

# **ORDINANCE NO. 40**

## **TOWN OF WOLF RIVER**

### **ENTITLED**

#### **ALL-TERRAIN VEHICLE ROUTE ORDINANCE**

##### **1-1 AUTHORITY:**

This ordinance is established to create all-terrain vehicle routes pursuant to the authority granted to towns by section 23.33 (8)(b) and section 23.33(11) of the Wisconsin Statutes.

##### **1-2 PURPOSE:**

The purpose of this ordinance is to establish an all-terrain vehicle route and provide safe and enjoyable all-terrain vehicle recreation consistent with public rights and interests. The town board finds that the ATV/UTV route will provide recreational opportunities to members of the public and will provide economic opportunities for town businesses. The town board further finds that public safety on town roads is unlikely to be negatively impacted and the use of ATV/UTVs on town roads is unlikely to create wear and tear which would require maintenance earlier than would be necessary if ATV/UTVs were not allowed.

##### **1-3 AREAS DESIGNATED:** The area designated as an all-terrain vehicle route shall be as follows:

###### **West of the Wolf River**

- (a) Tri-County Road from Ash Lane to County Rd AH; and
- (b) Alpine Rd from 37<sup>th</sup> to County Rd H; and
- (c) Rosa Road from 37<sup>th</sup> Avenue to County Rd AH; and
- (d) River Trail Drive from County AH to South Wolf River Rd; and
- (e) South Wolf River Road from River Trail Drive to County Rd H; and
- (f) Apache Avenue from 37<sup>th</sup> Avenue to South Wolf River Rd; and
- (g) Arrowhead Road from 37<sup>th</sup> to County Rd H; and
- (h) Archer Drive from Easy Street to 37<sup>th</sup> Avenue; and
- (i) Arrowhead Lane from County Rd H until it ends; and
- (j) Bay Lane from Arrowhead Lane until it ends; and
- (k) Easy Street from County Rd H to Apache Avenue; and
- (l) 37<sup>th</sup> Avenue from Tri-County Rd to Alpine Rd; and
- (m) 37<sup>th</sup> Avenue from Apache Avenue to Arrowhead Road.

## **East of the Wolf River**

- (n) North Road from Marsh Road to County II; and
- (o) East Road from North Road to Town Line Road; and
- (p) Town Line Road from Marsh Road to maintenance line; and
- (q) Marsh Road from North Road to Klemp Road; and
- (r) South Road from County II to the town line; and
- (s) Kiesow Road from County MM to the end of the road; and
- (t) Boom Bay Height's Road from Kiesow Road to County MM; and
- (u) Richter Lane from County MM to the beginning of private road; and
- (v) Haase Road from County Road MM to the boat landing.

### **1-4 SPECIAL CONDITIONS:**

- (a) The Town of Wolf River shall have the authority to suspend operation in any of the above areas due to hazard, construction, or emergency conditions in any segment listed above.
- (b) Every area authorized as an all-terrain vehicle route shall be designated by an all-terrain vehicle route sign having a reflectorized white all-terrain vehicle symbol, bordered and message on a reflectorized green background with a minimum size of 24 inches by 18 inches with directional arrow, where appropriate, placed at the beginning of an all-terrain vehicle route and at such locations and intervals as necessary to enable the all-terrain vehicle operators to follow the route.
- (c) Town of Wolf River residents and taxpayers may use town roads that are not designated as part of the ATV route to access the route. Non-residents may not use any Town Road that is not designated as an ATV/UTV route for any reason. Only the town/county roads listed in Section 1-3 will be open to non-resident use.
- (d) All ATV/UTV operators must adhere to the laws set forth by the Wisconsin Department of Natural Resources, but be aware this ordinance may be more restrictive. Visit the DNR website for a complete list of rules and regulations.

### **1-5 REGULATIONS:**

Except as otherwise provided herein, the statutory provisions of Wis. Stats. 23.33 and Wis. Admin. Code NR 64, which create, describe, and define regulations with respect to ATVs and UTVs, are adopted and, by reference made a part of this Code as if fully set forth herein.

- (a) Operator and rider requirements. Any person who operates or rides as a passenger on an ATV or UTV on a highway or roadway that is an ATV/UTV route under Winnebago County's jurisdiction, must meet the following requirements:
  - a. Any operator or passenger shall comply with all federal, state, and local

laws, orders, regulations, restrictions, and rules, including those outlined in Wis. Stats. 23.33 and Wis. Admin. Code NR 64. All ATV-UTV rules of operation outlined in Wis. Stats. 23.33 and Wis. Admin. Code NR 64. Are adopted and incorporated by reference in this section

- b. No person may operate an ATV or UTV without having attained the age of 16.
  - c. No person may operate an ATV or UTV without a valid driver's license.
- (b) All operators shall have a liability insurance policy in force on any ATV or UTV operated on an ATV/UTV road or route. The liability insurance policy must have the following minimum coverages:
- a. \$10,000 for property damage
  - b. \$25,000 for the injury or death of one person
  - c. \$50,000 for the injury or death of more than one person

#### **1-6 ROUTE SIGNS:**

- (a) All required designated route signs shall be paid for and installed by an ATV/UTV club or association, as funds become available, under the direction of the Town of Wolf River.
- (b) All signs posted shall be in compliance with the Federal manual on uniform traffic control devices.
- (c) No person may erect, remove, obscure, or deface any official designated route sign unless authorized by the Town of Wolf River Supervisor.
- (d) No person shall operate an ATV contrary to any authorized and official posted sign.

#### **1-7 CONDITIONS:**

As a condition for the use of roadways, the following conditions shall apply to all operators (and passengers where applicable):

- (a) ATV/UTV operators shall observe all posted speed limits.
- (b) Operators shall ride in a single file in the highway or roadway. Highway and roadway are defined in the same manner as defined in Wis. Stat. 340.01(22)(54).
- (c) All ATVs and UTVs must operate with fully functional headlamps, tail lamps, and brake lights.
- (d) Every ATV or UTV shall be equipped, maintained and operated to prevent excessive or unusual noise. No person shall operate an ATV or UTV on any ATV/UTV route unless the vehicle is equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation.
- (e) All drivers and passengers must wear seatbelts if the vehicle is so equipped.
- (f) All drivers and passengers under the age of 18 must wear helmets.
- (g) ATV and UTV operators must possess a valid motor vehicle driver's license
- (h) Routes may be closed or suspended by the Highway Commissioner, Sheriff, or Town Board after review with the Highway Commissioner for reasons such as repeated, validated complaints from residents, damage caused by ATV/UTV's, an increase in ATV or roadway accidents.

- (i) Routes may be temporarily closed by either the Highway Commissioner, the Sheriff, or Town Board for reasons such as roadway construction, emergencies, parades, or events.

**1-8 PENALTIES AND ENFORCEMENT:**

- (a) The penalty provision set forth in 23.33(13) shall apply to violations of this ordinance and/or Town Ordinance #7: Issuance of citations for violations of ordinances in the Town of Wolf River.
- (b) This ordinance may be enforced by any of the following: an officer of the state patrol, an inspector under section 110.07 (3), a conservation warden or the county sheriff.
- (c) Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed under this section.

**1-9 SEVERABILITY:** If any section, clause, provision, or a portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected thereby.

**1-10 EFFECTIVE DATE:** This ordinance becomes effective upon passage and publication. The clerk shall send a copy of the ordinance to the Winnebago County Sheriff, the state traffic patrol and the department of natural resources.

Adopted this 28th day of August, 2025.

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Randal S. Rutten, Chairperson

Attest:

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Susan J. Gilbert, Clerk