

Town of Weston, Marathon County

Ordinance No TW-2019-001

All-Terrain Vehicle Route

AN ORDINANCE DESIGNATING ALL-TERRAIN VEHICLE ROUTES AND REGULATING THE OPERATION OF ALL TERRAIN VEHICLES

Section I - Intent

The purpose of this ordinance is to establish all-terrain and utility terrain vehicle routes in the Town of Weston, Marathon County and to regulate the operation of all-terrain and utility terrain vehicles in the Town of Weston.

Section II - Statutory Authority

The Town Board of the Town of Weston, Marathon County, Wisconsin, has the specific authority to adopt this All-Terrain and Utility Vehicle Ordinance under s. 23.33(8)(b) and (11), Wis. Stats.

Section III - Definitions

A. For the purpose of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The words "shall", "will", and "must" are always mandatory. The words "may" and "should" are discretionary terms. The masculine shall include the feminine. Terms not defined in this Section, shall be interpreted based on common usage.

1) All-Terrain Vehicle (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 the operator, and travels on 3 or more low-pressure tires or non-pneumatic tires.

2) Town: means the Town of Weston, the Town Board, Board of Supervisors, or any other Town of Weston official(s) authorized by the Town Board to act on behalf of the Town of Weston.

3) Utility Terrain Vehicle (UTV): means any of the following:

- A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on 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 has, and was originally manufactured with, all of the following:

1. A weight, without fluids, of 2,000 pounds or less.
2. Four or more low-pressure tires or non-pneumatic tires.
3. A steering wheel.
4. A tail light.
5. A brake light.
6. Two headlights.
7. A width of not more than 65 inches.

8. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
9. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.

• A commercially designed and manufactured motor driven device to which all of the following applies:

1. It has a weight, without fluids, of more than 900 pounds but not more than 2000 pounds.
2. It has a width of 50 inches or less.
3. It is equipped with a seat designed to be straddled by the operator.
4. It travels on 3 or more low-pressure tires or non-pneumatic tires.

Section III – Operation of All-Terrain and Utility Vehicles

Pursuant to s. 23.33(4)(d)4., Wis. Stats., except as otherwise provided in s. 23.33(4), Wis. Stats., no person may operate an all-terrain or utility terrain vehicle on any road, freeway or highway in the Town except on roadways that are designated as all-terrain and utility terrain vehicle routes by this ordinance.

Section IV - Routes

The following roads are designated as routes

- A. River Road to Hwy J, Hwy J from River Road to the south to Eau Claire River.
- B. All Roads East of County Road X (Camp Phillips Road), South of County Road N (Townline Road) and West of County Road J including the Town roads East of County Road J (Gusman, Gavitt, Roble and Maplewood), with the exception of the county roads themselves, excluding the small portion of County Road J as stated above.

Section V – Conditions

A. Pursuant to s. 23.33(8)(d), Wis. Stats, the following restrictions are placed on the use of the Town all-terrain and utility terrain vehicle routes designated by this ordinance:

1. Routes shall be marked with uniform all-terrain and utility terrain vehicle route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking Town all-terrain and utility terrain vehicle routes unless authorized to do so.
2. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain and utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain and utility terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the State, any municipality, or any authorized individual.
3. Possess any uniform all-terrain and utility terrain vehicle 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 all-terrain and utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain and utility terrain

vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

B. Operation shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33(11), Wis. Stats.

C. Operators must abide by all traffic laws unless further restricted by this Ordinance.

D. The speed limit for ATVs and UTVs shall be established at not greater than 35 (thirty-five) miles per hour or the speed limit for automobiles, whichever is lower, on all segments of Town roads designated as ATV route.

E. ATVs/UTVs may be operated on paved surfaces only, unless yielding the right of way.

F. All all-terrain and utility vehicle operators shall ride single file.

G. No ATV/UTV may be operated on any designated route without fully functional headlights, tail-lights and brake lights.

H. 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 in-slope, ditches, or other highway right-of-way is prohibited, unless yielding right of way.

I. No ATV/UTV may be operated on any designated ATV route if the ATV/UTV does not meet all applicable Federal noise and air pollution standards.

J. No person under the age of sixteen (16) may operate an ATV/UTV on any segment of Town Road which is a designated ATV route.

K. No person under the age of eighteen (18) may operate an ATV/UTV on any designated route unless wearing approved protective head gear.

L. Every person who operates an ATV/UTV on a segment of Town road which is designated as an ATV route shall have in his or her immediate possession a valid motor vehicle operator's license, and shall display the license document upon demand from any law enforcement officer or official described in Wis. Stat. Section 23.33(12).

Section VI - Enforcement

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin. A copy of this ordinance shall be sent by the Town Clerk, Everest Metro Police Department, the Department of Natural Resources, the Marathon County Sheriff's Department and any other law enforcement agency serving the Town of Weston's jurisdiction.

Section VII - Penalties

Wisconsin state All-Terrain Vehicle penalties as found in 23.33(13)(a) Wis. Stats., are adopted by reference.

Section VIII – Operation of All-Terrain and Utility Vehicles

Pursuant to s. 23.33(4)(d)4., Wis. Stats., except as otherwise provided in s. 23.33(4), Wis. Stats., no person may operate an all-terrain or utility terrain vehicle on any road, freeway or highway in the Town except on roadways that are designated as all-terrain and utility terrain vehicle routes by this ordinance.

Section IX - Severability


The provision of this ordinance shall be deemed severable and it is expressly declared that the Marathon County/Town of Weston 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 circumstances shall not be deemed affected.

Section X - Effective Date

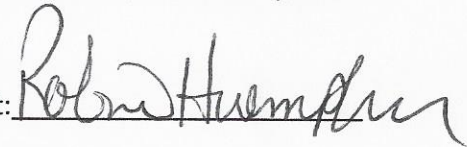
This ordinance becomes effective upon passage and publication.

Passed this 21st Day of May 2019

Town of Weston, Town Board

By: 

Milton Olson, Town Chairperson

Attest: 

Robin Huempfer, Town Clerk

Posted: 6/5/19 5209 Mesker St, Weston
6/5/19 Hwy N and Glenwood Rd intersection
6/5/19 Kramer Ln and Ross Ave intersection
6/5/19 Town Website