

ORDINANCE NO. 2021-02

**AN ORDINANCE TO CREATE SECTION 28.18 OF THE TOWN ORDINANCES
REGULATING THE USE OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLES**

THE TOWN BOARD OF TOWN OF IXONIA DOES HEREBY ORDAIN AS FOLLOWS:

Section 28.18 of the Town Code is created as follows:

SECTION I:

28.18 ATV/UTVs

- (a) **PURPOSE.** The purpose of this ordinance is to establish All-Terrain Vehicle (ATV) and Utility Terrain Vehicle (UTV) routes in the Town of Ixonia and to regulate the operation of ATV/UTVs in the town.
- (b) **AUTHORITY.** The Town Board of the Town of Ixonia, Jefferson County, Wisconsin, has the specific authority to adopt this ATV/UTV Route Ordinance under s. 23.33 (8)(b) and (11), Wisconsin statutes.
- (c) **OPERATION OF ATV/UTVs.** Pursuant to s. 23.33 (4) (d) 4., Wis. Stats., except as otherwise provided in s. 23.33 (4), Wis. Stats., no person may operate an ATV/UTV on the roadway portion of any highway in the town except on roadways that are designated as ATV/UTV routes by this ordinance. Operation of ATV/UTV on a roadway in the town that is an ATV/UTV route is authorized only for the extreme right of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
- (d) **DESIGNATION OF ATV/UTV ROUTES.**
 - 1. **Adoption of State ATV and UTV Laws and Definitions:** State ATV and UTV law and definitions found in Wisconsin State Statutes 23.33 and Wisconsin Administrative Code NR 64 are adopted by reference and fully incorporated herein by reference, pursuant to Wisconsin State Statutes 23.33 (11)(a).
 - 2. **Routes:** Any town road that is signed in accordance with NR 64.12 and NR 64.12(7)c (as those sections may hereafter be amended) may be used by ATV's and UTV 's in accordance with such signage and as provided by the applicable portions of 23.33 Wis. Stats and this ordinance.
 - 3. **Designation:** Under Wis. Stat. s. 23.33(8)(b)1, the Town of Ixonia designates all town roads as an ATV and UTV Route.
- (e) **CONDITIONS APPLICABLE TO ATV/UTV ROUTES.** Pursuant to s. 23.33(8)(d), Wisc. Stats., the following restrictions are placed on the use of the town ATV/UTV routes:

1. Routes shall be marked with uniform ATV/UTV route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code. No person may do any of the following regarding signs marking town ATV/UTV routes:
 - a. Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard, or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
 - b. Possess any uniform ATV/UTV 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 ATV/UTV route or trail sign in a lawful manner. Possession of all uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.
2. Operation shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted as a part of the ordinance by reference, pursuant to s. 236.33(11), Wis. Stats.

(f) ADDITIONAL RESTRICTIONS AND APPLICABLE TIME PERIODS.

1. All ATV/UTV Operators must be 16 years of age or older.
2. A valid Department of Transportation driver's license is required to operate any ATV/UTV on a designated route within the town.
3. All ATV/UTV vehicles must be operated in a single file.
4. No ATV/UTV operator shall exceed the posted speed limit of the road being traveled.
5. All ATV/UTV riders under the age of 18 must wear a helmet.
6. All ATV/UTV 's must be operated on (paved or graveled) road surfaces only.
7. No ATV/UTV 's may be operated on road shoulders or in road ditches.
8. Any and all ATV/UTV routes may be closed at any time at the discretion of the Town of Ixonia.
9. ATV/UTV operators are required to have applicable liability insurance
10. All ATV/UTV 's shall have headlights, taillights, and brake lights
11. All ATV/UTV 's must always have their headlights and taillights on
12. AVT/UTV 's may not be operated on any Town of Ixonia road between the hours of 11:00 p.m. and 5:00 a.m.
13. All ATV/UTV operations are subject to Wisconsin Department of Natural Resources ATV/UTV Laws and Regulations.
14. No ATV/UTV operator may travel the same route more than once every half hour in any area deemed residential.
15. Operation of an ATV/UTV within any municipal park is prohibited, with the exception of designated parking areas.

(g) ENFORCEMENT. This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

(h) PENALTIES. The penalties under s. 23.33 (13)(a), Wis Stats. are adopted by reference.

SECTION II. MISCELLANEOUS.

The Clerk is directed to send a copy of this ordinance to the Department of Natural Resources and the Jefferson County Sherriff's Department.

SECTION II – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION X – EFFECTIVE DATE

This ordinance is effective upon publication or posting. The Town Clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

Published and/or posted this 16th day of September 2021.

/s/ Perry T. Goetsch, Chairman

/s/ Nancy J. Zastrow, Town Clerk/Treasurer