

TOWN OF NEWTON

ORDINANCE #101117

ORDINANCE TO ESTABLISH ALL-TERRAIN/UTILITY-TERRAIN VEHICLES (ATV'S/UTV'S) ROUTES AND REGULATIONS FOR THE OPERATION OF ALL ATV'S/UTV'S IN THE TOWN OF NEWTON, MANITOWOC COUNTY, WISCONSIN.

The Town Board of the Town of Newton, Manitowoc County, Wisconsin do ordain as follows:

1. TITLE AND PURPOSE. The title of this ordinance is the Town of Newton All-Terrain/Utility Terrain Vehicle (ATV'S/UTV'S) Route Ordinance. The purpose of this ordinance is to establish ATV/UTV routes on designated Town of Newton roads as roads owned and maintained by the Town of Newton, and to regulate ATV/UTV operation on such ATV/UTV routes.

2. AUTHORITY. The designation of All-Terrain/Utility Terrain vehicle routes is created pursuant to authority provided to the Town of Newton as authorized by Wis. Stats. Section 23.33(8)(b) and 23.33(11).

3. ADOPTION. The Town of Newton, Manitowoc County, Wisconsin, by this ordinance, adopted on proper notice with a quorum and majority vote of the Town Board of the Town of Newton present and voting, provides the authority for the Town of Newton to designate ATV/UTV Routes on Town of Newton roads and to regulate the use of ATV'S/UTV'S on those roads.

4. OPERATION. Pursuant to Wis. Stats. Section 23.33(4)(d)4, except as otherwise provided in Wis. Stats. Section 23.33(4), no person may operate an ATV/UTV on the roadway portion of any Town of Newton roads except portions designated as ATV/UTV routes under this ordinance. Operation of ATV'S/UTV'S

on Town of Newton roads that are designated as ATV/UTV routes is authorized only for the extreme right side of the roadway, not the shoulders, not ditches, except that left turns may be made from any part of the roadway that is safe given prevailing conditions.

5. ROUTES. No portion of any Town of Newton roads shall be deemed to be an ATV/UTV route unless it is properly signed

6. REQUIREMENTS AND CONDITIONS APPLICABLE TO ATV/UTV ROUTES AND USE. Pursuant to Wis. Stats. Section 23.33(8), the following requirements and conditions are placed on all operators and passengers for the use of ATV/UTV routes upon any portion of Town of Newton roads designated by this ordinance:

A. The Town of Newton, Manitowoc County, Wisconsin hereby adopts the applicable provisions of Wis. Stats. Section 23.33 regulating ATV/UTV operations. These provisions may be found at dnr.wi.gov or the DNR call center at [1-888-936-7463](tel:1-888-936-7463).

B. Routes shall be marked with uniform ATV/UTV route signs in accordance with Wis. State NR 64.12 and NR 64.12(7)(c), Wis. Adm. Code. No person may do any of the following with respect to signs marking ATV/UTV routes upon any designated portion of Town of Newton roads.

1. Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route sign or standard if the sign or standard is legally placed by the state, any municipality, Town of Newton or any authorized individual.

2. Possess any uniform ATV/UTV route sign or standard of the type established by the state, any municipality, or Town of Newton for the warning, instruction or information of the public, unless he or she obtained the uniform ATV/UTV route sign or standard in a lawful

manner. Possession of a uniform ATV/UTV route sign or standard creates a rebuttable presumption of illegal possession.

C. ATV/UTV routes are designated and marked as ATV/UTV routes only. It is a privilege to use any ATV/UTV route within the Town of Newton. Stay on the routes, riding in illegal areas can close and or restrict riding opportunities for everyone. The Town of Newton reserves the right to close, open, designate, or terminate the use of any or all ATV/UTV routes within the Town of Newton.

D. SPEED LIMIT AND OTHER RESTRICTIONS FOR OPERATORS OF
ATV'S/UTV'S.

1. Unless otherwise posted for ATV/UTV speed limits, all operators of ATV'S/UTV'S shall observe the posted roadway speed limits for motor vehicle traffic.
2. Must obey all regulatory signs, such as stop signs, yield signs and speed limit signs.
3. Must operate in a single file.
4. Must have your headlamps on and tail lamps on.
5. All children age 12-15 must be accompanied by an adult while operating on a designated ATV/UTV route, regardless if they possess an ATV Safety Certificate.
6. All ATV/UTV operators and passengers under the age of 18 are required to wear a DOT standard ATV or Motorcycle helmet. Bicycle helmets do not meet the requirement.
7. Must not operate at speeds that are unreasonable or improper.

8. Must not operate in a careless manner so that it endangers a person or property.
9. Must not operate on public property in areas where such operation is prohibited by signage and/or local rule or law.
10. Must not operate on private property without the permission of the owner or lessee. Failure to post the property does not give you the authority to ride there.
11. You may not allow a person to operate if they are prohibited by law or have not obtained the required safety certificate (or are underage), or are incapable of operating because they are physically or mentally unable to exercise physical control over the speed or direction of the machine, or are under the influence of alcohol or drugs.
12. You must stop your machine after being requested or signaled to do so by a law enforcement officer.
13. You must obey all laws and rules as set forth by Wis. Statss. Section 23.33 relating to WIS. ATV/UTV laws and operations as published in PUB-LLE-500-2014.

7. ENFORCEMENT. This ordinance shall be enforced by any law enforcement officer authorized to enforce laws of the State of Wisconsin.

8. PENALTIES. Wisconsin state all-terrain vehicle penalties as found in Section 23.33(13)(a), Wis. Stats., are adopted by reference.

9. SEVERABILITY. 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 ordinance irrespective 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 not be deemed affected.

10. PRECEDENCE. This ordinance replaces an ordinance previously created by the Town of Newton relating to ATV/UTV operations on town roads specifically Ordinance #8917 passed by the Newton Town Board on August 9, 2017.

11. Copies of this ordinance shall be provided to the Manitowoc County Highway Department, Manitowoc County Sheriff's Department, and local DNR Wardens.

12. EFFECTIVE DATE. This ordinance shall take effect on the day following its publication.

ADOPTED this 11th day of October, 2017.

NEWTON TOWN BOARD

Roger Busse, Chairman

Denise Thomas, Supervisor #1

Mark Knorr, Supervisor #2

CERTIFICATION:

I, Barbara Pankratz, Clerk of the Town of Newton, Manitowoc County, WI do hereby certify that the above is a true and correct copy of an ordinance that was adopted on the 11th day of October, 2017 by the Town Board of the Town of Newton.

Barbara Pankratz, Town Clerk

