

ORDINANCE NO. 17-03

The Village Board of the Village of Wilton does ordain as follows:

SECTION ONE: Section _____ of the Code of Ordinances is hereby created to read:

A. **Purpose.** The purpose of this Ordinance is to establish ATV/UTV routes in the Village of Wilton and to regulate the operation of all-terrain vehicles and utility terrain vehicles in the Village of Wilton.

B. **Authority.** The Village Board of the Village of Wilton has the specific authority to adopt this All-Terrain and Utility Terrain Vehicle Ordinance under s. 23.33(8)(b) and (11)(a), Wis. Stats., and 64.12 of the Department of Natural Resources Administrative Code.

C. **Ordinance.** The Village of Wilton designates ATV/UTV routes in the Village of Wilton and regulates the use of those routes and of ATV/UTVs in the Village of Wilton. Additionally the provisions describing and defining regulations with respect to ATV/UTV 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.

D. **Operation of All-Terrain Vehicles and Utility Terrain Vehicles.**

(1) Pursuant to s. 23.33(4)(d)4, Wis. Stats., except as otherwise provided in s. 23.33(4), Wis. Stats., no person may operate an ATV/UTV on the roadway portion of any highway in the Village of Wilton except on roadways that are designated as ATV/UTV routes by this Ordinance. Operation of all-terrain vehicles ATV/UTVs on a roadway in the Village of Wilton that is an ATV/UTV route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions. All ATV/UTV shall operate only the paved portion of the roadway. Operation on the sidewalks, shoulders, ditches or other highway right-of-way is prohibited and illegal.

(2) All ATV/UTV operators shall observe a speed limit of not more than 15 MPH.

(3) All ATV/UTV riders shall ride in single file on the right-hand side of the paved portion of the road. **Headlights shall be turned on and in working order at all times while operating on the route.**

(4) All ATV/UTV riders shall ensure that the vehicle they are operating is properly registered with the State of Wisconsin Department of Natural Resources and shall properly display the registration decal, unless exempt from registration under State law. Owner must have liability insurance coverage and must carry an insurance card.

(5) Safety Certificate.

(i) No person who is at least 16 years of age and who is born on or after January 1, 1988, may operate a utility terrain vehicle or all-terrain vehicle unless he or she holds a valid safety certificate issued by the department, another state, or a province of Canada.

(ii) Any person who is required to hold an all-terrain vehicle or utility terrain vehicle safety certificate while operating an all-terrain vehicle or utility terrain vehicle shall carry the certificate on the all-terrain vehicle or utility terrain vehicle and shall display the certificate to a law enforcement officer on request.

(6) All ATV/UTV operators and passengers under 18 years old shall wear protective headgear while operating on Village of Wilton streets.

E. Designation of All-Terrain Vehicle and Utility Terrain Vehicle Routes. The following routes are designated ATV/UTV routes in the Village of Wilton:

- (1) All Village of Wilton streets (except Hwy 71/131-except to cross)
Designated Route from Water Street to Midway Avenue on Hwy 131

F. Conditions Applicable to All-Terrain Vehicle and Utility Terrain Vehicle Routes.

(1) Routes shall be marked with uniform ATV/UTV route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking Village ATV/UTV routes:

(i) Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of any uniform 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.

(ii) Possess any uniform ATV/UTV route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform ATV/UTV route or trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.

(2) Operation shall be subject to all provisions of s. 23.33 Wis. Stats., which is adopted as a part of this Ordinance by reference, pursuant to s. 23.33(11), Wis. Stats.

(i) The Village of Wilton retains the right to close any and all routes due to misuse. The following are some, but not all, examples: exceeding the ATV/UTV speed limits, creating ruts in the gravel roads, doing donuts in the road and any other misuse.

(3) A copy of this Ordinance shall be sent by the Village of Wilton Clerk to the Department of Natural Resources and the Monroe County Sheriff's Department.

(4) Under the direction of the Village of Wilton, ATV/UTV route signs shall be provided by and shall be installed by the ATV/UTV Kendall Mustang Riders Club. Signage shall be inspected annually and maintained by the Club or their successor(s). The Village of Wilton shall be notified immediately of any change in responsibility for maintenance of the ATV/UTV route signs. Should any signs require replacement by the Village of Wilton (due to failure of the Club to maintain), they will be billed to the Club and their successor(s) at the cost of sign and labor.

G. Liability. All operators of ATV-UTV vehicles travel at their own risk. The Village of Wilton will not be liable for any damages, injuries, or any liability caused by or from such operations within the Village of Wilton.

H. Enforcement. This Ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin and any officer employed by the Village of Wilton or any other law enforcement official as set forth in Wisconsin Statutes 23.33(12) additionally as stated in the Village of Wilton citation authority ordinance adopted per s. 66.0113.

I. Penalties. The penalties under s. 23.33(13)(a), Wis. Stats., are adopted by reference.

SECTION TWO – SEVERABILITY. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION THREE – EFFECTIVE DATE. This Ordinance is effective on publication or posting or the installation of all ATV/UTV signs, whichever comes latest.


George Dougherty, Village President

ATTEST:


Lori Brueggen, Village Clerk

READ: 03-13-17

PASSED: 03-13-17

POSTED: 03-17-17

ORDINANCE NO. 17-09

Ordinance Amending Ordinance No. 17-03

The Village Board of the Village of Wilton does ordain as follows:

SECTION ONE: Ordinance No. 17-03, Section E, is amended to read:

E. **Designation of All-Terrain Vehicle and Utility Terrain Vehicle Routes.** The following routes are designated ATV/UTV routes in the Village of Wilton:

(1) All Village of Wilton streets (except Hwy 71/131-except to cross)

(2) The Village of Wilton designates State Trunk Highway 131 from Water Street to Midway Avenue, which includes the Kickapoo River bridge, as an ATV route under Wis. Stat. ss. 23.33(4)(d)3.b. and 23.33(11)(am)3.

SECTION TWO. All other Ordinances in conflict with the foregoing are hereby repealed.

SECTION THREE. This Ordinance shall take effect upon passage and posting.


George Dougherty, Village President

ATTEST:


Lori Brueggen, Village Clerk

READ: 04-10-17
PASSED: 04-10-17
POSTED: 04-17-17