

All-Terrain/Utility Terrain Vehicles and Routes
Town of Waupun, Fond du Lac County, Wisconsin

Section 1 – Intent:

The Town of Waupun, Fond du Lac County adopts the following all-terrain vehicle (ATV) and Utility Terrain Vehicle (UTV) Route Ordinance upon the roadways listed herein. Following due consideration of the recreational value to connect trail opportunities and weighed against possible dangers, public health, liability aspects, terrain involved, traffic density and automobile traffic volume, this route has been created.

Section 2 – Statutory Authority:

This route is created pursuant to Town authority as authorized by 23.33 (8) (b), Wis. Stats. The applicable provisions of 23.33 regulating ATV/UTV operations pursuant to routes are adopted.

Section 3 - Definitions:

“Operator” is defined as a person who operates an all-terrain vehicle or utility terrain vehicle, who is responsible for the operation of an all-terrain vehicle or utility terrain vehicle or who is supervising the operation of an all-terrain vehicle or utility terrain vehicle.

“All-terrain vehicle” (ATV) is defined as a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more low-pressure tires or non-pneumatic tires.

“Utility terrain vehicle” (UTV) is defined to mean any of the following:

1. 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. A weight, without fluids, of 2,000 pounds or less.
 - b. Four or more low-pressure tires or non-pneumatic tires.
 - d. A steering wheel.
 - e. A tail light.
 - f. A brake light.
 - g. Two headlights.
 - h. A width of not more than 65 inches.
 - j. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.

- k. 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.
2. A commercially designed and manufactured motor driven device to which all of the following applies:
 - a. It has a weight, without fluids, of more than 900 pounds but not more than 2000 pounds.
 - b. It has a width of 50 inches or less.
 - c. It is equipped with a seat designed to be straddled by the operator.
 - d. It travels on 3 or more low-pressure tires or non-pneumatic tires.

Section 4 – Operation of ATV / UTV:

1. Operation of all-terrain vehicles and utility terrain vehicles is authorized only upon those Town of Waupun roads designated for such use by this ordinance and in accordance with the conditions set forth in Section 5, below.

Section 5 - Designation of Routes:

1. The Town of Waupun reserves the right to close or modify routes at any time.
2. The Town of Waupun, or its designee, shall maintain all route signs within the township.
3. All ATV/UTV routes shall be signed in accordance with NR 64.12, and NR 64.12(7). If a route is not signed it is not open for use.
4. ROUTES DESIGNATED. The following roads are designated ATV/UTV Routes in the Town of Waupun:

All Town roads within the Town of Waupun are hereby designated as ATV/UTV routes. Authorized private lands subject to public easement or leases are designated trails. All county roadways located in the Town of Waupun are hereby declared as ATV/UTV routes if authorized by the County of Fond du Lac. All state highways and county highways with a speed limit of 35 MPH or less are designated as routes.

5. The Town of Waupun will maintain a route and trail map.

Section 6 – Conditions:

1. All ATV/UTV operators on routes shall observe posted roadway speed limits; not to exceed 35 MPH.

2. All ATV/UTV operators shall ride single file.
3. Operators of an ATV/UTV shall observe all laws of this state pertaining to the use of an ATV/UTV.
4. ATV/UTV designated routes are closed for operation of an ATV/UTV between the hours of 10:00 P.M. to 6:00 A.M. daily.
5. A person operating an ATV/UTV within the Township of Waupun must be at least 16 years of age and have been issued a valid state driver's license. During time of operation the operator/owner shall have in their possession a valid motor vehicle operator's license.
6. An operator of a ATV/UTV shall at all times of operation upon any designated Town road have the ATV/UTV headlights and tail lights activated.
7. When making directional turns all operators must use signal lights or hand signals.
8. Operation of an ATV/UTV is limited to the paved portion of the Town road. Operation of an ATV/UTV upon Town road shoulders, ditches or other road right-of-ways is prohibited.
9. No person under the age of 18 shall operate an ATV/UTV on any Town road unless wearing protective head gear.

Section 7 – Enforcement:

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

Section 8 – Penalties:

Wisconsin State ATV/UTV penalties as found in s.23.33(13)(a) Wis. Stats., are adopted by a reference.

Section 9 – Severability:

The provision of this ordinance shall be deemed severable and it is expressly declared that the Township of Waupun would have passed the other provisions of this ordinance irrespective of whether or not one or more provision 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 the other person's circumstances shall not be deemed affected.

Section 10 – Effective Date:

This ordinance becomes effective upon passage and publication as required under §60.80, Wis. Stats.

Passed this _____ day of _____, 2020.

TOWN OF WAUPUN, WISCONSIN

Randy Vande Slunt, Chairman

Attest:

Susan Alsum, Town Clerk