

TOWN OF RED CEDAR
ATV/UTV Ordinance 2023-17
(Replaces Ord. No. 2014-1 and all Related Amendments)

SECTION 1 – PURPOSE

The purpose of this ordinance is to regulate the operation of All-Terrain Vehicles/ATVs (as defined in Wis. Stat. 23.33(1)(b)) and Utility-Terrain Vehicles/UTVs (as defined in Wis. Stat. 23.33(1)(ng)) and establish ATV and UTV routes in the Town of Red Cedar.

SECTION 2 – AUTHORITY

The Town Board of the Town of Red Cedar, Dunn County, Wisconsin, has the specific authority to adopt this ATV/UTV Ordinance under Wis. Stats. 23.33 and Chapter NR 64, Wisconsin Administrative Code.

SECTION 3 – ADOPTION OF ORDINANCE

The Town Board of the Town of Red Cedar, by this ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provided the authority for the town to designate ATV and UTV routes in the town and to regular the use of those routes.

SECTION 4 – REGULATION OF ALL-TERRAIN AND UTILITY-TERRAIN VEHICLES

Except as otherwise specifically provided, the statutory provisions of Wis. Stat. 23.33 and Wis. Admin. Code NR Chapter 64 describing and defining regulations with respect to all-terrain vehicles, and Chapters 340 to 348 describing and defining regulations with respect to ATVs and UTVs, are adopted and by reference are made a part of this section as if fully set forth herein.

SECTION 5 – DESIGNATION OF ALL-TERRAIN AND UTILITY-TERRAIN VEHICLES ROUTES

All town roads are designated as ATV/UTV Routes. The town shall have the authority to temporarily close or restrict any ATV/UTV Route on town roads or any segment thereof, due to hazards, construction, emergency conditions, road damage, or for any other reason in the interest of public safety. The Sheriff may temporarily close any Route or segment thereof whenever emergency conditions require closure.

SECTION 6 – OPERATION OF ATVs and UTVs

Operation of an ATV or UTV on an ATV/UTV Route shall be subject to the following provisions:

- A. ATVs and UTVs shall be operated in compliance with all applicable federal, state, and local laws, orders, regulations, restrictions and rules, including Wis. Stat. 23.33 and Chapter NR 64, Wis. Admin. Code.
- B. The speed limit on all ATV/UTV Routes shall be 35 miles per hour, or the posted speed limit, whichever is lower.
- C. ATVs and UTVs shall be operated on the extreme right side of the roadway on the paved portion of the roadway. Operation on the shoulder, or in the ditch or the right-of-way is prohibited, unless yielding the right of way.
- D. All operators shall ride in single file.
- E. ATVs and UTVs shall not be operated on ATV/UTV Routes unless signage in accordance with Wis. Stat. 23.33(8) and applicable regulations promulgated by the Wisconsin Department of Natural Resources is present.
- F. Operation on ATV/UTV Routes shall be permitted year-round unless otherwise posted.
- G. Every ATV and UTV operating on an ATV/UTV Route shall be equipped, maintained, and operated to prevent excessive or unusual noise. No person shall operate an ATV or UTV on an ATV/UTV Route unless such ATV or UTV is equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation. It shall be unlawful to use a muffler cutout, bypass, or similar device on any ATV or UTV

upon any ATV/UTV Route. No person shall modify or change the exhaust muffler, the intake muffler, or any other noise-abatement device of an ATV or UTV in a manner such that the noise emitted by the ATV or UTV increases above that emitted by the ATV or UTV as originally manufactured.

- H. ATVs and UTVs operating on Routes shall be equipped with headlamps (white light), tail lamps (red light), and stop lamps (red light). Operators shall have head lamps and tail lamps turned on at all times. ATVs and UTVs operated between sunset and sunrise shall be equipped with turn signal lights (amber light in front, red light in back). During daylight hours, operators of ATVs and UTVs without turn signals shall give appropriate hand and arm signals on turning as required in Wis. Stat. 346.35.
- I. All operators under the age of 18 years not in possession of a valid driver's license shall have a valid ATV/UTV safety certificate in their possession and be accompanied by a parent or legal guardian.
- J. No person under 12 years of age shall operate an ATV or UTV on an ATV/UTV Route under any circumstances.
- K. All operators and passengers under the age of 18 shall wear a DOT-approved helmet.
- L. No trailers or campers may be pulled behind any ATV/UTV while operating on ATV/UTV Routes.
- M. Every person who operates an ATV or UTV on an ATV/UTV Route, and/or every ATV and UTV operated on an ATV/UTV Route, shall carry liability and other insurances consistent with Wisconsin state law for the operation of a motorized vehicle. All operators shall carry proof of such insurance while operating on any ATV/UTV Route.
- N. No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

SECTION 7 – SIGNS

- A. ATV/UTV Routes shall be marked with uniform ATV/UTV Route signs in accordance with Wis. Stat. 23.33(8)(e) and Wis. Admin. Code NR 64.12(7).
- B. The Town of Red Cedar shall have sole authority and responsibility for placement of signage on designated Routes within the municipality.
- C. The creation, placement, maintenance, repair, or replacement of ATV/UTV Route signs shall not require any expenditure of town funds or other town resources.
- D. No town highway designated as an ATV/UTV Route shall be open for use until required signs are installed.
- E. No person shall intentionally remove, damage, deface, move, obstruct, interfere with the effective operation of, or possess any uniform ATV/UTV Route or trail sign or standard in violation of the provisions of Wis. Stat. 23.33(8)(f).

SECTION 8 – ENFORCEMENT

Any law enforcement officer authorized to enforce the laws of the State of Wisconsin as set forth in Wis. Stat. 23.33(12) may enforce the provisions of this ordinance, including by issuance of a citation under Wis. Stat. 66.0113, and may include requests for injunctive orders against a violator.

SECTION 9 – PENALTIES

The penalties under Wis. Stats. 23.33(13) and 346.02(11) are herein adopted by reference, and the penalty for violation of any provision of this section shall be a forfeiture as outlined below, including court costs:

- A. Violation of Section 6(C), 6(D), and 6(G) herein shall be a forfeiture of \$50.00 for each offense.
- B. The penalty for exceeding a posted or fixed speed limit in violation of Section 6(B) shall be a forfeiture as follows:
 - (1) \$25.00 – 1-10 miles per hour over posted or fixed speed;
 - (2) \$50.00 – 11-15 miles per hour over posted or fixed speed;
 - (3) \$75.00 – 16-19 miles per hour over posted or fixed speed;
 - (4) \$100.00 – 20-24 miles per hour over posted or fixed speed; and
 - (5) \$125.00 – 25 miles per hour and over posted or fixed speed.
- C. For any violation of this ordinance in which a forfeiture is not specified, the forfeiture shall be \$75.00 for each offense.

SECTION 10 – EFFECTIVE DATE

This ordinance is effective when ATV/UTV route signs are posted by the local ATV/UTV clubs and can be discontinued at any time by decision of the Town Board of the Town of Red Cedar.

PASSED AND ADOPTED by a majority vote of the Town Board of the Town of Red Cedar, Dunn County, Wisconsin, this 11th day of September, 2023.

RED CEDAR TOWN BOARD:

Robert J. Cook
Chairman

[Signature]
Supervisor 1

[Signature]
Supervisor 2

Carolee Ayler
Supervisor 3

[Signature]
Supervisor 4

ATTEST:

K. Miller
Clerk



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