**Town of spring prairie**

**STATE OF WISCONSIN TOWN OF SPRING PRAIRIE WALWORTH COUNTY**

ORDINANCE NO. [INSERT]

AN ORDINANCE TO DESIGNATE ALL TOWN ROADS AS ATV/UTV ROUTES

**WHEREAS**,Wisconsin Statutes Section 23.33 allows municipalities to designate some or all of their roads as All-Terrain Vehicle (ATV) and Utility-Terrain Vehicle (UTV) routes; and

**WHEREAS**,several municipalities in Walworth County have begun considering and/or designating their roads as ATV/UTV routes; and

**WHEREAS**,the County Board of Supervisors for Walworth County has designated all county highways as ATV/UTV routes; and

**WHEREAS**,after due consideration of the recreational value of ATV and UTV use in the Town of Spring Prairie, including but not limited to outdoor enjoyment, sight-seeing, and the connection of trail opportunities and weighed against possible dangers of such ATV and UTV use to the public health, safety and welfare, such as liability aspects, the risk of injury over the terrain involved, maintenance of roads and right-of-ways and the relationship between ATV and UTV use with vehicular or pedestrian traffic and traffic density on Town roads, the Town seeks to allow ATV/UTV use on its roads by passing an ordinance as allowed by Section 23.33,

**WHEREAS**,the Town Board for the Town of Spring Prairie finds it in the best interest of its residents to align with Walworth County and surrounding municipalities by designating all town roads as ATV/UTV routes;

**NOW, THEREFORE**,the Town Board for the Town of Spring Prairie, Walworth County, Wisconsin, ordains as follows:

**SECTION 1: State Laws Adopted by Reference.**

For purposes of this Ordinance, the Town of Spring Prairie follows state law and hereby adopts by reference the statutory provisions of Wis. Stat. § 23.33, describing, defining and setting forth the regulations concerning ATVs and UTVs, as well as any related statutory sections found in Chapters 340 to 348, and 350 and Wis. Admin. Code ch. NR 64, All-Terrain Vehicles. These statutory and administrative code provisions are hereby incorporated and made part of this Ordinance as if fully set forth herein. In the event that any provision of this Ordinance is inconsistent or conflicts with the statute and/or administrative code, the statute and/or administrative code shall govern. Any act required or prohibited by any statute incorporated by reference in this Ordinance is similarly required or prohibited by this Ordinance.

**SECTION 2: Designated Routes.**

All roads within the Town of Spring Prairie are hereby designated as ATV/UTV routes.

**SECTION 3: Signage.**

The Town shall post appropriate signage to inform the public of designated ATV/UTV routes and applicable regulations pursuant to Wis. Stat. § 23.33(8)(e). Routes will be marked with ATV/UTV route signs installed and maintained by the Town in accordance with Wisconsin Administrative Code section NR 64.12, specifically NR 64.12(7)(c), and all other applicable state and local laws. No person may erect or remove any official designated route sign without written authorization from the Town Board.

**SECTION 4: Hours of Operation.**

ATVs and UTVs may operate as allowed by County Code, which is currently year-round only between the hours of 5 AM and 11 PM. Additionally, regulatory signage will be posted under ATV/UTV route signs, indicating the restricted hours of use on Town roads as “5 AM - 11 PM ONLY.”

**SECTION 5:** **Operating Requirements and Safety Standards.**

1. Speed. No person shall operate an ATV/UTV at a speed exceeding the posted speed limit on Town roads.
2. Required Equipment. All ATVs/UTVs must have fully functional headlights, taillights, and brake lights.
3. Operating on Private Property. No person shall operate an ATV/UTV on any private property not owned or occupied by them within the Town without the express consent or permission of the property owner.
4. Safety Requirements. Operators and passengers must comply with all state safety requirements, including helmet use and age restrictions as specified in Wis. Stat. § 23.33.

**SECTION 6: Ordinance Review.**

This Ordinance shall be reviewed every two (2) years.

**SECTION 7: Amendments to State Law.**

Any future amendments, revisions, or modifications to the ATV/UTV-related State Statutes and Administrative Code provisions, such as statute (§ 23.33) and/or administrative code (NR 64), are intended to be incorporated into this ordinance and are hereby so incorporated.

**SECTION 8: Severability.**

The sections of this Ordinance are declared to be severable. If any section or provision is declared invalid, unlawful, or unenforceable by a court of competent jurisdiction, such declaration shall apply only to the specific section[s] or portion[s] specified and shall not affect the validity of any other provisions, sections, or portions of the Ordinance, which shall remain in full force and effect. Any other ordinances whose terms conflict with this Ordinance are hereby repealed to the extent of the conflict.

**SECTION 9: Effective Date.**

This Ordinance shall take effect upon passage and publication as provided by law.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_ 2024.

Town of Spring Prairie

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Lis Friemoth, Town Chair

ATTEST:

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Jessica Fuchs, Clerk-Treasurer

Published and posted this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_ 2024.