

**TOWN OF LAFAYETTE
CHIPPEWA COUNTY
STATE OF WISCONSIN
ORDINANCE 2017-__**

**AN ORDINANCE DESIGNATING ALL-TERRAIN VEHICLE AND UTILITY-TERRAIN VEHICLE
ROUTES AND REGULATING THE OPERATION OF ALL TERRAIN VEHICLES AND UTILITY
TERRAIN VEHICLES IN THE TOWN OF LAFAYETTE, CHIPPEWA COUNTY, WISCONSIN**

A. Purpose.

The primary purpose of this section is to provide for a safe means for town residents and visitors to use all-terrain vehicles and utility-terrain vehicles on designated town roads to facilitate access to trail systems located in the county or in adjoining counties.

B. State Laws Adopted.

1. In accordance with Wis. Stat. § 23.33(11), the Town of Lafayette intends to enact this ordinance in strict conformity with state law encompassing all aspects of the regulation of all-terrain and utility terrain vehicles encompassed in Chapter 23, Wisconsin Statutes.
2. The statutory provisions of Wis. Stat. § 23.33 and the defining regulations found in Chapter NR 64, Wisconsin Administrative Code, with respect to the regulation of all-terrain and utility terrain vehicles including all future amendments thereof, are hereby adopted by reference and made part of this section as fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this section.
3. The operator of an all-terrain and utility terrain vehicles on a roadway is subject to Sections 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.215(3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1) and 346.94(1) and (9), but is not subject to any other provision of Chapter 346 of the Wisconsin Statutes. The forgoing provisions of state law in regard to the operation of all-terrain and utility terrain vehicles as set forth in Wis. Stat. § 346.02(11) as such section by heretofore be amended and including any and all such amendments are hereby adopted by reference and made part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this section.

C. Definitions.

1. *All-Terrain Vehicle* means an engine-driven device which has a net weight of 900 pounds or less, which is originally manufactured with a width of 50 inches or less, which is equipped with a seat designed to be straddled by the operator and which is designed by the manufacturer to travel on three or more low-pressure tires.
 2. *All-Terrain Vehicle Club* means a club consisting of individuals that promotes the recreational use of all-terrain vehicles.
 3. *All-Terrain Vehicle Route* means a highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction as authorized under this section.
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4. *Operate* means to exercise physical control over the speed or direction of an all-terrain vehicle or to physically manipulate or activate any of the controls of an all-terrain vehicle necessary to put it in motion.
5. *State Trunk Highway* means any highway designated pursuant to §§ 84.02 or 84.29, Wisconsin Statutes as part of the state trunk highway system, exclusive of connecting highways.
6. *Street* means every highway within the corporate limits of a Town of Lafayette except alleys.
7. *Utility Terrain Vehicle* means any of the following:

A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:

- A net weight, without fluids, of 2,000 pounds or less.
- four or more low pressure or non-pneumatic tires.
- A steering wheel.
- A tail light.
- A brake light.
- Two headlights.
- A width of not more than 65 inches.
- A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
- A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.

D. Purpose for Authorization.

Road and road segments may be added and authorized as all-terrain vehicle routes through the following process:

1. A property owner within the town must petition the town to add or remove a road or road segment.
 2. The Town Board shall, within 120 days of receipt of the petition, review the petition and make a determination as to whether the road or road segment in question is appropriate for use as permitted under this article or whether the road should be removed. The Town Board shall
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make this determination

3. The Town Board shall hold a public hearing on the petition. This public hearing may be held in conjunction with a regularly scheduled Town Board meeting. That public hearing shall be considered first consideration of a proposed change to the Town's Municipal Code. The board shall make reasonable efforts to ensure residents on affected roads are given notice of the public hearing.
4. If the Town Board gives tentative approval to the ordinance change at first consideration, the board shall bring the matter up for second consideration at the next regularly scheduled meeting of the board.

E. Designation of ATV Routes.

1. The all-terrain vehicle routes and access roads, as identified in Section J, are open year-round.
2. The Town Board may, by resolution, designate any town-owned highway as a temporary all-terrain vehicle route for a period not to exceed ten days for the purpose of facilitating a special event. All such temporary routes shall be properly signed as required by Wisconsin Administrative Code.

F. Conditions of use.

To operate an all-terrain vehicle a person must:

1. Be 16 years of age or older.
2. Possess an all-terrain vehicle safety certificate unless the operator was born on or before January 1, 1988.
3. Operate at a speed no faster than vehicle speed limit of 35 miles per hour or as posted.
4. The town has the right to designate Quiet zones at any time.
5. Operate only on the right side of the roadway in single-file formation with all four tires remaining on paved surfaces, as applicable;
6. Operate with headlights on at all times.
7. Operate an all-terrain vehicle with current valid registration and properly displayed registration plate pursuant to Wis. Stat. 23.332(2)(c).
8. Operate no earlier than one-half hour before sunrise and one-half hour after sunset.
9. Wear a DOT-approved helmet, if under 18 years of age.

G. Signage.

The Town of Lafayette shall maintain the supervisory responsibility of ensuring that all all-terrain vehicle routes identified in Section J are signed in compliance with standards, requirements, and regulations established by federal, state, and local governments and their respective departments and agencies, including, but not limited

to the Wisconsin Department of Natural Resources. The Town of Lafayette may delegate installation and maintenance of signs to an ATV Club. The designated ATV Club, in coordination with the Town Board shall:

1. Post all-terrain vehicle route signs as required by state law accompanied by 35 miles per hour ATV speed limit signs, or other limit approved by the Town Board;
2. Post signage indicating the termination of routes in locations as directed by the Town Board;
3. Post local-use-only signs in locations as directed by the Town Board
4. Post quiet-zone signs in locations as directed by the Town Board.

H. Penalties.

Wisconsin state All-Terrain Vehicle penalties as found in Wis. Stat. § 23.33(13) are adopted by reference.

I. Enforcement.

This section shall be enforced by any law enforcement officer of Chippewa County, Wisconsin, including the Chippewa County Sheriff's Department and Wisconsin of Natural Resources Conservation Wardens. For the purpose of enforcement of this section, any law enforcement officer reserves the privilege of stopping any person operating an ATV/UTV on any roadway in the Town of Lafayette to determine if it is being operated legally under the terms specified in this section, as well as any other Town of Lafayette ATV/UTV ordinances and state statutes

J. All-Terrain Vehicle Routes.

Pursuant to Wis. Stat. § 23.33(8), the following streets and portions of streets are designated all-terrain vehicle routes as defined in Section NR 64.12 Routes, Wisconsin Administrative Code, within the Town of Lafayette:

1. Routes East of County Hwy K:

- 75th Avenue from CTY HWY K to dead end
 - 203rd Street from CTY HWY K to intersection of 72nd Avenue
 - 72nd Avenue from intersection of 203rd Street to intersection of 70th Avenue
 - 70th Avenue from intersection of 72nd Avenue to intersection of 210th Street
 - 57th Avenue from intersection of 210th Street to dead end
 - 45th Avenue from intersection of 220th Street to dead end
 - 216th Street from intersection of 45th Avenue to dead end
 - 210th Avenue from intersection of 70th Avenue to intersection of 10th Avenue
 - 220th Avenue from CTY HWY X to intersection of 10th Avenue
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- 10th Avenue from CTY HWY K to intersection of 220th Street
- 20th Avenue from CTY Hwy K to intersection of 220th Street
- 30th Avenue from CTY HWY K to intersection of 220th Street
- 40th Avenue from CTY HWY K to intersection of 220th Street
- 50th Avenue from CTY HWY K to dead end

2. Routes West of County Hwy K:

- 197th Street from 5765 (Town Hall) to merger with 195th Street
 - 195th Street from merger with 197th Street to intersection of 40th Avenue
 - 50th Avenue from intersection of 195th Street to CTY HWY K
 - 40th Avenue from intersection of 190th Street to CTY HWY K
3. No person shall operate an all-terrain or utility terrain vehicle on any Town of Lafayette street or public property not designated as an all-terrain vehicle route or trail or in the manner provided in section J of this code.
 4. The operation of all-terrain and utility terrain vehicles will not be permitted on state trunk highways except as may be necessary to cross the same and then in strict compliance with state law
 5. Unless otherwise specifically provided, utility terrain vehicles shall be permitted to operate on the all-terrain vehicle routes in the same manner and subject to the same restrictions as all-terrain vehicles.
 6. The routes and trails designated by this ordinance may from time to time be amended by action of the Lafayette Town Board after reviewing the recommendation of law enforcement regarding any such amendment. The Town Clerk shall promptly update this section upon publication of any ordinance changing the route designations provided for in this article and shall make copies of this section available to the public at the office of the Town Clerk.

K. Additional Regulations.

1. No person shall operate an all-terrain or utility terrain vehicle within the Town of Lafayette except as permitted under this article and subject to the state laws incorporated herein.
2. All-terrain and utility terrain vehicles shall not be operated on any sidewalks unless approved by Lafayette Town Board and designated with signs.

L. Exemptions. Town of Lafayette owned vehicles are exempt from this article of the code.

M. Effective Date. This ordinance is effective on publication or posting.

N. Severability.

The provision of this ordinance shall be deemed severable and it is expressly declared that the 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 persons circumstances shall not be deemed affected.

O. The Town Clerk shall properly post or publish this ordinance as required under Wis. Stat. § 60.80.

Adopted this _____ day of December, 2017.

Town Board:

David Staber

Jeff Peck

Tom Larson

Dave Hunt

Sharon McIlquham

Attest:

Laura Konwinski, Clerk