

Ordinance #19-01.1

All-Terrain/Utility Terrain Vehicles Trails and Routes Town of Deer Creek, Outagamie County, Wisconsin

Section 1-Intent

The Town of Deer Creek, Outagamie County, Wisconsin hereby adopts the following all-terrain vehicle (ATV) and utility terrain vehicle (UTV) upon roadways listed in Section 3.

Section 2-Statutory Authority

This route is created to pursuant to township authority as authorized by 23.33 (8) (b), Wis. Stats. The applicable provisions of 23.33 regulating ATV/UTV operations pursuant to routes and trails are adopted.

Section 3-Routes and Trails

1. The Town of Deer Creek reserves the right to close or modify routes and trails at any time. Any restrictions of trails and routes shall be designated by a motion and by majority of the Town of Deer Creek board and shall be marked accordingly.
2. The Town of Deer Creek or its designee shall maintain all routes and trail signs within the township.
3. All ATV/UTV routes and trails should be signed in accordance with NR 64.12, and NR 64.12 (7) (c). The primary use of the all-terrain vehicle routes sign and arrow is to alert the trail user that it is permissible to use the traveled portion of the road or highway for travel. The signs also alert others that the road or highway is a route. The routes may be signed in accordance with WI SS 23.33 (8) (e) or a combination thereof. The Town of Deer Creek may designate a preferred route to connect with other routes that connect to other municipalities.
4. All township roads, sidewalks, alleyways and transportation marked corridors within the Town of Deer Creek are hereby designated as ATV/UTV routes. Authorized private lands subject to public easement or leases are designated trails. All county roadways located in the Township of Deer Creek are hereby declared as ATV/UTV routes if authorized by the County of Outagamie. Bridges 1,000 feet or less on state and county highways located in the territorial boundaries in the Town of Deer Creek hereby routes. Operators will cross the bridge in the most direct and practicable manner and exit to the next connecting town or county road completing the route or trail. All roadways on state roads of 35 MPH or less are hereby declared as routes.
5. The Town of Deer Creek will maintain a route and trail map.

Section 4-Regulations

Except as otherwise provided herein, the statutory provisions of Wis. Stat. § 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 roadway that is an ATV/UTV route in the Town of Deer Creek designated pursuant to

Wis. Stat. § 23.33(8)(b), or an ATV/UTV route in Town of Deer Creek designated pursuant to Wis. Stat. § 23.33(8)(c), must meet the following requirements:

- (I) Any operator or passenger shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including those outlined in Wis. Stat. § 23.33 and Wis. Admin. Code NR § 64. All ATV/UTV rules of operation outlined in Wis. Stat. § 23.33 and Wis. Admin. Code NR § 64 are adopted and incorporated by reference in this Ordinance.
- (II) No person may operate an ATV or UTV without having attained the age of 16.
- (III) No person may operate an ATV or UTV without a valid driver's license.
- (IV) All operators shall have a liability insurance policy in force on any ATV or UTV operated on an ATV, UTV route 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

Section 5 - Rules of Operation.

The operation of an ATV or UTV on a roadway that is an ATV, UTV route in the Town of Deer Creek designated pursuant to Wis. Stat. § 23.33(8)(b), or an ATV, UTV route in the Town of Deer Creek designated pursuant to Wis. Stat. § 23.33(8)(c), is subject to the following rules of operation:

- (I) Any operator or passenger shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including those outlined in Wis. Stat. § 23.33 and Wis. Admin. Code NR § 64. All ATV/UTV rules of operation outlined in Wis. Stat. § 23.33(3) and NR § 64 are adopted and incorporated in this Ordinance
- (II) Operators may only operate on a designated ATV/UTV route signed in accordance with Wis. Stat. § 23.33(8)(e).
- (III) Operators on ATV/UTV routes shall observe the posted speed limit on the roadway.
- (IV) Operators shall ride in single file in the roadway. Roadway is defined in the same manner as defined in Wis. Stat. s. 340.01(54),
- (V) All ATVs and UTVs must operate with fully functional headlamps, tail lamps, and brake lights.
- (VI) 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 an 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.

Section 6-Enforcement

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

(I) Any act that is required or is prohibited by any statute or administrative code provision incorporated herein by reference is required or prohibited by this Code.

(II) An officer of the state traffic patrol under Wis. Stats. § 110.07(1), inspector under Wis. Stats. § 110.07(3), conservation warden appointed by the department under Wis. Stats. § 23.10, county sheriff or municipal peace officer has authority and jurisdiction to enforce this section and ordinances enacted in accordance with this section.

(III) No operator of an all-terrain vehicle or utility terrain vehicle may refuse to stop after being requested or signaled to do so by a law enforcement officer or a commission warden, as defined in Wis. Stats. § 939.22(5).

Section 7-Penalties

Wisconsin state ATV/UTV penalties as found in s.23.33 (13) (a) Wis. Stats. are adopted by reference.

(I) Any forfeiture for a violation of State Statute or Administrative Code adopted by reference in this section shall conform to the forfeiture permitted to be imposed for violation of said statutes or code provisions as set forth therein.

(II) Any violation of a section of this section without a penalty specified by statute or administrative code shall be punishable as provided in Outagamie County Ordinance 1-10.


Section 8-Severability

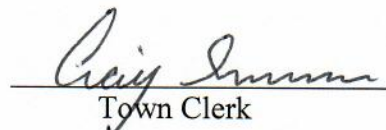
The provision of this ordinance shall be deemed severable and it is expressly declared that the Town of Deer Creek would have passed the other provisions of this ordinance irrespective of whether or not one or more provision may be declared invalid. If any provision of this ordinance or the application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

Section-9 Effective Date

This ordinance becomes effective upon passage and publication. Pursuant to WI SS 23.33 (11) (b) the clerk shall immediately send a copy of the ordinance to the Department of Natural Resources, to the state traffic patrol, and to the office of any law enforcement agency of each county, town, city, or village having Jurisdiction over any of the highways to which the ordinance applies.

Passed this 12 day of Sept 2023.


Town Chairperson


Town Clerk

Adopted: September 12th 2023
Published: September 12th 2023
Effective: September 12th 2023

