

## ATV/UTV OPERATION WITHIN THE LIMITS OF THE TOWN OF AURORA

### ORDINANCE 2023-1 – TOWN OF AURORA, WAUSHARA COUNTY, WI

#### Section 1 – Intent

The Town of Aurora, Waushara County, Wisconsin hereby adopts the following ordinance allowing for the operation of all-terrain vehicles (ATVs) and utility-terrain vehicles (UTVs) upon roadways listed in Section 3.

#### Section 2 – Statutory Authority

These routes are created pursuant to Town of Aurora authority as authorized by Wis. Stats. §§23.33(8)(b). The applicable provisions of Wis. Stats. §23.33 regulating ATV/UTV operations pursuant to routes are adopted.

#### Section 3 – Routes

- All Township roads and transportation-marked corridors within the Town of Aurora are hereby designated as ATV/UTV routes unless posted as closed to ATV/UTV traffic. All county highways located in the Town of Aurora are hereby declared as ATV/UTV routes if authorized by Waushara County. Bridges 1,000 feet or less on state and county highways located in the territorial boundaries in the Town of Aurora are hereby declared as ATV/UTV routes. Operators will cross the bridge in the most direct and practical manner and exit to the next connecting town or county road completing the route. All roadways on state or county roads of 35 MPH or less are hereby declared as routes.
- The Town of Aurora reserves the right to close or modify the routes at any time. Any restrictions of the routes shall be designated by a motion and by majority of the Town of Aurora Board and shall be marked accordingly.
- The designation of Town roads as an ATV/UTV route does not impose upon the Town a greater duty of care or responsibility for maintenance of those roads. Operators of ATVs/UTVs on Town roads assume all the usual and normal risks of riding that vehicle. The Town accepts no liability for the operation of ATVs/UTVs on any Town roads under this ordinance section.
- Routes must be signed in accordance with WI NR 64.12, WI NR 64.12(7)(c), and the requirements of the Waushara County Highway Commissioner, the responsibility of which will fall on the local ATV/UTV association/group, and subject to the Town's supervision and approval. No operation of ATVs/UTVs will be allowed until the route is properly signed.
- The primary use of the ATV/UTV route sign and arrow is to alert the route 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 Wis. Stats. §23.33(8)(e) or a combination thereof. The Town of Aurora may designate a preferred route to connect with other routes that connect to other municipalities.

#### Section 4 – Conditions

As a condition for the use of the route, all operators and passengers shall comply with the following conditions:

- All ATV/UTV operators shall abide by the provisions of Wis. Stats. §23.33, including all definitions existing and modified and adopted herein by reference.
- All ATV/UTV operators shall operate at no more than 35 MPH and shall follow any lower established speed limits.
- All ATV/UTV operators shall ride single file on the extreme right side of the paved road.
- All ATV/UTV operators shall only ride on the paved surface of the road.
- All ATV/UTV operators shall slow the vehicle to 10 MPH or less when operating within 150 feet of a dwelling or a person who is not operating an ATV/UTV, snowmobile, motorcycle or other motor vehicle, including but not limited to, pedestrians and non-motorized transportation such as bicycles and buggies.
- The routes will be open for public ATV/UTV usage daily from 5:00 a.m. – 11:00 p.m.
- All ATV/UTV operators under the age of 18 are required to wear a helmet and be accompanied by an adult.
- All ATV/UTV operators born after January 1, 1988 must have completed an ATV safety certification course and carry verification of such on their person.
- Operators must be at least 16 years of age and possess a valid driver's license.
- All ATV/UTV operators shall abide by all traffic laws.
- No ATV/UTV may be operated on any designated route without fully functional headlights and taillights.
- All operators shall have a liability insurance policy in force on any ATV/UTV operated on an ATV/UTV route with the following minimum coverage:
  - A. \$10,000.00 for property damage;
  - B. \$25,000.00 for the injury or death of one person;
  - C. \$50,000.00 for the injury or death of more than one person.

## **Section 5 – Enforcement**

Pursuant to Wis. Stats. §23.33(12)(a), any law enforcement officer authorized to enforce the laws of the State of Wisconsin has authority and jurisdiction to enforce this section and ordinances enacted in accordance with this section.

## **Section 6 – Penalties**

Wisconsin State ATV/UTV penalties as found in Wis. Stats. §23.33(13), are adopted by reference.

## **Section 7 – Severability**

The provision of this ordinance shall be deemed severable, and it is expressly declared that the Town of Aurora would have passed the other provisions of the ordinance irrespective of whether one or more provisions may be declared invalid. If any provision of the ordinance or the application to any person(s) or

circumstance(s) is held invalid, the remainder of the ordinance and the application of such provisions to the other person(s) or circumstance(s) shall not be deemed affected.

**Section 8 – Effective Date**

This ordinance becomes effective upon passage and posting.

**Effective Date:** 02/07/2023

**BOARD OF THE TOWN OF AURORA**

*CJ Young*

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C.J. Young, Chairman

*Andrew Przybyl*

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Andrew Przybyl, Supervisor

*Jeff Toll*

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Jeff Toll, Supervisor

*Ann Mosling*

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**ATTEST:** Ann Mosling, Clerk

**DATE:** 02/07/2023

**POSTED:** \_\_\_\_\_