TOWN OF BREED
ALL-TERRAIN/UTILITY TERRAIN VEHICLE ORDINANCE

ALL TERRAIN VEHICLE/UTILITY TERRAIN VEHICLE ROUTES

1.1.01 **Title and Purpose**

The title of this section is the Town of Breed All-Terrain Vehicle/Utility Terrain Vehicle Route Ordinance. The purpose of this section is to establish all-terrain vehicle/utility terrain vehicle routes in the town and to regulate the operation of all-terrain vehicles/utility terrain vehicles in the town.

1.1.02 **Authority**

The town board has the specific authority to adopt this section under Wis. Stats. § 23.33 (8)(b) and (11).

1.1.03 **Operation of All-Terrain Vehicles/Utility Terrain Vehicles**

Pursuant to Wis. Stats.§ 23.33(4)(d)4, except as otherwise provided in Wis. Stats. § 23.33(4), no person may operator an all-terrain vehicle/utility terrain vehicle on the roadway portion of any highway in the town except on roadways that are designated as all-terrain vehicle/utility terrain vehicle routes by this section. Operation of all-terrain vehicles/utility terrain vehicles on a roadway in the town that is an all-terrain vehicle/utility terrain vehicle 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 that is safe given prevailing conditions. The Breed town Board has the authority to close or restrict ATV/UTV use on any of the roads under its jurisdiction if damage to the roadway results or where public safety is adversely affected as a result of ATV/UTV use.

1.1.04 **Designation of All-Terrain Vehicle/Utility Terrain Vehicle Routes**

All town roads under the town's jurisdiction are open to ATV/UTV use.

1.1.05 **Conditions Applicable to All-Terrain Vehicle/Utility Terrain Vehicle Routes**

Pursuant to Wis. Stats. § 23.33(8) (d), the following restrictions are Placed on the use of the town all-terrain/utility terrain vehicle Routes designated by this section:

A. Routes shall be marked with uniform all-terrain vehicle/utility terrain vehicle route signs in accordance with Wis. Adm. § NR 64.12(7). No person may do any of the following regarding signs marking town all-terrain vehicle/utility terrain vehicle routes:

1. Intentionally remove damage, deface, move, or obstruct any uniform all-terrain vehicle/utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle/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.

2. Possess any uniform all-terrain vehicle/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 vehicle/utility terrain vehicle route or train sign or standard in a lawful manner. Possession of a uniform all- terrain vehicle/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 Wis. Stats. § 23.33, which is adopted as a part of this section by reference, pursuant to Wis. Stats. § 23.33 (11).

c. A copy of this section shall be sent by the town clerk-treasurer to the Oconto County Sheriff's Department.

d. The following restrictions shall apply to all operation of all-terrain/utility terrain vehicles on town roads:

1. Maximum speed of 25 miles per hour.

2. Operation on hard surface of road only.

3. Operation of all-terrain vehicles/utility terrain vehicles in single file only.

4. No open container; The owner or operator of any all-terrain vehicle/utility terrain vehicle shall not keep or allow to be kept in the all-terrain vehicle/utility terrain vehicle when it is upon any highway (road) in the town any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broke, or the contents of the bottle or receptacle have been partially removed or released.

5. Drivers License; No person 16 years of age or older shall operate an all-terrain vehicle/utility terrain vehicle on any town road unless the operator of the all-terrain vehicle/utility terrain vehicle has a valid driver's license as defined by Wis. Stats. § 343.03(3).

   a. No person who is under current driver's license suspension or revocation, for any reason, may operate an all-terrain vehicle/utility terrain vehicle upon town roads.

   b. Individuals age 12, 13, 14 and 15 may operate an all-terrain vehicle on a town roadway if they have completed the safety certification and if they are riding with adult supervision, as explained by Wis. Stats. §23.33(5)(b).

6. Insurance; All all-terrain vehicles/utility terrain vehicles operating on town roads in the town shall have liability insurance coverage pursuant to Wis. Stats. § 632.32.

   a. Proof of insurance as required by this section shall be produced and displayed by the owner or operator of any all-terrain vehicle/utility terrain vehicle upon the request of any law enforcement officer or any person having authority to enforce the provisions of this section or to any person who has suffered or claims to have suffered either personal injury or property damage as a result of the operation of such all-terrain vehicle/utility terrain vehicle.

7. No person may operate or be a passenger on an ATV or UTV without wearing protective headgear of the type required in section 347.485(1)(a), Wis Stats. Unless the person is at least

18 years of age.

8. All ATV/UTV operators are required to display a lighted headlamp and tail lamp while operation on a town roadway.
9. Every ATV/UTV shall be equipped, maintained, and operated to prevent excessive or unusual noise. No person shall operate an ATV/UTV on a town roadway unless such ATV/UTV is equipped with a muffler or other noise spreading 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/UTV in a manner such that noise emitted by the ATV/UTV increases to a level higher than as originally manufactured.
10. A golf cart is not an ATV or UTV. Operation of golf carts on town roads is prohibited.

1.1.06 **Enforcement**

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

1.1.07 **Penalties**

The penalties are under in Wis. Stats. § 23.33 (13) (a) are adopted by reference.

1.1.08 **Effective Date**

This ordinance becomes effective upon passage and publication.

Passed this 11 Day of July 2023.

This ordinance shall take precedence over any previously existing ordinances.

Town of Breed Clerk Deanna Tachik