

Town of Eaton

An ordinance Creating Article IXX of the Town of Eaton Code of Ordinances Regulating the Use of All Terrain Vehicles and Utility Terrain Vehicles and Designating the Routs therefore.

The town board of the Town of Eaton hereby ordains as follows:

SECTION I: The intent of this chapter is to establish routes and provide for the safe operations of ATVs and UTVs upon designated roadways within the Town of Eaton.

SECTION II: Article IXX of the Town of Eaton code of ordinances is hereby created to read as follows:

Designation and Regulation of ATV and UTV Routes.

- (1) Adoption of State ATV and UTV Laws and Definitions: State ATV and UTV laws and definitions found in Wisconsin State Statues 23.33 and Wisconsin Administrative Code NR 64 are adopted by reference and fully incorporated herein by reference, pursuant to Wisconsin State Statues 23.33 (11)(a).
- (2) Routes
 - a. Any Town road that is signed in accordance with NR64.12 and NR 64.12(7)c (as those sections may hereafter be amended) may be used by ATVs and UTVs in accordance with such signage and as provided by the applicable portions of State Statue 23.33 Wis. Stats and this ordinance.
 - b. The following roads cannot be used by ATVs or UTVs:
 - All lettered County Highways (T, P, QQ, JJ, R)
 - State Highway 29
- (3) Local Regulation. The operator of an ATV/UTV shall obey all State of Wisconsin laws regarding the operation of ATVs/UTVs and the following conditions:
 - a. No person may operate an ATV or UTV on the roadway portion of any highway in the town unless it has been designated and properly signed, in accordance with Wisconsin Natural Resources Administrative Code NR 64.12 (7)(c) as an ATV and/or UTV route, by this ordinance.
 - b. ATV/UTV routes in the Town of Eaton will be open from 5am-11pm and closed from 11pm-5am year around.
 - c. All ATV and UTV operators shall ride on extreme right side of the pavement except that left turns may be made from any part of the roadway which is safe given prevailing condition, but shall not operate on the shoulders or in the ditch.
 - d. All ATV and UTV operation on any portion of a designated route shall not exceed 25 miles per hour (MPH) or the posted speed limit for ATV and UTV whichever is lower.
 - e. All ATV and UTV operation on any portion of a designated route shall be single file in a line of ATVs and or UTVs arranged one behind another.
 - f. No person may operate an ATV or UTV on a designated route or roadway unless:
 - The person is twelve (12) years of age or older and has obtained a SAFETY CERTIFICATE from the Department of Natural Resource and accompanied by an adult.
 - In addition to State Statue 23.33 age requirements, a valid driver's license is required for ATV/UTV operators 16 and older.
 - g. All ATVs and UTVs operating on any portion of an established designated ATV or UTV route shall display lighted headlight(s) and taillights conforming to Wisconsin State Statue 23.33 equipment requirement at all times.
 - h. The Town of Eaton requires an ATV/UTV operator to obtain an use permit to operate the vehicle on the Town of Eaton roads. The use permit is a \$20.00 sticker to be purchased every two years. Complete application, mail application and fee to Town Treasurer. Town Treasurer will return a dated sticker to be applied to the windshield of the vehicle or visible on front of vehicle.

(4) Enforcement. This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

(5) Penalties:

- a. Any person who violates this section shall forfeit not more than \$250.
- b. Nothing in this ordinance is intended to foreclose the enforcement of the provisions of state law with regard to ATV and UTV operation, specifically including §23.33 Wis. Stats. In a court of competent jurisdiction.

SECTION III: The provisions of this ordinance shall be deemed severable, and it is expressly declared that the Town would have passed the other provisions of this chapter irrespective of whether one or more provisions may be declared invalid. If any provision of this chapter or the application to any person or circumstances is held invalid, the remainder of the chapter and the application of such provisions to other person's circumstances shall not be deemed affected.

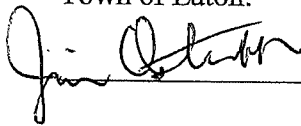
SECTION IV: The Town clerk shall immediately send a copy of the ordinance to the Wisconsin Department of Natural Resources (WDNR), to the state traffic patrol, and to the Brown County Sheriff's Department per Wisconsin State Statute 23.33 (11)(b).

SECTION V: This ordinance shall become effective upon its passage and posting according to law.

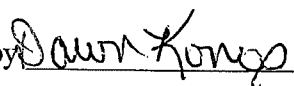
SECTION VI:

Adopted the 11th day of September, 2017. Motion made by Kevin Taicher, and seconded by Ron DeGrand. Motion Carried.

Town of Eaton:



Jim Osterloh, Chairman

Attested by  Dawn Konop, Clerk