

## Chapter 36

### All-terrain vehicle (ATV) and Utility Terrain Vehicle (UTV) Routes and Regulation

**Any ordinances heretofore adopted by the town board on this subject are hereby repealed.**

STATE OF WISCONSIN  
Town of New Denmark  
Brown County

**36.01 PURPOSE AND INTENT.** The Town of New Denmark, Brown County adopts the following all-terrain and utility terrain vehicle routes and regulations to facilitate the operation of all-terrain and utility terrain vehicles upon the town roadways designated as ATV and UTV routes as listed herein. The Ordinance is adopted following the due consideration of the will and desire of the town residents as evidenced by the resolution of the electors adopted at the 2020 annual meeting of the electors to enact such an ordinance, the recreational value to connect trail opportunities in neighboring municipalities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic.

**36.02 AUTHORITY.** The Town Board has the specific authority to adopt this Ordinance designating ATV and UTV routes and regulation of the use of ATVs and UTVs in the town under s.23.33(8)(b) & s.23.33(11) Wis. stats.

**36.03 ADOPTION OF ORDINANCE.** The Town Board of the Town of New Denmark, Brown County, Wisconsin, by this ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the town board present and voting, provides the authority for the town to designate all-terrain and utility terrain vehicle routes in the town and to regulate the use of those routes and all-terrain and utility terrain vehicles in the town.

**36.04 DEFINITIONS.** The definitions set forth in s.23.33(1)(a) – (np)Wis. Stats. are hereby adopted and incorporated by reference as the official definitions for those terms as they appear within this Ordinance including “all-terrain vehicle” as defined in ss. 23.33(1)(b) & 340.01(2g) Wis. Stats. and “utility terrain vehicle” as defined in s. 23.33(ng) Wis. Stats.

#### **36.05 STATE LAWS ADOPTED.**

A. State Laws Regulating Use of ATVs/UTVs.

The provisions describing and defining regulations with respect to all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) in the following-enumerated Subsections of s. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Ordinance as if fully set forth herein. The statutory sections adopted by reference herein shall be designated as part of this Code of Ordinances by adding the prefix "36.05-" to

each statute section number. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

- 23.33(2) Registration
- 23.33(3) Rules of operation [including Subsections (a) through (i)]
- 23.33(4) Operation on or near highway [including Subsections (a) through (e)]
- 23.33(5)(a)(c) Age Restrictions
- 23.33(6) Equipment requirements [including Subsections (a) through (e)]
- 23.33(7) Accidents [including Subsections (a) and (b)]
- 23.33(1) Definitions [including Subsections (a) through (n)]

B. State Laws Regarding Rules of the Road

To the extent applicable to the use and operation of all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) on designated routes all operators shall additionally comply with the Rules of the Road as required by the following-enumerated Subsections of Ch. 346, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Ordinance as if fully set forth herein. The statutory sections adopted by reference herein shall be designated as part of this Code of Ordinances by adding the prefix "36.05-" to each statute section number. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

ss. 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 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), Wis. stats.

**36.06 REGULATIONS.** The following regulations shall apply to all operators and passengers of ATV/UTV vehicles upon designated ATV/UTV routes with the Town of New Denmark:

- A. Operators shall observe all posted speed limits.
- B. Operation of ATV/UTVs shall conform to all state laws and administrative regulations regarding registration, noise, and equipment requirements.
- C. Operators and passengers shall comply with any and all age restrictions and helmet requirements.
- D. Operation of ATV/UTVs shall be operated to furthest right of the designated routes surfaces and operation upon the shoulder or within the right-of-way ditches is prohibited.
- E. All ATV/UTVs operated upon designated routes must have operational headlights, taillights, and brake lights at all times.

**36.07 ROUTES.**

A. Routes.

All town road under the authority and jurisdiction of the Town of New Denmark as denoted by the Official Brown County map shall be designated as ATV/UTV routes within the Town of New Denmark; expressly excluding the following pursuant to state statute:

1. Any portion of I-43 or any other part of the Interstate Highway System;
2. All State Trunk Highways; and
3. All County Highways under the jurisdiction of the Brown County Highway Department.

B. Signage.

Routes shall be marked with uniform all-terrain vehicle route signs in accordance with s. NR 64.12 (7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking town all-terrain vehicle routes:

1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the state, any municipality or any authorized individual.
2. Possess any uniform all-terrain vehicle 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 all-terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

**36.08 ENFORCEMENT.** This Ordinance shall be enforced by the Town of New Denmark Constable, the Brown County Sheriff's Department, and any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

**36.09 PENALTIES.** Wisconsin state All-Terrain and Utility Terrain Vehicle penalties as found in s. 23.33 (13) (a) Wis. Stats., are adopted by reference.

**36.10 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.

**36.11 EFFECTIVE DATE.** This Ordinance becomes effective upon passage and publication.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

**TOWN OF NEW DENMARK:**

\_\_\_\_\_  
William Krueger, Chairman

Attest:

\_\_\_\_\_  
Michelle Wallerius, Town Clerk