

ALL-TERRAIN/UTILITY TERRAIN VEHICLES AND ROUTES

TOWN OF METOMEN

Fond du Lac County, Wisconsin

Section 1 - INTENT:

The Town of Metomen, 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:

OFF ROAD VEHICLES shall include, without limitation,

“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 to mean:

A commercially designed and manufactured motor driven device to which all of the following applies:

- a. It has a weight, without fluids, of less than 900 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.

“UTILITY TERRAIN VEHICLE” (UTV) is defined to mean 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. A weight, without fluids, of 2,000 pounds or less.
- b. Four or more low pressure tires or non-pneumatic tires.
- c. A steering wheel.
- d. A tail light.
- e. Two headlights.
- f. A brake light.
- g. A width of not more than 65 inches.
- h. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
- i. 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.

Section 4 – OPERATION OF ATV/UTV:

1. Operation of all-terrain vehicles and utility terrain vehicles is authorized only upon those Town of Metomen 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 Metomen reserves the right to close or modify routes at any time.
2. The Town of Metomen, 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 Metomen:
 - a. All Town roads within the Town of Metomen.
 - b. Authorized private lands subject to public easement or leases are designated trails.
5. ROUTES AUTHORIZED. The following roads are authorized for the operation of ATV's under Wis. Stat §23.33(11)(am)(4):
 - a. All state highways and county highways with a speed limit of 35MPH or less.

Section 6 – CONDITIONS:

1. All ATV/UTV units shall be registered for public use in accordance with Wisconsin Department of Natural Resources (“DNR”) regulations, and proof of registration shall be displayed as required by statute during all times of operation.
2. All ATV/UTV operators on routes shall observe posted roadway speed limits: not to exceed 35 MPH.
3. All ATV/UTV operators shall ride single file.
4. Operators of and ATV/UTV shall observe all laws of this state pertaining to the use of and ATV/UTV.
5. ATV/UTV designated routes are closed for operation of ATV/UTV between the hours of 10:00 PM to 6:00 AM daily.
6. A person operating an ATV/UTV with in the Township of Metomen 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 both of the following in their possession: (a) a valid motor vehicle operator’s license and (b) written proof of liability insurance coverage which meets the requirements specified in §344.61 Wisconsin Statutes.
7. An operator of an ATV/UTV shall at all times of operation, upon any designated Town road, have the ATV/UTV head lights and tail lights activated.
8. When making directional turns, all operators must use signal lights or hand signals.
9. 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.
10. No person under the age of 18 shall operate an ATV/UTV on any Town road unless wearing protective head gear.
11. ATV/UTV operators and passengers under the age of 18 must wear protective headgear as required under section 347.485(1)(a) of Wisconsin Statutes, with a chin strap securely fastened at all times of operation.
12. No ATV/UTV operator or passenger shall be in possession of an open intoxicant while the ATV/UTV is in operation. No person shall operate an ATV/UTV while under the influence of an intoxicant, a restricted controlled substance, a controlled substance analog, or any combination of these elements, to a degree which renders the person incapable of operating the ATV/UTV.

Section 7- ENFORCEMENT

This ordinance may be enforced by any Law Enforcement Officer authorized to enforce the laws of the State of Wisconsin, by the Town Board, or the Town Constable.

Section 8 – PENALTIES:

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

Section 9 – SEVERABILITY:

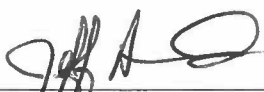
The provision of this ordinance shall be deemed severable and it is expressly declared that the Township of Metomen would have passed the other provisions of this ordinance irrespective of whether or not one or more provision may be declared invalid. If any provision of this ordinance or the application to any person or circumstance 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 11th day of JAN, 2021.

TOWN OF METOMEN, FOND DU LAC COUNTY, WISCONSIN



Jeff Amend, Chairman

Attest:



Cindy Sheskey, Town Clerk