

ORDINANCE No. 23-05
ALL-TERRAIN VEHICLE ROUTE
AN ORDINANCE DESIGNATING ALL-TERRAIN VEHICLE ROUTES AND
REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES

TOWN OF ONEIDA
OUTAGAMIE COUNTY

SECTION I – INTENT

To create uniform procedures and requirements for the use and operation of All-Terrain Vehicles and Utility Terrain Vehicles on Town Roads. The Town of Oneida, Outagamie County, adopts the following all-terrain vehicle ordinance/route for the operation of all-terrain vehicles upon the roadways listed in Section IV. Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created.

SECTION II – DEFINITIONS

In this section, words and phrases used herein shall have the meaning as defined by Wisconsin § 23.33(1), unless otherwise defined herein. All-terrain vehicles (hereinafter referred to as ATVs) shall have the definition given in Wisconsin § 340.01(2g). Utility terrain vehicles (hereinafter referred to as UTVs) shall have the definition given in Wisconsin § 23.31 (1) (ng). Any reference to a Wisconsin Statute Section or Administrative Code Regulation is a reference to that specific chapter, section, code, or its successor chapter, section, or code. Any future amendments, revisions, or modifications of the statutes or administrative code incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of all-terrain vehicles.

SECTION III – STATUTORY AUTHORITY

The Town of Oneida is authorized to designate Town roads as ATV/UTV routes in pursuant to Wisconsin § 23.33(8)(b) and is authorized to enact ordinances regulating ATVs and UTVs on designated routes pursuant to Wisconsin § 23.33(11)(a).

SECTION IV – ROUTES

The Town of Oneida reserves the right to close, modify and make any restrictions on the authorized routes at any time by majority vote of the Town Board and shall be marked accordingly.

The following roads are designated as routes;

- A. All "TOWN" roads within the Town of Oneida.
- B. No "COUNTY" or "STATE" highways are ATV/UTV routes.
- C. No "TRIBAL" roads are ATV/UTV routes.
- D. Routes will be signed in accordance with NR 64.12 and NR 64.12(7)c.

SECTION V – REGULATIONS

Except as otherwise provided herein, the statutory provisions of Wisconsin § 23.33 and Wisconsin 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 it is 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 roadway that is an ATV/UTV route in the Town of Oneida or Outagamie County designated pursuant to Wisconsin § 23.33(8)(b), or an ATV/UTV route in the Town of Oneida or Outagamie County designated pursuant to Wisconsin § 23.33(8)(c), must meet the following requirements:

1. Any operator or passenger shall comply with all Federal, State and Local laws, orders, regulation, restrictions and rules. Including those outlined in Wisconsin § 23.33 and Wisconsin Admin. Code NR § 64. All ATV/UTV rules of operation outlined in Wisconsin § 23.33 and Wisconsin Admin. Code NR § 64 are adopted and incorporated by reference in this Ordinance.
2. No person may operate an ATV or UTV without having attained the age of 16.
3. No person may operate an ATV or UTV without a valid driver's license.
4. All operators shall have a liability insurance policy in force on any ATV or UTV operating on any route in the Town of Oneida. The liability insurance policy must have the following minimum coverages:
 - a) \$10,000 for property damage
 - b) \$25,000 for the injury of death of one person
 - c) \$50,000 for the injury or death of more than one person
5. An officer of the state traffic patrol under Wisconsin § 23.10, county sheriff or municipal peace officer has authority and jurisdiction to enforce this section and ordinances enacted in accordance with this section.
6. No operator of an ATV or UTV may refuse to stop after being requested or signaled to do so by a law enforcement officer or a commission warden, as defined in Wisconsin Admin. Code § 939.22 (5).
7. ATV/UTV operators shall observe the posted speed limit on the roadway on all designated Town roads.
8. ATV/UTV operators shall ride single file, and cannot ride on the shoulder of the road.
9. ATV/UTV operators must have headlights and taillights on while operating on any Town route, and must operate with a muffler that falls within the legal decibel limits.

SECTION VI – PENALTIES

Wisconsin State All-Terrain Vehicle penalties as found in section 23.33(13)(a) of Wis. Stats., are adopted by reference.

1. Any forfeiture for a violation of State Statute or Administrative Code adopted by reference in this Ordinance shall conform to the forfeiture permitted to be imposed for violation of said statutes or code provisions as set forth therein.
2. Any violation of a section of this Ordinance without a penalty specified by Statute or Administrative Code shall be punishable as provided in Outagamie County Ordinance 1-10.

SECTION VII – SEVERABILITY

The provision of this ordinance shall be deemed severable and it is expressly declared that the Town of Oneida would have passed the other provisions of this ordinance irrespective of whether or not 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.

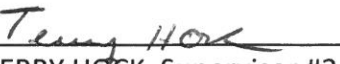
SECTION VIII – EFFECTIVE DATE

This ordinance becomes effective upon passage, route signage and publication.

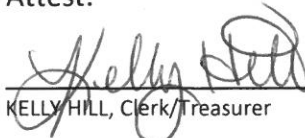
Adopted this 11th day of October, 2023


SCOTT SCHAUMBERG, Chairperson


AL KRAUSE, Supervisor #1


TERRY HOCK, Supervisor #2

Attest:


KELLY HILL, Clerk/Treasurer