

**ORDINANCE 2021-01**

**AN ORDINANCE CREATING (All-Terrain Vehicles and Off-Road Motor Vehicle Operation) OF THE TOWN OF MEDINA, DANE COUNTY, WISCONSIN.**

NOW, THEREFORE, the Town Board of the Town of Medina, Dane County, Wisconsin, does hereby ordain as follows:

**All-Terrain Vehicles, Utility-Terrain Vehicles, and Off-Road Motor Vehicle Operation**

Wisconsin All-Terrain Vehicle & Utility-Terrain Vehicle Laws Adopted  
Authorized All-Terrain & Utility-Terrain Vehicle Use.  
Unauthorized Operation of Motor Vehicles on Public or Private Property

**STATE ALL-TERRAIN VEHICLE & UTILITY-TERRAIN VEHICLE LAWS ADOPTED.**

The provisions describing and defining regulations with respect to all-terrain vehicles and utility-terrain vehicles in the following-enumerated subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. Any acts required to be performed by the following statutory subsections or which are prohibited by such statutory subsections are required to be performed by this Section or are prohibited by this Section:

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|-----------|---|
| 23.33(1)  | Definitions, including subsections (a) through (o) and sections (1m).   |
| 23.33(2)  | Registration.   |
| 23.33(3)  | Rules of operation, including subsections (a) through (i) and sections (3c), (3e) and (3g).   |
| 23.33(4)  | Operation on or near highway, including subsections (a) through (f) and sections (4c), (4g), (4j), (4L), (4p), (4t), (4x) and (4z). |
| 23.33(5)  | Age restrictions including subsections (a) through (c).   |
| 23.33(6)  | Equipment requirements, including subsections (a) through (i) and sections (6m) and (6r).   |
| 23.33(7)  | Accidents, including Subsections (a) and (b).   |
| 23.33(8)  | Routes and Trails, including subsections (a) through (f).   |
| 23.33(11) | Local Ordinances, including subsections (a) and (b)   |
| 23.33(12) | Enforcement, including sections (a) and (b).  |
| 23.33(13) | Penalties, including subsections (a) through (f).   |

**AUTHORIZED ALL-TERRAIN & UTILITY-TERRAIN VEHICLE USE**

**(A) PURPOSE.**

- (1) The purpose of this ordinance is to establish an all-terrain vehicle(ATV) / utility-terrain vehicle (UTV) route and provide safe and enjoyable ATV/UTV recreation consistent with public rights and interests pursuant to Wis Stat. ss. 23.33(8)(b) and 23.33(11).

**(B) DESIGNATION AND AUTHORIZATION OF ROUTES.** Except as otherwise specifically provided in Wisconsin Statute 23.33, and subject to the conditions and limitations hereinafter set forth:

- (1) Under Wis. Stat. s. 23.33(8)(b)(2), the Town of Medina designates ALL town-maintained roads, streets, and highways, with a speed limit as posted, as ATV/UTV routes. This also includes any town-maintained parking lots as ATV/UTV routes, unless otherwise posted.

- (2) Under Wis. Stat. S. 23.33(11)(am)4., the Town of Medina authorizes the operation of ATVs/UTVs on all state trunk and county trunk highways that have a posted speed limit as posted.
- (3) The Town Chairman, at his or her discretion, shall have the authority to temporarily close any ATV/UTV street/route designated or authorized herein for a period of ninety (90) days or less due to hazard, construction, or emergency conditions in any designated area, street, or route listed above.
- (4) The Town Board may close any ATV/UTV routes designated or authorized herein at any time, for any reason, through removal of route signage and by providing notice to the public.

#### **(C) SIGNAGE**

- (1) Routes shall be marked with ATV/UTV route signs in accordance with Wisconsin Administrative Code section NR 64.12 and all other applicable state and local laws.
- (2) No person may do any of the following in regard to signs marking town routes:
  - a. Intentionally remove, damage, deface, move, or obstruct any ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of any ATV/UTV route or trail sign or standard, if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
  - b. Possess any ATV/UTV 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 obtained the ATV/UTV route or trail sign or standard in a lawful manner. Possession of an ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.
- (3) All required designated route signs shall be paid for by an ATV/UTV club and installation of such signs will be approved and under the direction of the Town of Medina Public Works Department and/or the Town of Medina Board.
- (4) All signs shall be in compliance with the Federal manual on uniform traffic control devices.
- (5) No sign may be mounted to an existing County sign post unless authorized by the Dane County Highway Commissioner or designee.
- (6) No sign shall be mounted to an existing Wisconsin DOT sign post.

#### **(D) REQUIREMENTS FOR USE OF ROUTES:**

In addition to the provisions of Wisconsin Statutes section 23.33, the following restrictions are placed on the use of ATVs and UTVs on village designated routes:

- (1) ATV/UTV shall not be operated at a speed greater than what is posted. ATV/UTV operators shall comply with all other posted roadway speed limit signs and all other applicable traffic signs & regulations within the Town of Medina.
- (2) On all town roads ATV/UTV operation shall be in the center of the lane of operation. Operation on paved shoulders intended for bicycles or pedestrians, gravel shoulders, grassy in-slope,

ditches, or other highway right-of-way is prohibited. No person may operate an ATV or UTV upon any sidewalk or pedestrian way.

- (3) All ATVs/UTVs shall be operated in single file.
- (4) No ATV/UTV may be operated on any Town of Medina road without fully functional headlights, tail-lights, and brake lights. Every ATV/UTV operator on any town road must display a lighted headlight and tail light at all times.
- (5) All persons who operate an ATV or UTV in the Town of Medina must be 16 years of age or older and must possess a valid driver's license as defined in Wisconsin Statutes 340.01(41g).
- (6) All ATV/UTV units shall be registered in accordance with WI DNR regulations and WI DOT regulations.
- (7) All UTV operators and passengers must wear manufacturer-installed seat belts at all times.
- (8) No person under the age of 18 may operate or be a passenger on an ATV/UTV on any Town of Medina road without wearing Department of Transportation approved protective headgear.
- (9) No ATV/UTV may be operated on any town road between the hours of 11:00 p.m. to 7:00 a.m. unless otherwise authorized by the Town of Medina Chairman.
- (10) All persons who operate an ATV or UTV on any Town of Medina road shall have in effect a liability insurance policy covering the vehicle being operated and such operator shall have in his or her immediate possession proof of said insurance, which shall be displayed upon demand from any law enforcement officer.
- (11) No person may operate an ATV or UTV within the Town of Medina limits unless it conforms to all noise, registration, and other requirements of Wisconsin Statutes, Wisconsin Administrative Code, and the Wisconsin Department of Natural Resources.
- (12) No person may drink alcohol beverages while he or she is in or on an ATV or UTV that is on a town ATV/UTV road. No person may possess on his or her person while he or she is in or on an ATV or UTV that is on a town road any bottle, can, or receptacle containing alcohol beverages if the bottle, can, or receptacle has been opened. The use or possession of open intoxicants by operators or passengers of ATVs or UTVs are strictly prohibited while utilizing ATV/UTV roads within the town.
- (13) No person may drive or operate an ATV/UTV while under the influence of alcohol or a restricted controlled substance, including absolute sobriety by operators under the age of 21.

#### **(E) ENFORCEMENT & PENALTIES**

- (1) This Ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.
- (2) Violations of this section shall incur the maximum penalties set forth in Wis Stats. s. 23.33(13), as may be amended from time to time.
- (3) Adoption of this section shall not prohibit any law enforcement officer or Department of Natural Resources Warden from proceeding under any other ordinance, regulation, statute, law, or order that pertains to the subject matter addressed under this section.

- (4) Wisconsin state All-Terrain Vehicle and Utility-Terrain Vehicle penalties are found in s. 23.33(13)(a) Wis. Stats, are adopted by reference.
- (5) The penalty for a violation of sections 10-4-2 (D)(1), (D)(2), (D)(3), (D)(4), (D)(6) and (D)(11) will result in a fine of \$85.00 plus court costs.
- (6) The penalty for a violation of sections 10-4-2 (D)(5), (D)(7), (D)(8), (D)(9), and (D)(10), will result in a fine of \$100 plus courts costs.
- (7) The penalty for a violation of sections 10-4-2 (D)(12) will result in a fine of \$200 plus court costs.
- (8) A violation of section 10-4-2 (D)(13) will be referred to the DNR, the Dane County Sheriff's Department, or Dane County Circuit Court.
- (9) A person who violates any provisions in this section three (3) times shall be considered a repeat offender and shall lose his or her privileges to operate or be a passenger on an ATV or UTV within the Town of Medina. Continued operation after being found guilty of three (3) violations of this section will result in impoundment of the ATV/UTV and a fine of \$200 plus court costs.

## **UNAUTHORIZED OPERATION OF MOTOR VEHICLES ON PUBLIC OR PRIVATE PROPERTY.**

### **(A) Purpose.**

- (1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands including damage or destruction of vegetation, animal life and improvement to the lands; and
- (2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution; and
- (3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and
- (4) The unauthorized off road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.

### **(B) Definitions.** For purposes of this Section, the terms below shall be defined as follows:

- (1) **Unauthorized** shall mean without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.
- (2) **Off-Road** shall mean any location which:
  - a. Is not a paved or maintained public road or alley; or
  - b. Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
  - c. Is a private trail for use only by the owner or his permittees for recreational or other vehicular use. Off-road shall not include any creek bed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creek bed, riverbed or lake.

- (3) **Operation** shall mean the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.
- (4) **Motor Vehicle** shall mean, for purposes of this Section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be so defined while:
- a. It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;
  - b. It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.
  - c. It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.


**(C) Unauthorized Off-road Operation Prohibited.**

- (1) The unauthorized off-road operation of a motor vehicle is prohibited.
- (2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas authorized by the Town Board, it shall be unlawful to operate any minibike, go-kart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Town roads, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the written consent of the owner before operation of such craft or vehicle on private lands.

This ordinance shall take effect upon its passage and publication or posting as required by law. All other sections of under this ordinance shall remain in full force and effect as drafted. Any Ordinance, or parts thereof, inconsistent herewith is hereby repealed.

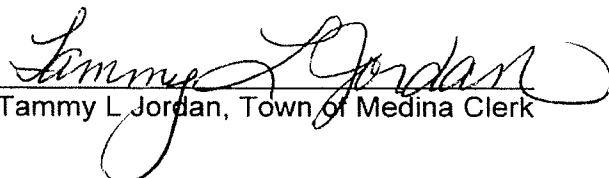
Adopted and approved this 10 day of March, 2021, by the Town of Medina Board of Supervisors of the Town of Medina, Dane County, Wisconsin. County, Wisconsin.

TOWN OF MEDINA by:

  
Todd Weinberger, Town of Medina Chairman

**ATTEST:** I, Tammy L Jordan, Town Clerk, do hereby certify that Ordinance 2021-01 has been approved by the Town of Medina Supervisors, Town of Medina, Dane County, Wisconsin, at a meeting held on March 10, 2021.

5 voting yes, 0 voting no, 0 abstaining, 0 absent

  
Tammy L Jordan, Town of Medina Clerk

VILLAGE OF BROOKLYN ORDINANCE CHAPTER 32

AN ORDINANCE TO CREATE

SECTION 32-55 OF CHAPTER 32 OF THE CODE OF THE VILLAGE OF BROOKLYN

REGARDING ALL-TERRAIN VEHICLES

(EFFECTIVE DATE MARCH 1, 2021)

THE BOARD OF TRUSTEES OF THE VILLAGE OF BROOKLYN DO ORDAIN AS FOLLOWS:

Section 32-55: Chapter 32, Traffic and Vehicles; Article III, Traffic Rules and Vehicle Operation; Section 32-55 All-Terrain Vehicles; of the Code of the Village of Brooklyn Code is hereby created to read as follows:

This section establishes All-Terrain Vehicle (ATV) and Utility Terrain Vehicle (UTV) routes pursuant to Wis. Stats. 23.33. Except as otherwise provided in this section, the provisions of Wis. Stats 23.33, and for which the penalty provision is a forfeiture, and Wis. Stat. Chaps. 340 to 348 with respect to ATVs and UTVs, and Wis. Admin Code Chap. NR 64 are hereby adopted by reference, including future additions and amendments, and made a part of this section. The definitions as stated in Wis. Stats 23.33, and Wis. Stat. Chaps. 340 to 348 with respect to ATVs and UTVs, and Wis. Admin Code Chap. NR 64 including any future additions and amendments, are adopted and incorporated herein by reference for purposes of this section. For purposes of this section, ATV/UTV shall mean all-terrain vehicles and utility terrain vehicles.

The purpose of this section is to establish an ATV/UTV route and to provide safe and enjoyable ATV/UTV recreation consistent with public rights and interests.

Applicability and enforcement.

The provisions of this section shall apply to the areas designated in Subsection (e) of this section.

Adoption of this section shall not prohibit any 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 section.

The following limitations apply to all areas designated in Subsection (e) of this section:

No ATV/UTV shall be operated at a speed in excess of that posted limit as indicated by official signs posted on the street.

No person shall operate an ATV/UTV upon any sidewalk, pedestrian way or upon the area between the sidewalk and the curblin of any street in the Village, except for the purpose of crossing to obtain immediate access to an authorized area.

No person shall leave or allow an ATV/UTV owned or operated by him or her to remain unattended on any public highway or property while the motor is running.

The operator of an ATV/UTV shall drive at all times in single file on the extreme right side of the street and shall yield to vulnerable highway users, as defined by Wis. Stats 340.01(74)(p) or its successor statute.

Designation of ATV and UTV Routes.

All Village maintained streets within the Village of Brooklyn boundaries are designated as ATV/UTV routes unless posted.

Pursuant to Wis. Stat. Sec. s. 23.33(11)(am)(4), ATVs/UTVs are authorized to operate on the following highways where the speed limits are 35 MPH or less:

STH 92 from Union Road to King Lake Road

STH 104 from Church Street to W. Holt Road

Adopted by the Board of Trustees of the Village of Brooklyn, Wisconsin, this 8th Day of March, 2021.

APPROVED:

Pat Hawkey, Interim Village President

ATTEST:

Linda Kuhlman, Clerk-Treasurer

Ayes:   6  

Nays:   0

Below is a list extracted from the DNR site highlighting a portion of the regulations.

- Head lamps and tail lamps must be lighted during operation.
- Your ATV/UTV must be equipped with 2 white head lamps, a red tail lamp, and red brake lamp.
- People can only ride on seats intended for passengers. Aftermarket seating is not allowed.
- All UTV passengers must have their seatbelts fastened at all times while on a route.
- All WI ATVs/UTVs being operated on public routes must be registered and display a rear plate. Non-resident machines require a temporary or annual trail pass.
- No person under 12 may operate an ATV on public routes. No person under 16 may operate a UTV on public routes.
- All ATV/UTV operators born on or after January 1, 1988 must possess a valid ATV safety certificate and have it on them when operating on public routes.
- An operator age 12-15, with a valid safety certificate, must be accompanied by an adult on the route.
- It is recommended that all ATV/UTV operators wear a helmet. It is required that operators and passengers under 18 wear an ATV or motorcycle helmet with the chin strap fastened. Bicycle helmets do not meet this requirement.
- It is illegal to operate an ATV/UTV, on a public route, while under the influence of alcohol or drugs.
- When operating on the roadway, you cannot pass other motor vehicles or ATVs/UTVs unless they are stationary/parked.
- If your ATV/UTV is not equipped with turn signals, you must use hand signals to indicate turning or stopping.
- You must operate on the extreme right side of the roadway surface, though a left-hand turn may be made from the middle of the lane.
- You must operate single file.
- You must slow your ATV/UTV to 10 mph, or less, when you are riding within 100 feet of any person who is not on a motorized vehicle. This includes, but is not limited to, joggers, bicyclists, etc.
- You must obey the speed limits at all times.
- You must obey regulatory signs such as stop and yield.
- No person will operate a machine that is louder than 96 decibels.
- ATVs/UTVs must be trailered to authorized use areas.