maintenance of highway route signs are to be paid for by the applicant, Town of Calamus Board of Supervisors or its designee.
- c. All signs posted shall be compliant with Federal and State Statutes

- d. No person may erect, remove, obscure, or deface any official designated route sign unless authorized by the Calamus Board of Supervisors.
- e. No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

Section 9 Enforcement

This ordinance shall be enforced by any officer employed by the Dodge County Sheriff's Office or any other law enforcement official as set forth in Wisconsin Statutes 23.33(12)

Adoption of this ordinance shall not prohibit any law enforcement or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed under this section

Section 10 Penalties

The penalty for operating a ATV/UTV in violation of any provision of this ordinance shall be \$30.00 plus the fees and costs imposed under Wisconsin Statute 814

Section 11 Effective Date

This ordinance becomes effective immediately upon passage by the Calamus Board of Supervisors and publication.

Adopted the 12th day of August, 2020

Board of Supervisors:

John Kraus, Jr. Chairman

Thomas H. Stebbins, Supervisor 1

David Stange, Supervisor 2

ATTEST:

Marjorie Beilke, Clerk/Treasurer