

**STATE OF WISCONSIN
TOWN OF MAXVILLE
BUFFALO COUNTY**

ORDINANCE 2021-1

ALL-TERRAIN/UTILITY TASK VEHICLES USE ON TOWN ROADS

1. STATUTORY AUTHORIZATION: This ordinance is adopted pursuant to the authority of Wisconsin Statutes sections 23.33(11) and 59.02, as amended. In addition, the provisions of Wisconsin Statutes section 23.33, and the provisions of Wisconsin Administrative Code NR 64 regulating All-Terrain Vehicles and Utility Terrain Vehicles (ATV/UTV) operations are hereby incorporated by reference.

2. PURPOSE AND INTENT: The Town of Maxville enacts this ordinance to authorize operation of ATV/UTVs upon town roads designated for such use in paragraph 3 of this ordinance. Buffalo County has adopted its Ordinance #21-03-01 which authorizes recreational use of ATV/UTVs on designated routes within the County, some of which are located in the Town of Maxville. After considering the recreational value of ATV/UTV use to the Town of Maxville and the potential impacts to the public's health, safety and welfare, this Ordinance is enacted. A copy of a map showing the location of ATV/UTV routes shall be kept on file at the Buffalo County Highway Department and the Buffalo County Sheriff's Department.

3. AUTHORIZED ROUTES:

All Town Roads are designated as ATV/UTV routes.

4. CONDITIONS: The operation of ATV's and UTV's on any portion of a Town of Maxville Town Road designated as an ATV/UTV route shall be subject to the following:

1. Operation shall be subject to all provisions of Sec. 23.33, Wis. Stats., which is adopted as part of this ordinance by reference to Sec. 23.33(11), Wis. Stats.
2. All ATV/UTV operators shall observe a speed limit of not more than 35 MPH or the posted roadway speed limit, whichever is lower.
3. All ATV/UTV operators shall ride single file on the far-right hand side of the paved portion/lane of traffic of the roadway. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way area is prohibited. Left turns may be made from any part of the roadway which is safe given prevailing conditions.
4. All ATV/UTV operators shall maintain liability insurance for their ATV/UTV in the amount established by the State of Wisconsin for motor vehicle operation and by utilizing any ATV/UTV, agrees to fully indemnify and hold harmless Town of Maxville for all liability arising from use or non-use of ATV and/or UTVs on Town of Maxville Town Roads.
5. All ATV/UTV operating on county roads must be equipped with a functioning headlamp and tail lamp, illuminated while operating on a Town Road.

6. All ATV/UTV operators shall observe a nighttime curfew and shall not operate their ATV/UTV for the period of one (1) hour prior to sunrise and no later than 1 hour after sunset.
7. ATV/UTV routes will be open for use from April 1 through December 1.
8. On all roads shared with another jurisdiction the most restrictive ordinance shall apply.
9. All ATV/UTV operators ages 16 years or older must have a valid driver's license. All ATV safety certified operators age 12-15 must also be accompanied by a parent, guardian or adult designated by the parent or guardian with continuous verbal direction and physical control. Any such parent, guardian or adult shall hold a valid driver's license. Anyone under age 12 cannot operate on any roadways.
10. All operators under the age of 18 must wear protective headgear as required by Sec. 23.33, Wis. Stats.
11. All occupants riding in, or operating a UTV, shall be required to wear a seatbelt when travelling on any trail or route within Town of Maxville.
12. It shall be unlawful for any person to possess any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken, or the contents of the receptacle has been partially removed, while operating or as a passenger on an ATV or UTV on any road or road route in Town of Maxville.
13. ATV/UTV operators who are born after January 1, 1988 and operating on a highway are required to have an ATV Safety Certificate provided by the Department of Natural Resources.

5. SIGNAGE: The Buffalo County Highway Department, as the maintaining authority for highways designated as ATV/UTV routes, shall have oversight of the installation of signage in compliance with s. NR 64, Wisconsin Administrative Code. The quantity and location of signs shall be reviewed and approved by the Buffalo County Highway Department.

1. No person may intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail sign.
2. All costs for signage, installation, maintenance, and removal shall be borne by the Buffalo County Trail Riders. The Buffalo County Trail Riders may assist the Buffalo County Highway Department in the installation of signs under the direction of department staff to help defer costs of installation.
3. Signs may be mounted on any existing Town of Maxville signpost. Posts shall be suitably sized for mounting the necessary number of signs at the location.
4. No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

6. ENFORCEMENT: This ordinance shall be enforced by any law enforcement officer as applicable and authorized to enforce the laws of the State of Wisconsin, as set forth in Wisconsin Statutes Sec. 23.33(12).

7. PENALTIES: The State of Wisconsin All-Terrain Vehicles penalties as found in Sec. 23.33(13)(1), Wis. Stats. and/or any resolutions are adopted by reference.

8. REVIEW: This ordinance or any route designated by it may be cancelled at any time by act of the Town Board. The Town Board may add or delete authorized routes by action that conforms to the requirements of Wisconsin Statutes section 23.33 and all public notice required by law for Town Board action.

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

10. SAVING CLAUSE: This Ordinance in no way be deemed to supplant or otherwise invalidate any provisions of state statute relating to the subject matter hereof. Any person entrusted with the enforcement of this Ordinance may, in the exercise of his or her discretion, proceed under applicable state statutes.

11. EFFECTIVE DATE: This ordinance becomes effective upon passage and publication. Actual use of Town Roads under this ordinance may begin only after Buffalo County Highway Department certifies to the Chair of the Maxville Town Board that signage required by this ordinance is in place on the routes authorized in section 3.

Adopted at a duly called and noticed meeting of the Town of Maxville Board of Supervisors on the __11th__ day of __May____, 2021.

Dan Weisenbeck, Town Chair

Bruce Kees, Supervisor 1

Andy Hayden, Supervisor 2

ATTEST:

Barb Traun, Town Clerk
Posted Summary: May 20, 2021