

ORDINANCE #10-22
ATV/UTV ORDINANCE

AN ORDINANCE REGULATING THE USE OF ALL-TERRAIN/UTILITY-TERRAIN
VEHICLES ON TOWN ROADS

The Hamilton Town Board, Township of Hamilton, La Crosse County does ordain as follows:

SECTION 1 – INTRODUCTION

1.01 Title and Purpose

This ordinance is entitled the Town of Hamilton All-Terrain/Utility-Terrain Vehicle Ordinance. The purpose of this ordinance is to establish all-terrain vehicle (ATV)/utility-terrain vehicle (UTV) routes in the Town of Hamilton and to regulate the operation of ATV/UTVs in the Town.

1.02 Authority

The Town Board of the Town of Hamilton, La Crosse County, Wisconsin, has the specific authority to adopt this ATV/UTV Ordinance under s. 23.33, Wis. Stats.

1.03 Adoption

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, adopts this ATV/UTV Ordinance.

1.04 Applicability of rules of the road of ATVs

The operator of an ATV upon a roadway shall, in addition to the provisions of s. 23.33, Wis. Stats., also be subject to the rules of the road as provided in s. 346.02(11), Wis. Stats.

SECTION 2 – DEFINITIONS

- 2.01 **All-Terrain Vehicle (ATV):** A commercially designed and manufactured engine-driven device which has a net weight, without fluids, of nine hundred (900) pounds or less, which is originally manufactured with a width of fifty (50) inches or less, which is equipped with a seat designated to be straddled by the operator and which is designed by the manufacturer to travel on three (3) or more low-pressure tires. (Section 340.01(2g), Wis. Stats.) (*amend #1*)
- 2.02 **Small Utility Terrain Vehicle:** A utility terrain vehicle that has four (4) wheels and that has either an engine certified by the manufacturer at not more than two hundred (200) cubic centimeters or an equivalent power unit.
- 2.03 **Town:** The Town of Hamilton, the Town Board or any other Town of Hamilton official(s) authorized by the Town Board to act on behalf of the Town of Hamilton

- C. The Town retains the right to close any Town street to ATV/UTV operation for special events, street construction or repair or for any other reason, without advance notice.
- D. The Town neither accepts nor assumes liability for the operation of ATV/UTVs on any Town streets under the provision of this section.

3.03 Designated Routes Signage/Markers

- A. **Erection of Route Markers/Signage.** The Town shall be responsible for procuring, erecting and maintaining appropriate route, trail and/or speed limit signs and markers consistent with this Section and as required by the Wisconsin Statutes, Wisconsin Administrative Code and Wisconsin Department of Transportation and Wisconsin Department of Natural Resources standards.
- B. **Trail Status/Closure.** The Town Chair shall have the authority to declare ATV and/or UTV routes and trails opened or closed. Such openings and closings information shall be posted as authorized by the Town.
- C. **Signs and Markers to be Obeyed.** No person shall fail to obey any route or trail sign, marker or speed limit or other control device erected in accordance with this Section or traffic sign or signal under the authority of the Wisconsin Statutes.
- D. **Rules of the Road.** Except as otherwise provided in Section 23.33, Wis. Stats., and herein, ATVs and UTVs shall follow the State of Wisconsin rules of the road that are applicable to automobiles.
- E. **Yield to Traffic and Pedestrians.** ATVs and UTVs shall yield to all vehicular traffic and pedestrian movement.

3.04 Conditions

As a condition for the use of these routes, the following conditions shall apply to all operators and passengers:

- A. All ATV/UTV operators shall ride single file.
- B. All ATV/UTVs shall operate only on the extreme right side of the paved portion of the roadway. Operation of an ATV/UTV on the shoulder, ditch or right-of-way is prohibited and illegal.
- C. Headlights and taillights must be turned on at all times.
- D. All persons under the age of 18 operating or riding an ATV/UTV must wear a helmet.
- E. All farm implement use must follow State Statute if they are on a road that is not a designated ATV/UTV route.
- F. Routes must be signed in accordance with NR 64.12 and R 64.12(70(c)).
- G. Hours of Roadway Operation. ATV's and UTV's shall only be operated on authorized streets/roads/highways between the hours of 7:00 a.m. and 10:00 p.m.
- H. Speed. ATV's and UTV's shall operate at a safe speed not to exceed the posted speed limits.
- I. Underage operators. No person under the age of sixteen (16) may operate an ATV or UTV on any segment of a street/road/highway in the Town of Hamilton.
- J. Valid Motor Vehicle Operator's License Requirement. Every person who operates an ATV or UTV while on any street/road/highway shall have in his/her possession a valid motor vehicle operator's license. The operator of an ATV or UTV shall display the

- operator's license upon demand from any law enforcement officer, State Patrol officer, inspector under Section 110.07(1), Wis. Stats., or conservation warden.
- K. **Alcohol Consumption.** No operator or passenger of an ATV or UTV may possess in or on an ATV or UTV while on any street/road/highway in the Town of Hamilton, any bottle, can or receptacle containing an alcohol beverage if the bottle, can or receptacle has been opened, the seal has been broken, or the contents of the bottle, can or receptacle have been partially removed or released.
- L. **Liability Insurance Requirement.** All ATV's and UTV's operated in the Town of Hamilton pursuant to this Chapter are required to have applicable liability insurance and have proof of insurance.
- M. **Tire, Chains or Studs.** No Chains or studs are allowed on ATV/UTV wheels/tires.
- N. **Single-File Operation Required.** All ATV/UTV operators shall ride single file while operating on streets/roads/highways in the Town of Hamilton.

The following routes are designated all-terrain vehicle [and utility terrain vehicle] routes in the Town of Hamilton:

Neshonoc Road	Old Highway 16
Hoff Road	Mc Kinley Valley Road
Rod And Gun Club Road	Stan Olson Road
East Holter Road	West Holter Road
Bryhn Road	M Knudson Road
C Knudson Road	Walker Road
Eggens Coulee Road	Berg Road
East Scotch Coulee Road	W Scotch Coulee Road
Mc Clintock Road	Holley Road
Sweden Coulee Road	Ed Severson Road
Jostad Road	S Romskog Road
Romskog Road	Nelson Road
Bergum Coulee Road	Weise Road
Erickson Road	Lehman Road
G Asmus Road	Jordson Coulee Road
Locust Drive	Evenson Road
Moos Road	Carlson Road
Gills Coulee Road-Upper	Gills Coulee Road-Lower to Quackenbush Road
Bahr Road	Old B Road
Quackenbush Road	Grasby Road
Lee Road	Pioneer Court
Prairie Court	Briar Cliff Court
Tower Road	Oakview Drive
Innsbrook Road	Dusty Road
Kinney Coulee Road	Pierce Road
Ruby Road	Schild Road

Fennigkoh Road
Pleasant Valley Road
Schomberg Road
Old M Road
Shorewood Circle
Krueger Road
Buol Road
Raymer Road
East Point Road
Western Hills Drive
East Henry Road
Rininker Road

Wehrs Road
Horstman Road
A Marking Road
Linse Road
Shorewood Circle
Dovenberg Road
Hidden River Road
First Avenue
Southern Drive
William Road
West Henry Road

SECTION 4 – PENALTY PROVISIONS

The penalties in s. 23.33(13)(a), Wis. Stats., are adopted by reference.

SECTION 5 – 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.

SECTION 6 – ENFORCEMENT

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

Operation shall be subject to all 23.33, Wis stats., which is adopted as part of this ordinance by reference, Pursuant to s. 23.33 (11), Wis stats.

A copy of this ordinance shall be sent by the Town Clerk to the Department of Natural Resources, the La Crosse County Sheriff's Department and any other law enforcement agency serving in the Town of Hamilton's jurisdiction.

SECTION 7 – EFFECTIVE DATE

This ordinance shall take effect immediately upon posting. The town clerk shall properly post this ordinance as required under s. 60.80, Wis. stats.

Adopted by the Town Board of the Town of Hamilton, this 11th day of October, 2022, with a vote of 3 Yes votes to 0 no votes.

By Blaine Lee, Town Chairman

Blaine K Lee

Attest Sara Schultz, Town Clerk

Sara Schultz

Published: October 14, 2022