

TOWN OF SUGAR CREEK

ORDINANCE NO.: 2023-04

An Ordinance Allowing the Operation of All-Terrain Vehicles (ATV) and Utility-Terrain Vehicles (UTV) on Town of Sugar Creek Streets

The Town Board of the Town of Sugar Creek, Walworth County, Wisconsin, does hereby ordain as follows:

SECTION I. General.

The Town Board of the Town of Sugar Creek, Walworth County, Wisconsin, has the specific authority to adopt this all-terrain vehicle and utility-terrain vehicle ordinance under Wis. Stat. § 23.33 (8)(b) and (11), and the provisions of Wisconsin Administrative Code NR 64.

Applicability and Enforcement. The provisions of this Ordinance shall apply to all streets, roads and highways, hereinafter at all times referred to as Town Roads, in the Town of Sugar Creek, Wisconsin and the provisions of this ordinance shall be enforced by the Walworth County Sheriff's Department.

Adoption of this ordinance shall not prohibit any other law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed in this Ordinance.

SECTION II. Operation of All-Terrain Vehicles.

Pursuant to Wis. Stat. § 23.33 (4)(d)(4), and except as otherwise provided in Wis. Stat. § 23.33 (4), or Walworth County Ordinance No. 1295-12/22, no person may operate an all-terrain vehicle upon any public right-of-way, in any public park, in cemeteries, or on any other public property in the Town except upon all-terrain vehicle routes designated by the Town Board in this Chapter. All ATV and UTV routes shall be marked with uniform all-terrain vehicle route signs in accordance with Wis. Stat. § 23.33(8)(b), Wisconsin Administrative Code NR 64.12(7).

SECTION III. Regulations Relating to All-Terrain Vehicle Signs.

No person may do any of the following in regard to the signs marking town all-terrain vehicle routes:

(a) intentionally remove, damage, deface, move or obstruct any uniform all-terrain vehicle route or trail sign or standard;

(b) intentionally interfere with the effective operation of any uniform all-terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual;

(c) No person may possess any uniform all-terrain vehicle route or trail sign or standard of the type established by the Department of Natural Resources for the warning, instruction, or information of the public, unless he or she obtain the uniform all-terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

SECTION IV. Limitations.

The following limitations apply to all areas of operation designated in this Ordinance:

(a) Operators and passengers of any and all ATVs/UTVs shall comply with all federal, state and local laws, orders, regulations, restrictions and rules, including, but not limited to, Wisconsin Administrative Code NR 64, and Wis. Stat. § 23.33.

(b) This Ordinance hereby incorporates by reference any and all definitions under Wis. Stat. § 23.33 and Wisconsin Administrative Code NR 64, and any and all other applicable Wisconsin Laws defining ATVs and UTVs and regulating ATV and UTV use, as amended.

(c) ATVs and UTVs shall only be operated on the paved surface on the extreme right side of the roadway.

(d) ATVs and UTVs may only be operated on paved surfaces, unless specifically yielding the right of way.

(e) All ATV and UTV operators are required to have liability insurance and to carry proof of said liability insurance in their ATV/UTV.

(f) All ATVs and UTVs shall not be operated at a speed greater than the posted speed limits on all town roads.

(g) All ATVs and UTVs shall be operated with fully functional headlights, taillights and brake lights.

(h) All ATVs/UTVs operators shall ride single file.

(i) No ATVs/UTVs may be operated in a careless way so as to endanger the person or property of another.

(j) No person under the age of 16 may operate an ATV/UTV on a designated Town ATV/UTV route unless accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian. Written proof shall be contained of the designation in the ATV or UTV.

(k) No person under the age of 18 may operate an ATV/UTV on any designated Town ATV/UTV route unless wearing protective head gear.

(l) No ATV/UTV operator under the age of 12 may operate on a town designated ATV/UTV route under any circumstances whatsoever.

(m) No person who is under a current motor vehicle license suspension, revocation, or cancellation for any reason may operate an ATV/UTV upon any town roads.

(n) No ATV/UTV operator shall have a passenger riding in or on any part of any ATV/UTV that is not designated or intended to be used by passengers.

(o) Any and all ATV/UTVs shall not be operated on anything else other than tires, when operating on the town designated ATV/UTV route.

(p) Any and all ATV/UTVs operating on the town ATV/UTV routes shall not be modified so that its maximum width exceeds the width allowed for ATV/UTVs.

(q) No person shall, while operating an ATV/UTV, engage in the practice of cruising on any town road designated as an ATV/UTV route. Cruising is defined as running all or part of the length of a roadway multiple times per day, back and forth, for any purpose other than departing or arriving at their residence or place of lodging, or departing or arriving at a public boat landing.

(r) The operation of an ATV/UTV shall be limited to traveling on a direct route from the initial starting point of the vehicle to a specific destination in the Town of Sugar Creek.

(s) All ATVs and UTVs shall only be operated between the hours of 5:00 a.m. to 11:00 p.m. daily unless otherwise designated.

(t) All ATV/UTV operators shall slow the vehicle to 10 miles per hour or less when operating within 150 feet of a dwelling.

SECTION V. Licenses and Insurance.

Unless otherwise provided, each and every person who operates an ATV/UTV on a Town designated ATV/UTV vehicle route shall have in his or her immediate possession a valid motor vehicle operator's license and shall display the license document upon demand from any law enforcement officer or official described in Wis. Stat. § 23.33(12). In addition, each and every person who operates an ATV/UTV on a Town designated ATV/UTV route, and every ATV/UTV vehicle operated on a Town designated ATV/UTV route, shall carry liability or any other insurances consistent with Wisconsin state law for the operation of an ATV/UTV.

SECTION VI. Penalties.

Any and all Wisconsin state ATV/UTV penalties as found in Wis. Stat. § 23.33(13)(a), as amended, are hereby adopted by reference.

SECTION VII. Severability.

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town of Sugar Creek would have passed the other provisions of this Ordinance irrespective of whether or not 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 this Ordinance and the application of such provisions to other persons and circumstances shall not be deemed affected.

SECTION VIII. Filing.

This chapter and revisions thereof shall be sent by the Town Clerk to the Department of Natural Resources, the Walworth County Sheriff's Department, and any other law enforcement agency servicing the Town of Sugar Creek's jurisdiction.

SECTION IX. Effective Date.

This ordinance is effective on publication or posting. The Town Clerk shall properly publish this ordinance as required under Wis. Stat. § 60.80.

Adopted:

Town Board of Sugar Creek

By: David Roberts
Name: DAVID ROBERTS
Title: Chairperson

Attest: Bexanne Johnson
Name: Bexanne Johnson
Title: Clerk