

**ORDINANCE 2021-003 OF THE TOWN OF LAWRENCE, WISCONSIN
TO CREATE SECTION 275 ARTICLE IV REGULATION OF ATV/UTVs**

The Town Board of Supervisors of the Town of Lawrence does ordain as follows:

Section 1: Town of Lawrence Ordinance Chapter 275 – Traffic Control - is hereby Amended to Create Article IV – Regulation of All-Terrain and Utility-Terrain Vehicles to read as follows:

CHAPTER 275 – VEHICLES AND TRAFFIC, ARTICLE IV - REGULATION OF ATV/UTV

275-21 - Regulation of All-Terrain/Utility Terrain Vehicles on Town Streets

(1) **General Authority.** Pursuant to the provisions of, except as otherwise specifically provided in this Section, Chapter 23.33, Chapter NR64 Wis. Admin Code and Chapters 340-348 of the Wisconsin State Statutes, the operation of ATV/UTV, as defined in subsection (2) herein below, shall be permitted on all Town roads except County Trunk Highways D, F, EE, EB, S, U, or any trunk interstates.

(2) **Definitions.** The definitions prescribed in Sec. 23.33(1), Wis. Stats., shall apply to this Section; and, as used in this Section, the following terms shall have the meaning indicated:

a. **“All Terrain Vehicle”** (“ATV”) shall mean a motorized vehicle as more particularly defined in Section 340.01(2g), Wis. Stats.

b. **“Utility Terrain Vehicle”** (“UTV”) shall mean a motorized vehicle as more particularly defined by Section 22.33(ng), Wis. Stats.

c. **“ATV/UTV ROUTE”** shall mean road, street or right-of-way designated for use by ATVs or UTVs by the Town.

d. **“ATV/UTV Routes”** shall mean all streets in the Town of Lawrence are open to ATVs/UTVs unless specifically prohibited below and or designated signage indicating the street is closed to ATV/UTV traffic. The ATV/UTV Route Map is attached hereto and incorporated herein. This corridor on public property or on private lands subject to public easement or lease, designated for use by ATV/UTV operators by the governmental agency having jurisdiction. This excludes ATV/UTV from operating on roadways, County roads, or highways, those roadways that are seasonally not maintained for motor vehicle traffic, and any private road, driveway, or private property in the Town.

(3) **State Driver’s License Required.** No person may operate an ATV or UTV on any Town street unless they hold a current valid Driver’s License and shall display that proof to a law enforcement officer upon request. Probationary licenses are prohibited.

(4) The Town shall retain the right to close any Town street to ATV/UTV operation for special events, street construction, repair, or any other needed closure without advance notice.

(5) **ATV/UTV Regulations.** No person shall operate an ATV/UTV on any Town road between the hours of 11:00 p.m. to 6:00 a.m. ATVs/UTVs that operate on the designated streets in the Town shall abide by all state traffic laws and those laws regulating ATV/UTV operation, including the following:

a. **Operate** in the extreme right-hand portion of the traveled part of the road and travel single file. Cruising is prohibited and described as running all or part of the length of the roadway multiple times, per day, back and forth, for any purpose other than departing or arriving at their residence, or place of business. When travelling on any route head and tail lamps must be illuminated.

b. **Speed limit:** shall not exceed 35 MPH or the posted Town speed limit, whichever is less.

c. **Registration:** ATVs/UTVs operated on Town streets/roads shall have current registration through the State of Wisconsin in accordance with Wisconsin State Statutes. Wisconsin registration number shall be clearly visible from the rear of the ATV/UTV.

d. **At all times:** while operating an ATV/UTV on Town streets, operators born after January 1, 1988, shall have passed an approved safety course.

e. **Closures:** The Town can close any ATV/UTV operation for nuisance issues.

f. **Hand Signals:** When operating an ATV/UTV under this Section, if the ATV/UTV has no turn signals and/or brake lights, the operator shall use hand signals when making turns or stopping.

g. **Liability:** No public or private landowner shall be liable for any property damage or personal injury sustained by any person operating or riding as a passenger on an ATV/UTV, or upon a vehicle or other device drawn by an ATV/UTV upon the public or private landowner's property, whether or not the public or private landowner has given permission to use the land, unless the public or private landowner charges a cash fee to the operator or owner of the ATV/UTV for the use of the property or unless damage or injury is intentionally inflicted by the landowner.

h. **Operators:** ATV/UTV operators must remain on an approved Town route. Upon failure to do so, Wisconsin DNR and other penalties will apply.

i. **Alcohol:** It shall be unlawful for any person to consume or have in their possession any open container containing an alcoholic beverage while operating or riding as a passenger on/in a ATV or UTV upon any public street, public way, public alley, or public parking lot within the Town.

j. **Alcohol or controlled substance:** No person may engage in the operation of an all-terrain vehicle or utility terrain vehicle on the streets of the Town or upon all premises held out to the public for use of their ATV/UTV whether such premises are publicly or privately owned and whether or not a fee is charged for the use thereof while under the Influence of an intoxicant to a degree which renders him or her incapable of safe operation of an all-terrain vehicle or utility terrain vehicle; while the person has an alcohol concentration of 0.08 or more or while the person has a detectable amount of a restricted controlled substance in his or her blood.

(6) **Additional ATV/UTV Operation Prohibitions.** The operation of ATVs and UTVs in the Town are subject to the following Limitations:

a. **School Hours.** ATVs and UTVs shall not be operated on any street where a school exists between 6:30 and 8:30 am and 2:00 and 4:00 p.m. on days when school is in session.

b. **Highways.** ATVs and UTVs may not be operated on the following streets, county roads, or interstate highways. (Not allowed on CTH D, F, EE, EB, S, U, or any trunk interstates is prohibited).

(7) **Traffic and Parking Regulation Compliance.** The operators of ATVs/UTVs on Town streets shall be subject to all applicable traffic and parking regulations.

(8) **Insurance Requirements.** No person may operate an ATV/UTV or allow another person to operate their ATV/UTV on any Town street unless the owner of the ATV/UTV has an active and current insurance policy in place that covers the owner, operator, and any passengers of the ATV/UTV. Insurance documentation must be kept with the ATV/UTV while operating on Town roads. The operator shall show proof of insurance upon request to a law enforcement officer.

(9) **Equipment Requirements.** ATVs/UTVs operated on Town streets pursuant to this Section shall have the following properly working equipment:

a. **Headlights.** One (1) or more properly functioning headlights that shall display a white or clear light and be visible from a distance of 500 feet.

b. **Taillights.** Properly functioning taillights that shall be red in color and be visible from a distance of 500 feet.

c. **Brakes.** Brakes in good mechanical condition.

d. **Seat Belts.** UTV passengers shall have their seat belts fastened as defined in sec. 347.48, Wis. Stats. And/or 23.33 (6)(i)

e. **Helmets** - ATV/UTV operators and passengers under 18 years of age shall wear protective headgear of the type required under Sec. 347.485 (1) (a), Wis. Stats. And/or 23.33(3G)

f. **Muffler System.** A fully functioning muffler system and such other related equipment or devices that preclude the operation of an ATV/UTV in such manner that noise emitted from the machine is louder than 96 decibels on the A scale dB(a) at 50 feet, measured in the manner prescribed in the reaffirmed 1998-07, Society of Automotive Engineers Standard J1287, entitled Measurement of Exhaust Sound Levels of Stationary Motorcycles.”.

(10) **Implement of Husbandry.** Operators shall be permitted to operate an ATV/UTV pursuant to Sec.23.33 (4)(d)(5) if the ATV/UTV is an implement of husbandry or used exclusively for agricultural purposes.

(11) **Tires.** No person shall operate a ATV/UTV equipped with metal studded tires and/or tire chains on or alongside any Town road. Exception – May use tire chains while actively removing snow.

(12) **Penalties.** Any person found to have violated this subsection shall be subject to the penalties set forth in Sec. 23.33(13)(a), Wis. Stats., together with all applicable court costs and fees.

275.22 ENFORCEMENT

(a) **MOVING VIOLATIONS.** This Article, except non-moving violations, shall be enforced in accordance with the provisions of §345.20 to §345.33, Chapter §300 and §66.12 of the Wisconsin Statutes.

(b) **STIPULATION OF NO CONTEST.** The Chief of Police or Officer, designated by him, upon request of any person charged with a violation of any provision of this Chapter, after the issuance of a citation upon an official Wisconsin Uniform Municipal Citation and Complaint form prescribed by §345.11, Wis. Stats., may accept a signed stipulation of "no contest" as found on the uniform citation.

Said Stipulation shall be accompanied by the amount of penalty prescribed by the schedule of penalties established by the County Court for violations of the state traffic laws, as have been adopted by reference in Ord. #275-11 of the Municipal Code of the Town of Lawrence, WI.

Section 2: Severability

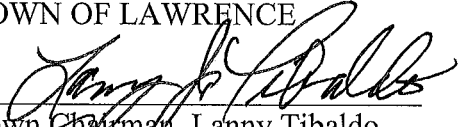
If any provision of this ordinance is found invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 3: This amendment to existing ordinances shall be effective upon passage and publication as provided by Law.

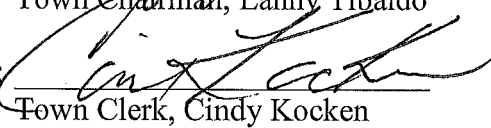
Dated at Town of Lawrence, Wisconsin on this 11th day of October, 2021.

Introduced by: Supervisor Brien
Seconded by: Supervisor Farvour
Vote: 4 ayes
1 nay
0 abstain

TOWN OF LAWRENCE


Town Chairman, Lanny Tibaldo

Attest:


Town Clerk, Cindy Kocken

