

TOWN OF Upham

ORDINANCE NUMBER 02-2023

ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTE ORDINANCE

STATE OF WISCONSIN
Town of Upham
Langlade County

SECTION I- TITLE AND PURPOSE

The title of this ordinance is the Town of Upham All Terrain Vehicle and Utility Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish all- terrain vehicle and utility terrain vehicle routes in the Town and to regulate the operation of all-terrain vehicles and utility terrain vehicles in the town. **This ordinance shall repeal and replace any prior Town actions for designation of all-terrain and utility terrain routes within the Town.**

SECTION II- AUTHORITY

The Town Board of the Town of Upham, Langlade County, Wisconsin, has specific authority to adopt this All-Terrain and Utility Terrain Vehicle Ordinance under Wisconsin Statutes 23.33 (8)(a)

SECTION III- ADOPTION OF ORDINANCE

This ordinance adopted on proper notice with a quorum and a roll call vote by a majority of the town board present and voting, provides the authority for the town to designate all-terrain and utility terrain vehicle routes in the town and to regulate the use of those routes by all-terrain and utility terrain vehicles.

SECTION IV- OPERATION OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLES

Pursuant to Wisconsin Statutes 23.33 (4)(d) 4, except as otherwise provided in Wisconsin Statutes 23.33 (5)(a) 3 and 4, and Wisconsin Statutes 23.33 (5) (am) 3 the following are requirements under this ordinance:

Operation on roadway. A person may operate an all-terrain vehicle or utility terrain vehicle on the roadway portion of any highway if the person complies with the applicable speed limit and only in the following situations:

Operation of all-terrain vehicles and utility terrain vehicles on a roadway designated as an all-terrain vehicle and utility terrain route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway which is safe given prevailing conditions.

Operation of all-terrain vehicles and utility terrain vehicles on a roadway designated as an all-terrain vehicle route is authorized on the paved surface where pavement exists.

Operation of all-terrain vehicles and utility terrain vehicles on a roadway designated as an all-terrain vehicle and utility terrain route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway which is safe given prevailing conditions.

Operation of all-terrain vehicles and utility terrain vehicles on a roadway designated as an all-terrain vehicle route is authorized only in single file.

Operation of all-terrain vehicles and utility terrain vehicles on a roadway designated as an all-terrain vehicle route shall limit speeds to a maximum of 35 miles per hour or the speed limited as posted if less than 35 miles per hour.

No person who is under 12 years of age may operate an all-terrain vehicle on a roadway under the authorization provided under any circumstances.

No person who is under 16 years of age may operate a utility terrain vehicle on a roadway except:

To cross a roadway. The crossing of a roadway is authorized only if the crossing is done in the most direct manner practicable, if the crossing is made at a place where no obstruction prevents a quick and safe crossing, and if the operator stops the all-terrain vehicle or utility terrain vehicle prior to the crossing and yields the right-of-way to other vehicles, pedestrians, electric scooters, and electric personal assistive mobility devices using the roadway.

On any roadway which is seasonally not maintained for motor vehicle traffic. Operation of an all-terrain vehicle or utility terrain vehicle on this type of roadway is authorized only during the seasons when no maintenance occurs and only if the roadway is not officially closed to all-terrain vehicle or utility terrain vehicle traffic.

To cross a bridge, culvert, or railroad right-of-way. The crossing of a bridge, culvert, or railroad right-of-way is not authorized if the roadway is officially closed to all-terrain vehicle or utility terrain vehicle traffic, except as provided in subd. 3. b. The crossing is authorized only if the crossing is done in the most direct manner practicable, if the crossing is made at a place where no obstruction prevents a quick and safe crossing, and if the operator stops the vehicle prior to the crossing and yields the right-of-way to other vehicles, pedestrians, electric scooters, and electric personal assistive mobility devices using the roadway.

A person may operate an all-terrain vehicle or utility terrain vehicle on the roadway or shoulder of any highway to cross a bridge that is 1,000 feet in length or less if the operation is in compliance with a county ordinance adopted under Wisconsin Statutes 23.33 sub. (11) (am) 3. that applies to that bridge and a city, village, or town ordinance adopted under Wisconsin Statutes sub. (11) (am) 3. that applies to that bridge.

RULES OF OPERATION. No person may operate an all-terrain vehicle or utility terrain vehicle:

In any careless way so as to endanger the person or property of another.

On public property that is posted as closed to all-terrain vehicle or utility terrain vehicle operation or on which the operation of an all-terrain vehicle or utility terrain vehicle is prohibited by law.

With a passenger riding in or on any part of an all-terrain vehicle or utility terrain vehicle that is not designed or intended to be used by passengers.

On designated routes or roadways unless the person complies with all stop signs, yield signs, and other regulatory signs established by rule.

SECTION V- DESIGNATION OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTES

The following routes are designated all-terrain vehicle and utility terrain vehicle routes in the town:

All Town roads in the Town of Upham

SECTION VI- CONDITIONS APPLICABLE TO ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTES

Pursuant to Wisconsin Statutes 23.33 (8) (d), the following restrictions are placed on the use of town all-terrain and utility vehicle routes designated by this ordinance:

Year-round for all routes designated

Routes shall be marked with uniform all-terrain and utility terrain route signs in accordance with Section NR 64.12(7) of Wisconsin Administrative Code as follows:

The town, village, or city may erect a sign on each highway that crosses its territorial boundary in a position to be viewed by motorists as they enter the town, village, city, or county. The signs shall alert motorists that **all highways under the jurisdiction of the town, village, city, or county** have been designated as all-terrain vehicle routes.

SECTION VII- ENFORCEMENT

This ordinance may be enforced by any law enforcement office authorized to enforce the laws of the State of Wisconsin.

SECTION VIII- PENALTIES

The penalties under Wisconsin Statutes 23.33 (13) (a) are adopted by reference

SECTION IX- 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 X- EFFECTIVE DATE

This ordinance is effective on publication or posting. The Town Clerk shall properly post this ordinance as required under Wisconsin Statutes 60.80 and shall provide a copy of this ordinance to the Wisconsin Department of Natural Resources and the Langlade County Sheriff's Department,

Adopted this 5th day of December, 2023