

2020-0309
State of Wisconsin

Town of Hull

Portage County

**Ordinance Designating All-Terrain Vehicle and Utility-Terrain Vehicle Routes and
Regulating the Operation of All-Terrain and Utility-Terrain Vehicles**

Section 1: Intent

The Town of Hull, Portage county adopts the following All-Terrain Vehicle(hereon referred to as ATV) and Utility-Terrain Vehicle (hereon referred to as UTV) routes for the operation of ATVs and UTVs upon the roadways as listed in Section 5 and to regulate such operation of ATVs and UTVs in the Town of Hull.

Section 2: Authority

The Town Board of the Town of Hull, Portage County, Wisconsin has the specific authority to adopt this ATV and UTV Route Ordinance under s23.33 (8) (b) and (11), Wis.Stats..

Section 3: Adoption of Ordinance

This Ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides the Town of Hull the authority to designate ATV and UTV routes in the Town of Hull and provides for the regulation of the use of those routes and of ATVs and UTVs in the town.

Section 4: Operation of ATV and UTV

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.

Section 5: Designation of All-Terrain Vehicle and Utility-Terrain Vehicle Route:

See attached map.

Section 6: Conditions

Pursuant to s.23.33 (8) (d), Wis. Stats., the following restrictions are placed on the use of town ATV/UTV routes designated by this resolution:

- A. Routes shall be marked with uniform ATV/UTV route signs in accordance with s.NR 64.12(7), Wisconsin Administrative Code.
- B. No person may do any of the following to signs marking ATV/UTV routes:
 1. 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 sign or standard, if the sign or standard is legally placed by any authorized individual.
 2. Possess any uniform ATV/UTV route 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 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. Operation shall be subject to all provisions of s.23.33, Wis stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33 (11), Wis stats.
- D. A copy of this ordinance shall be forwarded by the town Clerk to the Portage County Sheriff's Department, the Wisconsin State Patrol and the Wisconsin Department of Natural Resources.
- E. This ordinance is probationary for 6 months from the date of adoption. It is reviewable annually at the Town Board meeting in April of each year. In addition, this ordinance is reviewable if any any board member requests, with proper notice, that the ATV/UTV Ordinance review be added to the agenda to a Town Board meeting Board members may request a review for, but not limited to, any of the following reasons: compliance issues, complaints, damage to town roads, damage to property, accidents or injuries, signage concerns, and new apparent hazards. The town board may rescind this ordinance at any time with proper notice to the Portage County Sheriff's department, Wisconsin State Patrol, and the Wisconsin Department of Natural Resources.
- F. Additional Restrictions are as follows:
 - 1. All ATV/UTV operators of all ages are encouraged to complete a certification and safety course. Operators at least 12 years old, born after January 1, 1988 must possess a valid ATV safety Certificate issued by the Wisconsin Department of Natural Resources, another state, or a province of Canada, and must possess this certificate while operating on Town of Hull Routes.
 - 2. All ATVs and UTVs shall be registered for Public Use and shall display a plate attached to the rear of the vehicle with the identifying information.
 - 3. All ATV/UTV routes are open from one hour before sunrise and until one hour after sunset.
 - 4. Maximum speed limit for ATV/UTVs on all town roads shall be 35 mph unless otherwise posted at a speed limit lower than 35 mph.
 - 5. All ATV/UTV riders shall ride single file.
 - 6. All ATV/UTV riders under the age of 18 must wear a helmet. All other operators are highly encouraged to wear a helmet.
 - 7. All ATVs and UTVs must have headlights and taillights on at all times.
 - 8. ATV/UTV routes will be open all 12 months of a year.
 - 9. Any and all ATV routes may be closed at any time at the discretion of the Town of Hull for temporary conditions that make ATV/UTV travel on the roads hazardous.
- 10. All Wisconsin Statutes related to the operation of an ATV/UTV while under the influence of alcohol or a restricted controlled substance will be strictly enforced, including absolute sobriety by ATV/UTV operators under the age of 21. No open intoxicants are allowed while operating on, or as a passenger in, any ATV/UTV while operating on Town roads.
- 11. Liability insurance is not required to operate an ATV/UTV in the Town of Hull. However, as an owner/operator of an ATV/UTV riding on Town roads the owner/operator assumes liability for any action or inaction on the part of the operator that caused accident or injury to self or others or damage to vehicle or other property. Therefore, having a liability policy covering the vehicle being operated and such operator having in his or her immediate possession a certificate or proof of insurance covering such vehicle would be strongly recommended.
- 12. Local ATV/UTV Clubs will be active in the encouragement of the use of proper insurances, safety practices for all ATV/UTV riders, and become engaged in other issues relating to the overall use of ATVs/UTVs on Hull roads, as needed.

Section 7: Enforcement

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

Section 8: Penalties

The penalties under s.23.33 (13), Wis stats are adoptable by reference. (See attached list)

Section 9: Severability

Should any provision of this ordinance or its application to any person or circumstance be 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 10: Other:

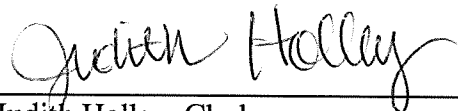
Any costs associated with necessary signs will be borne by ATV/UTV clubs and the potential use of grants. The Town will handle or supervise installation and maintenance.

Section 11: Effective Date:

The ordinance becomes effective upon passage and publication.

Adopted this 9th day of March, 2020


David Pederson, Acting Chairperson

Attest: 
Judith Holley, Clerk

Published: June 3, 2020