

14.0400 ALL TERRAIN VEHICLE / UTILITY TERRAIN VEHICLE ROUTES

14.0401 AUTHORITY

The Town of Lakewood adopts the provisions of this Ordinance pursuant to the authority of Wis. Stats. §23.33 (8)(b) and §23.33 (11).

14.0402 REGULATION OF ALL-TERRAIN VEHICLES (ATV and UTV)

Except as otherwise specifically provided in this Ordinance, the statutory provisions of Wis. Stat. §23.33, Wis. Stats. §340, Wis. Admin. Code NR §64, describing and defining regulations with respect to all-terrain vehicles are adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any statute or administrative code incorporated herein by reference is required or prohibited by this Code. Any future amendments, revisions, or modifications of the statutes or administrative code incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of all-terrain vehicles.

14.0403 OPERATION OF ATVs or UTVs ON ATV ROUTES

The operation of an ATV or UTV on a roadway that is an approved ATV Route and signed in accordance with Wis. Stat. §23.33(8)(e) by Oconto County or any city, town or village is subject to the provisions set forth in this Ordinance, as well as all other applicable statutory provisions.

14.0404 APPROVED ATV/UTV ROUTES

Town roadways designated as ATV/UTV routes shall be established and approved by the Lakewood Town Board. Any modification to a designated ATV/UTV route shall be approved by the Lakewood Town Board. All maintained roads within the Town of Lakewood (Oconto County), are acceptable for year round travel for DNR currently registered ATVs and UTVs, with the exception of all state roads within the township, specifically State Highway 32. All town roads are designated for ATV/UTV use with the following exceptions:

- (a) After the enactment of this ordinance, the Lakewood Town Board may by resolution close or restrict any specific town roadway or segment of town roadway to ATV/UTV use. Closed or restricted roadways or segments of roadway will be signed in accordance with this ordinance and a copy of closed or restricted ATV/UTV routes, along with a map showing their location, shall be kept on file at the Oconto County Sheriff Department.

The Lakewood Town Board has the authority to close or restrict ATV/UTV use on any of the roadways under its jurisdiction if damage to the roadway results or where public safety is adversely affected as a result of ATV/UTV use.

- (b) Year-round usage of such routes/town roads will commence as of revision effective August 14, 2023

14.0405 SPEED LIMITS

ATV/UTVs shall obey posted speed limits on Town Roads.

14.0406 ATV/UTV ROUTES ONLY ON ROADWAY

All ATVs and UTVs shall operate only on the paved portion of the roadway unless otherwise indicated herein. Operation on the gravel shoulders, grassy inslope, ditches, or other roadway

right-of-way is prohibited and illegal.

14.0407 OPERATION OF ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES ON TOWN ROADWAYS

ATV/UTV operation shall be subject to all provisions of Wis. Stats. §23.33, Wis. Stats. §340, and NR 64, which are adopted as part of this ordinance by reference. In addition:

- (a) No person may operate an ATV or UTV on Town roadways unless the owner or operator has in effect a liability insurance policy providing coverage consistent with the liability insurance required for automobile operators by the State of Wisconsin and has in his or her immediate possession proof that he or she is in compliance.
- (b) Persons 16 years of age or older must possess a valid driver's license to operate an ATV or UTV on a Town roadway.
- (c) No persons under the age of 16 may operate an ATV or UTV on Town roadways during the hours between sunset and sunrise.
- (d) No one under 12 years of age is allowed to operate an ATV or UTV on a Town roadway and all operators born after January 1, 1988, are required to have an ATV Safety Certificate.
- (e) No person under 16 years of age may operate an ATV or UTV on a Town roadway unless the person is accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian. Anyone accompanying those under 16 years of age must possess a valid driver's license.
- (f) No person may operate or be a passenger on an ATV or UTV without wearing protective headgear of the type required in section 347.485(1)(a), Wis. Stats. unless the person is at least 18 years of age.
- (g) All ATVs and UTVs shall display either a Wisconsin registration or a Nonresident Trail Pass while operating on town roadways.
- (h) All ATV/UTV operators shall ride in single file on the far-right hand side of the paved portion of the roadway, unless otherwise marked for operation on the shoulder or in the right of way except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
- (i) All ATV/UTV operators are required to display a lighted headlamp and taillamp while operating on a Town/County roadway.
- (j) Open intoxicants are prohibited for ATV/UTV operators or passenger(s) while operating on a Town/County roadway.
- (k) Every ATV/UTV shall be equipped, maintained and operated to prevent excessive or unusual noise. No person shall operate an ATV/UTV on a Town/County roadway unless such ATV/UTV is equipped with a muffler or other noise suppressing system in good working order and in constant operation. It shall be unlawful to use a muffler cutout, bypass or similar device on any ATV/UTV in a manner such that noise emitted by the ATV/UTV increases to a level higher than as originally manufactured.
- (l) A golf cart is not an ATV or UTV. Operation of golf carts on town roads is prohibited.

- (M) ATV/UTV Speed limit on all County Roads is same as automobiles unless otherwise posted.
- (N) ATV/UTV Speed limit on all Town roads is the same as automobiles unless otherwise posted. This will be reviewed yearly.

14.0408 SIGNAGE OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTES

- (a) The Town of Lakewood Highway Department has sole responsibility for ATV/UTV signage on Town roads entering the Town. Roadways shall be marked with uniform all-terrain vehicle route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code and Wis. Stats. Sec. 23.33.
- (b) ATV clubs shall be responsible for the cost and posting of signs on all trails entering the Town of Lakewood.
- (c) ATV/UTV operation shall be subject to all provisions of WI Stats. 23.33, which is adopted as part of this ordinance by reference. Pursuant to Wisconsin Statutes 23.33(8)(f). No person may do any of the following in regard to signs marking all-terrain vehicle routes:
 - (1) 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 vehicle route or trail sign.
 - (2) Possess any uniform all-terrain vehicle 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 all-terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

14.0409 ENFORCEMENT

This ordinance shall be enforced by any law enforcement office authorized to enforce the laws of the Town of Lakewood, Oconto County, Wisconsin set forth in Wisconsin Statute 23.33(12).

14.0410 VIOLATIONS/PENALTY

Wisconsin state All-Terrain Vehicle ATV/UTV Penalties as found in Wis. Stats. 23.33 (13) (a) and found in the Town Code Schedule, are adopted by reference.

14.0411 SEVERABILITY

The provisions of this ordinance shall be deemed severable, and it is expressly declared that County/Town would have passed the other provisions of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall be deemed affected. This ordinance will be reviewed annually.

14.0412 MAINTENANCE

Designation of segments of the Town of Lakewood Roadway System as ATV/UTV routes does not impose upon the Town of Lakewood a greater duty of care or responsibility for maintenance

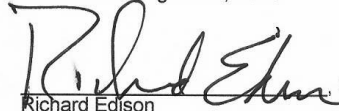
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those segments than for any other segment of Town roadway. Operators of ATV's/UTV's on Town roadways assume all the usual and normal risks of ATV/UTV operation.

Effective Date

This ordinance becomes effective upon passage and publication.


Passed this August 14, 2023


Richard Edison, Chairperson

Attested:


Michelle Moczynski, Clerk


Scott VanLaanen, Supervisor


Dan Urfer, Supervisor