

**All-Terrain and Utility Terrain Vehicles Route Ordinance 2015-07  
Amended February 12,2018**

STATE OF WISCONSIN

VILLAGE OF KENDALL

MONROE COUNTY

SECTION I - TITLE AND PURPOSE

The title of this ordinance is the Village of Kendall All-Terrain and Utility Terrain Vehicle ATV/UTV Route Ordinance. The purpose of this ordinance is to establish ATV/UTV routes in the Village of Kendall and to regulate the operation of all-terrain vehicles and utility terrain vehicles in the Village of Kendall.

SECTION II - AUTHORITY

The Village Board of the Village of Kendall, Monroe County, Wisconsin, 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.

SECTION III - ADOPTION OF ORDINANCE

This ordinance adopted on proper notice with a quorum and roll call vote by a majority of the Kendall Village Board present and voting, provides the authority for the Village of Kendall to designate ATV/UTV routes in the Village of Kendall and to regulate the use of those routes and of ATV/UTV's in the Village of Kendall. 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.

SECTION IV - OPERATION OF ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES

A. 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 Kendall 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 Kendall 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.

B. All ATV/UTV operators shall observe a speed limit of not more than 25 mph or the posted roadway speed limit, whichever is lower, and shall proceed at 10MPH or less when around pedestrian traffic.

C. All ATV/UTV riders shall ride in single file on the right hand side of the paved portion of the road.

D. All ATV/UTV riders shall ensure that the vehicle they are operating is properly registered with the State of Wisconsin Department of Transportation and shall properly display the registration decal, unless exempt from registration under state law.

E. Safety Certificate

1. 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 unless he or she holds a valid safety certificate issued by the department, another states, or a province of Canada.

2. 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.

F. All ATV/UTV operators and passengers under 18 years old shall wear protective headgear while operating on Village of Kendall roads.

SECTION V - DESIGNATION OF ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES

The following routes are designated ATV/UTV routes in the Village of Kendall: Residents of the Village of Kendall are permitted to ride their ATV/UTV directly to and from their residences on all Village of Kendall Streets to the closest point where they can join any one of the following already existing ATV/UTV routes: County Road "P", County Road "W" and Moccasin Avenue. Also, per the February 12, 2018 Village Board meeting residents CAN NOW drive on State Highway 71 from the bridge on the east end of West South Railroad St to the bridge on the west end of West South Railroad St.

SECTION VI - CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES

A. 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 town ATV/UTV routes:

1. 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 standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.

2. 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.

B. 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.

1. The Village of Kendall 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.

C. A copy of this ordinance shall be sent by the Village of Kendall clerk to the Department of Natural Resources, the Monroe County Sheriff's Department.

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

#### SECTION VII - ENFORCEMENT

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

#### SECTION VIII - PENALTIES

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

#### SECTION IX - 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 X - EFFECTIVE DATE

This ordinance is effective on publication or posting or the installation of all ATV/UTV signs whichever comes latest.

The Village of Kendall clerk shall properly publish this ordinance as required under s. 61.50(1), Wis. stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Attested by: \_\_\_\_\_  
Lynne I. Hanson  
Clerk

Signed: \_\_\_\_\_  
Richard L. Martin  
Village President

Drafted by:  
Attorney Kathryn D. Schmidt  
Sparta, WI 54656