



Ordinance Number 66

An Ordinance allowing and regulating the use of All-Terrain Vehicles (ATV) and Utility-Terrain Vehicles (UTV) and designating ATV/UTV Routes in the Town of Oakland

Section 1 - General

Following due consideration of the recreational and economic value to access businesses and residences weighted against possible dangers, public health, public safety, liability aspects, terrain involved, traffic density and other traffic risks, this ordinance is enacted pursuant to sections 59.02 and 23.33 Wis. Stats., and the provisions of the Wisconsin Administrative Code NR 64 regulating ATV operation, which is hereby incorporated and adopted.

Section 2 - Applicability and Enforcement

The provisions of this Ordinance shall apply to all roads within the jurisdiction of the Town of Oakland and the provisions of this ordinance shall be enforced by the Oakland Police Department.

Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law, or order that pertains to the subject matter addressed under this section.

Section 3 - Limitations

The following limitations apply on all areas designated in this Ordinance:

Operators and passengers of all ATVs/UTVs shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including, but not limited to, section 23.33 Wis. Stats. and Wisconsin Administrative Code NR 64.

This Ordinance incorporates by reference all definitions under section 23.33 Wis. Stats. and Wisconsin Administrative Code NR 64 and any other applicable Wisconsin Law defining ATVs/UTVs and regulating ATV/UTV use unless this Ordinance states otherwise.

ATVs/UTVs shall be operated on the extreme right side of the roadway on the paved surface.

ATVs/UTVs may be operated on paved surfaces only, unless yielding the right of way.

ATV/UTV operators are required to have applicable liability insurance.

ATVs/UTVs shall not be operated at a speed greater than the posted speed limits and in no case greater than 35 miles per hour.

ATVs/UTVs may not be operated on any town road route without fully functional headlights, taillights, and brake lights.

ATVs/UTVs may not be operated on any town road between the hours of 10:00 p.m. and 5:00 a.m.

No person may operate an ATV/UTV on any town road without a valid driver's license and shall display the license upon demand from any law enforcement officer or official described in section 23.33(12) Wis. Stats.

Section 4 - ATV/UTV Routes

Routes designated for ATV/UTV use shall be established and approved by the Oakland Town Board. Any modification to the routes designated for ATV/UTV use shall be approved by the Oakland Town Board.

The routes designated as an ATV/UTV vehicle route shall be as follows: All Oakland town roads within the Town of Oakland.

The Oakland Town Board shall have the authority to suspend operation on any town road or segment thereof due to hazards, construction, emergency conditions, road damage, or any other issue deemed appropriate for public safety. Routes subsequently removed as an ATV/UTV vehicle route will be posted on the town’s website.

Section 5 - Route Signs

All initial required route signs will be installed and maintained by the Oakland Public Works Department.

All signs shall be in compliance with the Federal Manual on Uniform Traffic Control Devices (MUTCD).

No person may erect or, remove any official designated route sign unless authorized by the Oakland Town Board in writing.

No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

Section 6 - Penalties

This Ordinance shall be enforced by the Oakland Police Department or any law enforcement official as set forth in section 23.33(12) Wis. Stats., including the issuance of a citation under section 66.0113 Wis. Stats.

The penalties set forth in section 23.33(13)(a) Wis. Stats., are adopted and incorporated by reference herein.

Section 7 - Severability

Should any sub-section, clause, or provision of this ordinance be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part declared invalid.

Section 8 - Maintenance

Designation of segments of Oakland town roads as ATV/UTV routes does not impose upon the Oakland Public Works Department a greater duty of care or responsibility for maintenance of those segments than for any other segment of a town road. Operators of ATV/UTVs on town roads assume all the usual and normal risks of ATV/UTV operation.

Section 9 - Effective Date

This Ordinance shall be effective upon enactment and publication.

Town of Oakland, By:

Town Chair

Attest:

Clerk/Treasurer

Vote: Aye: _____ No: _____

Published: _____