

ORDINANCE NO. 84

UTILITY TERRAIN VEHICLES AND ALL-TERRAIN VEHICLES (UTV&ATV)

The Town Board for the Town of Geneva, Walworth County, Wisconsin, does ordain that the Town of Geneva Ordinance No. 84 is hereby created as follows.

All-Terrain and Utility Terrain Vehicle Routes and Regulations.

Section 1. Authority

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

Section 2. Purpose

The purpose of this Chapter is to establish all-terrain vehicle and utility terrain vehicle routes in the Town of Geneva and to regulate the operation of all-terrain vehicles and utility terrain vehicles in the Town.

Section 3. Definitions

This Chapter adopts Chapter 23.33 Wis. Stats. and NR64.03 Wis. Adm. Code, describing and defining all-terrain vehicles, utility terrain vehicles, and their definitions found therein by reference as part of this ordinance.

Section 4. Applicability of Rules of the Road to All-Terrain and Utility Terrain Vehicles

These all-terrain and utility terrain vehicle regulations are created pursuant to Town authority by § 23.33(8)(b), Wis. Stats. This ordinance is intended to facilitate the implementation of § 23.33(8) and § 23.33(11) of the Wisconsin Statutes. To the extent necessary to accomplish this, § 23.33, Wis. Stats., is hereby adopted by reference as part of this ordinance. Additionally, this ordinance incorporates and adopts the provisions of Wisconsin Administrative Code NR 64. In the event that any provision of this ordinance is inconsistent, or conflicts with that statute, the statute shall govern, and not this ordinance.

Section 5. Operation of All-Terrain Vehicles and Utility Terrain Vehicles

Pursuant to Wis. Stat. '23.33(4)(d)4., except as otherwise provided in Wis. Stats. '23.33(4), no person may operate an all-terrain vehicle upon any public right-of-way, in any public park, in cemeteries, or on any other public property in the Town except upon all-terrain vehicle routes designated by the Town Board in this ordinance. All ATV routes shall be marked with uniform

all-terrain vehicle route signs in accordance with Wis. Stat. '23.33(8)(e), and Wis. Admin Code NR 64.12(7).

Section 6. Regulations relating to All-Terrain and Utility Terrain Vehicle Signs

No person may do any of the following in regard to signs marking town all-terrain and utility terrain vehicle routes: intentionally remove, damage, deface, move or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain or utility terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.

No person may possess any uniform all-terrain or utility terrain vehicle route or trail sign or standard of the type established by the Department of Natural Resources for the warning, instruction, or information of the public, unless he or she obtain the uniform all-terrain or utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain or utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

Section 7. Designation of All-Terrain and Utility Terrain Vehicle Routes

All Town of Geneva roads shall be all-terrain/utility terrain vehicle routes except for any part of Highway 50 or any part of Highway 12.

Section 8. Route Maintenance

The designation of town roads as an all-terrain and utility terrain vehicle route does not impose upon the Town a greater duty of care or responsibility for maintenance of those roads. Operators of all-terrain vehicles and utility terrain vehicles on town roads assume all the usual and normal risks of riding that vehicle. The Town accepts no liability for the operation of all-terrain or utility terrain vehicles on any town roads under this ordinance section.

Section 9. Additional Conditions of Operation

- a) Operation of an all-terrain or utility terrain vehicle on a posted all-terrain or utility terrain vehicle route shall, in addition to all of the statutory regulations found in Wis. Stat. '23.33, adhere to the following provisions:
- b) The speed limit for all-terrain and utility terrain vehicles shall be established at the same speed limit as the speed limit posted for automobiles on each town road. All other all-terrain and utility terrain vehicle speeds shall conform to the speed limitations found in §23.33(3).
- c) All-terrain and utility terrain vehicles shall be operated on paved surfaces only, unless yielding the right-of-way.
- d) All all-terrain and utility terrain vehicle operators shall ride single file.

- e) No all-terrain or utility terrain vehicle may be operated on any designated town all-terrain or utility terrain vehicle route without fully functional headlights, tail lights, and brake lights.
- f) No all-terrain or utility terrain vehicle can be operated on any designated town all-terrain or utility terrain vehicle route between the hours of 11:00 p.m. and 5:00 a.m. daily, unless a different restriction on the hours of operation has been specified by the Town Board and notice of the same has been duly posted on the designated town all-terrain and utility terrain route.
- g) All all-terrain and utility terrain operators shall ride on the right-hand side of the paved portion of the town all-terrain vehicle route unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches or other town road right of way is prohibited, unless yielding the right-of-way.
- h) No all-terrain or utility terrain vehicle may be operated in any careless way so as to endanger the person or property of another.
- i) No person under the age of sixteen (16) may operate an all-terrain or utility terrain vehicle on a designated town all-terrain or utility terrain vehicle route unless accompanied by his or her parent or guardian or by a person who is at least eighteen (18) years of age who is designated by the parent or guardian.
- j) No person under the age of eighteen (18) may operate an all-terrain or utility terrain vehicle on any designated town all-terrain or utility terrain vehicle route unless wearing protective head gear.
- k) Any person operating an all-terrain or utility terrain vehicle upon any town roads shall have a valid driver's license.
- l) No person who is under current driver's license suspension, revocation, or cancellation for any reason, may operate an all-terrain or utility terrain vehicle upon any town roads.
- m) All all-terrain and utility terrain vehicle operators shall yield the right-of-way to all other vehicular traffic and pedestrians.
- n) No all-terrain or utility terrain vehicle operator shall have a passenger riding in or on any part of an all-terrain vehicle that is not designated or intended to be used by passengers.
- o) All-terrain and utility terrain vehicles cannot be operated on anything else other than tires. This restriction does not apply to private property or frozen waters.
- p) An all-terrain and utility terrain vehicle operating on a town road may not be modified so that its maximum width exceeds the width allowed for an all-terrain vehicle.
- q) No person shall, while operating an all-terrain or utility terrain vehicle, engage in the practice of cruising on any town designated all-terrain vehicle route. Cruising is defined as running all or part of the length of a roadway multiple times, per day, back and forth, for any purpose other than departing or arriving at their residence, or place of lodging, or departing or arriving, at a public boat landing.

Section 10. License and Insurance

Unless otherwise stated elsewhere in this ordinance, every person who operates an all-terrain or utility terrain vehicle on a town designated all-terrain vehicle route shall have in his or her immediate possession a valid motor vehicle operator's license and shall display the license

document upon demand from any law enforcement officer or official described in Wis. Stat. §23.33(12). Every person who operates an all-terrain vehicle on a town designated all-terrain vehicle route, and every all-terrain vehicle operated on a town designated all-terrain vehicle route shall carry liability, and/or other insurances consistent with Wisconsin State Law for the operation of an all-terrain vehicle.

Section 11. Enforcement

This ordinance shall be enforced by any law enforcement official as set forth in §23.33(12), Wis. Stats., including the issuance of a citation under §66.0113, Wis. Stats.

Section 12. Penalties

All penalties found in Wis. Stat. §23.33(13)(a) are adopted by reference.

Section 13. Filing

This ordinance and revisions thereof shall be sent by the Town Clerk to the Department of Natural Resources, the Town Police Department, the Walworth County Sheriff's Department and any other law enforcement agency servicing the Town of Geneva's jurisdiction.

Section 14. Severability

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid and if any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 15. Separability

If any Section, Subsection, Sentence, Clause, or Phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other Section, Subsection, Sentence, Clause, or Phrase hereof. The Town Chairman and Town Board of the Town of Geneva hereby declares that it would have passed this Ordinance and each Section, Subsection, Sentence, Clause, Phrase, or Portion thereof irrespective of the fact that any one or more Sections, Subsections, Sentences, Clauses, Phrases, or Portions thereof may be declared invalid or unconstitutional.

Section 16. Effective Date.

The repeal of the existing Ordinance and the passage of the Ordinance herein shall take effect from and after its adoption by the Town Board and upon posting a publication thereof as provided by the Statutes of the State of Wisconsin.

This Ordinance shall take effect upon its passage and publication, as provided by law.

This Ordinance was adopted this 15th day of July, 2024,
by a vote of 3 in favor 2 against (Kopecky, Kulik) 0 abstain.