

ORDINANCE 2023-001


AN ORDINANCE TO CREATE CHAPTER 392-23 OF THE CODE OF ORDINANCES FOR THE TOWN OF VINLAND

The Town of Vinland Board hereby adopts Chapter 392-23 All-Terrain/Utility Vehicles and Routes; to allow ATV/UTV use on the Town of Vinland Roads.

Dated this 13th day of February 2023
By:



Don O'Connell, Town Chairman



Karen Brazee, Clerk/Treasurer

Chapter 392-23

All-Terrain / Utility Vehicles and Routes

[HISTORY:]

GENERAL REFERENCES

Vehicles and Traffic — See Ch. 392

Road Right of Way – See Ch. 206

§ 392-23 All-Terrain and Utility Vehicle Use on Town Roads and Routes

A. The Town of Vinland, Winnebago County adopts the following all-terrain vehicle (ATV) and utility terrain vehicle (UTV) route ordinance upon the roadways listed herein. The purpose of this ordinance is to establish the provisions for ATV and UTV use in the Town of Vinland, and to promote safe and enjoyable ATV/UTV recreation consistent with public rights and interests.

B. This ordinance is created pursuant to Town authority as authorized by Sections 23.33(8), (b) and 23.33(11), Wis. Stats.

§ 392-23.01 Definitions - As stated on the Wisconsin DNR Website

- A. All-Terrain Vehicle (ATV) – A commercially designed and manufactured motor driven vehicle to which all of the following apply:
- i. It has a weight, without fluids, of 900 pounds or less
 - ii. It has a width of 50 inches or less
 - iii. It is equipped with a seat designed to be straddled by an operator
 - iv. It travels on 3 or more low pressure, or non-pneumatic tires.
- B. Utility Terrain Vehicle (UTV) – A commercially designed and manufactured motor driven vehicle that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low speed vehicle, mini truck or tracked vehicle and is primarily designed to be operated off highway. The following manufactured features apply:
- i. It has a weight, without fluids, that does not exceed 3000 pounds
 - ii. It has 4 or more low pressure or non-pneumatic tires
 - iii. It has a steering wheel
 - iv. It has tail, brake and 2 headlights
 - v. It has a width that does not exceed 65 inches
 - vi. It has a system of seat belts or similar system for restraining each occupant in the vehicle in the event of an accident
 - vii. It has a system of structural members designed to reduce the likelihood that an occupant

would be crushed in the event of a vehicle rollover

- C. ATV / UTV Route – A roadway designated by Town ordinance for use by all-terrain vehicle operators or utility vehicle operators or as defined in Section 23.33(1)(c) Wis. Stats.
- D. Non-Allowed Vehicles – Vehicles whose speed attainable in one mile does not exceed 20 mph on a paved, level road, and that is designed and intended to convey one or more passengers and equipment for the game of golf in an area designated as a golf course, or as defined in Section 23.33(fm) Wis. Stats., are not ATV / UTV vehicles and are not allowed on ATV / UTV routes established by this chapter.

§ 392-23.02 Rules of Operation

- A. ATV/ UTV operators shall observe all laws of the State of Wisconsin Statutes, Section 233.33 applicable to the use of ATV's / UTV's in the Town of Vinland.
 - i. ATV / UTV vehicles operated in the Town of Vinland must be registered for public use or for private use as defined in Section 233.33(2) Wis. Stats.
 - ii. ATV/ UTV operators shall observe all laws of the State of Wisconsin, Section 233.33(3 through 3g) Wis. Stats. "Rules of Operation" applicable to all-terrain vehicle and utility terrain vehicle use in the Town of Vinland.
 - iii. ATV/ UTV operators shall observe all laws of the State of Wisconsin, Section 233.33(4) Wis. Stats. "Operation on or Near Highways" applicable to all-terrain vehicle and utility terrain vehicle use in the Town of Vinland.
 - iv. ATV/ UTV operators shall observe all laws of the State of Wisconsin, Section 233.33(4c through 4z) Wis. Stats. "Intoxicated Operation of an All-Terrain or Utility Terrain Vehicle" applicable to all-terrain vehicle and utility terrain vehicle use in the Town of Vinland.
 - v. ATV/ UTV operators shall observe all laws of the State of Wisconsin, Section 233.33(5) Wis. Stats. "Age Restrictions" applicable to all-terrain vehicle and utility terrain vehicle use in the Town of Vinland.
 - vi. ATV/ UTV operators shall observe all laws of the State of Wisconsin, Section 233.33(6 & 6M) Wis. Stats. "Equipment Requirements / Noise Limits" applicable to all-terrain vehicle and utility terrain vehicle use in the Town of Vinland.
- B. ATV/ UTV operators shall observe all laws of Winnebago County pertaining to the use of ATV's / UTV's including, but not limited to Section 7.16 of the General Code of Winnebago County.
 - i. ATV / UTV operators shall observe all posted speed limits and shall not exceed 35 miles per hour.
 - ii. ATV / UTV operators must possess a valid motor vehicle driver's license.
 - iii. ATV / UTV operators must possess State of Wisconsin motor vehicle insurance coverage per Section 344.33, Wis. Stats.

§ 392-23.03 Routes

- A. The Town of Vinland reserves the right to close or modify routes at any time.
- B. Routes shall remain open during daylight hours only, as defined by Section 7.16 of the General Code of Winnebago County.
- C. The Town of Vinland Clerk shall maintain a route map.
- D. All town roads are designated as ATV / UTV routes in the Town of Vinland with the following exceptions:
 - i. Winnebago County Highways unless otherwise approved by Winnebago County for ATV / UTV use.

§ 392-23.03 Route Signage

- A. All ATV / UTV routes shall be signed in accordance with NR64.12 and NR64.12(7), Wisconsin Administrative Code.
- B. The Town of Vinland, or its designee, shall maintain all route signs within the town.
- C. The Town of Vinland, Town Board shall solicit funding for designated route signs from ATV / UTV clubs, associations or private business entities.
- D. No person may erect, remove, obscure or deface any officially designated route sign unless authorized by the Town of Vinland, Town Board.
- E. No person shall operate an ATV / UTV contrary to any authorized and official posted sign.

§ 392-23.04 Enforcement

The Town of Vinland, Town Board authorizes the Winnebago County Sheriff, as well as any other law enforcement officer authorized to enforce the laws of the State of Wisconsin, to enforce the requirements of this ordinance.

§ 392-23.05 Penalties

- A. All-Terrain Vehicle / Utility Terrain Vehicle penalties for the State of Wisconsin, as found in Section 233.33(13) (a) Wis. Stats. are adopted and incorporated herein by reference.
- B. Additionally, persons in violation of any provision of the above stated requirements in Town of Vinland ordinance 392-23 are subject to a forfeiture of not less than of \$50, or to not exceed \$250 plus the Town of Vinland's cost to recover said penalty.

§ 392-23.05 Severability

The provision of this chapter shall be deemed severable and it is expressly declared that the Town of Vinland would have passed the other provisions of this chapter regardless of whether or not one or more provisions may be declared invalid. If any provision of this chapter, or the application to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be deemed affected.

§ 392-23.05 Effective Date

- A. This ordinance becomes effective upon its passage and publication and the posting of required signs.
- B. The Town Clerk shall send a copy of the ordinance to the Winnebago County Sheriff, the State Traffic Patrol and the Wisconsin Department of Natural Resources.

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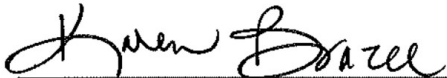
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