

## ORDINANCE NO. 2010-02

STATE OF WISCONSIN

Town of Kewaskum

Washington County

### SECTION I - TITLE AND PURPOSE

The title of this ordinance is the Town of Kewaskum All-Terrain Vehicle Ordinance. The purpose of this ordinance is to regulate the operation of all-terrain vehicles in the Town. The Ordinance shall be part of Section 7 of the Traffic Code listed as Section 7.12.

### SECTION II - AUTHORITY

The Town Board of the Town of Kewaskum, Washington County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle Ordinance under s. 23.33(8)(b) and (11), Wis. Stats.

### SECTION III - ADOPTION OF ORDINANCE

This ordinance adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town to designate all-terrain vehicle routes in the Town and to regulate the use of those routes and all-terrain vehicles in the Town.

### SECTION IV - REGULATION OF ALL-TERRAIN VEHICLES

- A. Except as otherwise specifically provided in this ordinance, the statutory provisions of 340.01(2g) and 23.33 Wis Stats., and Admin Code NR64, describing and defining regulations with respect to all-terrain vehicles are adopted by reference and made part of this Section as if fully set forth in this Section.
- B. No person may operate an all-terrain vehicle on any highway, road, road right-of-way, or Town property within the Town. All Town roads, Town road right-of-ways, and Town property is officially closed to all-terrain vehicle traffic and operation of all-terrain vehicles. There are no all-terrain vehicle trails or routes established in the Town or by the Town.
- C. The following additional regulations apply to the operation of all-terrain vehicles on private property:
  1. No person may operate an all-terrain vehicle on the property of another without the property owner's and tenant-in-possession's written consent.
  2. No person may operate an all-terrain vehicle on private property at any time within 150 feet of the property of another without the other property owner's consent.
    - a. This provision (c)(2) of Section IV, does not apply if the operator of an all-terrain vehicle is operating the all-terrain vehicle on the operator's own

private property or is accompanied by the owner of the private property, and is in compliance with Section IV (C) 4 below.

3. No person may operate an all-terrain vehicle with more than one (1) passenger.
4. No person may operate an all-terrain vehicle on private property at any time in a manner so as to race the engine or in a manner which causes unnecessary or unusual noise or which annoys, disturbs, injures or endangers the comfort, health, peace or safety of others, their livestock or their animals.
5. No person may operate an all-terrain vehicle on private property in a manner which violates s.23.33 Wis. Stats., or any rules promulgated by the Wisconsin Department of Natural Resources; including all registration and safety requirements set forth therein.

This Section does not apply if the all-terrain vehicle is an implement of husbandry, if the all-terrain vehicle is used exclusively for agricultural purposes and if the all-terrain vehicle is registered for private use under s.23.33 Wis. Stats. Operation of an all-terrain vehicle which is an implement of husbandry on a roadway is authorized only when used as an implement of husbandry and only on the extreme right side of the roadway except that left turns may be made from any part of the roadway which is safe given prevailing conditions.

This Section does not apply on roadways if the operator of the all-terrain vehicle is a person who holds a Class A or Class B Permit under s.29.193(2) Wis. Stats. and who is traveling for the purposes of hunting or is otherwise engaged in activity authorized by said permit.

This Section does not apply to the crossing of a roadway; only if the crossing is done in the most direct manner practicable, if the crossing is made at a place where no obstruction prevents a quick and safe crossing, and if the operator stops the all-terrain vehicle prior to the crossing and yields the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway.

This Section does not apply to the operator of an all-terrain vehicle owned by a municipality, state agency, while the operator is engaged in an emergency or in the operation of an all-terrain vehicle directly related to the functions of the municipality, state agency, if safety does not require strict adherence to Section 23.33(4)(d) and (e) Wis Stats.

This Section does not apply to the operator of an all-terrain vehicle who is engaged in land surveying operations, if safety does not require strict adherence to the restrictions set forth in Section 23.33(4)(d) and (e) Wis. Stats.

SECTION V - ENFORCEMENT

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

SECTION VI - PENALTIES

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

SECTION VII - 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 VIII - EFFECTIVE DATE

This ordinance is effective on publication or posting.  
The Town clerk shall properly publish this ordinance as required under s.60.80 Wis. Stats.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Town of Kewaskum  
Town Board

\_\_\_\_\_  
By: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_

\_\_\_\_\_  
By: \_\_\_\_\_

Attest: \_\_\_\_\_  
Nancy Boden, Town Clerk