

# Town of Kossuth

## ATV / UTV Ordinance

### Ordinance 2020-3

An ordinance designating All-Terrain / Utility-Terrain Vehicle (ATV / UTV) routes and regulations for the operation of ATV's / UTV's upon the roadways in the Town of Kossuth, Manitowoc County, Wisconsin.

Following due consideration of the recreational value, provide work and agricultural related travel, and weighed against possible dangers, public health, liability aspects, terrain involved, traffic density, and history of automobile traffic, this ordinance has been created.

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

1. **TITLE and PURPOSE:** The title of this ordinance is the Town of Kossuth ATV / UTV Ordinance. The purpose of this ordinance is to establish ATV /UTV routes on designated Town of Kossuth roads and to regulate ATV /UTV operation on such ATV / UTV routes. Town of Kossuth roads are defined as "only those roads within the borders of the Town of Kossuth that are owned and maintained by the Town of Kossuth".
2. **AUTHORITY:** The designation of ATV / UTV routes is created pursuant to Town authority under Wisconsin Stats. 1.1.01 and as authorized by Wisconsin Stats. Section 23.33(8)(b) and 23.33(11).
3. **ADOPTION:** The Town of Kossuth, Manitowoc County, Wisconsin, by this ordinance, adopted on proper notice with a quorum and majority vote of the Town Board of the Town of Kossuth present and voting, provides the authority for the Town of Kossuth to designate ATV / UTV Routes on Town of Kossuth 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 Kossuth roads except portions designated as ATV / UTV routes under this ordinance. Operation of ATV's / UTV's on Town of Kossuth roads that are designated as ATV / UTV routes is authorized only for the extreme right side of the roadway, not the shoulders, ditches, or other portions of the right of way, except that left turns may be made from any part of the roadway that is safe, given the prevailing conditions.
5. **ROUTES:** All Town of Kossuth roads shall be open to ATV / UTV travel and designated as routes unless otherwise posted.
6. **CONDITIONS:** The following conditions shall apply to all operators (and passengers where applicable):
  1. Observe all posted speed limits and regulatory signs.
  2. All ATV / UTV operators shall ride single file.

3. All ATV /UTV operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling.
4. Conform to all State Statutes and Administrative Codes regarding registration, noise, and equipment requirements.
5. Comply with State certification requirements for operation including age, and helmet use.

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

8. **PENALTIES:** Wisconsin State All-Terrain Vehicle penalties found in Stats. 23.33(13)(a) are adopted by reference.

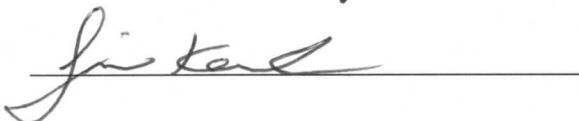
9. **SEVERABILITY:** The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town of Kossuth would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons circumstances shall not be deemed affected.

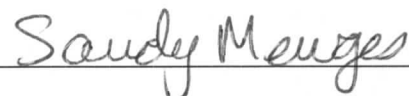
10. **EFFECTIVE DATE:** This ordinance becomes effective on January 1, 2021

Passed this 10<sup>th</sup> day of August, 2020

BY:  Town Chairperson

 Supervisor #1

 Supervisor #2

ATTEST:  Town Clerk