

TOWN OF FREEMAN

ALL-TERRAIN VEHICLE AND UTILITY-TERRAIN VEHICLE ROUTE ORDINANCE

February 27, 2017

I. Purpose:

The purpose of this ordinance is to establish an all-terrain vehicle/utility-terrain vehicle route and provide safe and enjoyable all-terrain vehicle/utility-terrain vehicle recreation consistent with public rights and interests pursuant to Wis. Statutes 59.02, and 23.33(11), 23.33(11p) and 23.33(8)(b) as amended

II. Applicability and Enforcement:

- a) The provisions of this ordinance shall apply to the areas designated in section IV, including roadways within the jurisdiction of Freeman Township.
- b) Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation statute, law or order that pertains to the subject matter addressed under this section.

III. Limitations:

The following limitations apply on all areas designated in section IV of this ordinance.

- a) No ATV/UTV shall be operated at a speed greater than 35 miles per hour.
- b) No ATV/UTV may be operated on any designated route without fully functional headlights, tail-light, and brake lights.
- c) ATV and UTV routes only on Roadway. All ATV's and UTV's shall operate only on the roadway. Operation on paved shoulders intended for bicycle or pedestrians, gravel shoulders, grassy in-slope, ditches or other highway right-of-way is prohibited and illegal.
- d) No ATV/UTV may be operated on any designated route between the hours of 1:00 A.M. and 5:00 A.M. daily.
- e) No person under the age of sixteen (16) may operate an ATV/UTV on any designated route.
- f) All operators must be sixteen (16) years of age or older and have a valid driver's license.
- g) No person under the age of eighteen (18) may operate an ATV/UTV on any designated route unless wearing approved protective head gear.
- h) No ATV/UTV may be operated on any designated route which ATV/UTV does not meet all applicable Wisconsin State noise pollution standards.
- i) At the discretion of the Freeman Town Board all ATV/UTV routes shall be closed November 30th thru March 1st.

- j) All ATV/UTV's operating on any designated ATV/UTV route or on any county trunk highway shall have proof of liability insurance for the ATV/UTV being operated.
- k) All ATV/UTs being operated on any township road or route meet the registration requirements of the State of Wisconsin and Wisconsin Department of Natural Resources.

IV. Designation ATV and UTV Routes:

Freeman township roads designated as ATV and UTV routes shall be established and approved by the Freeman Town Board. Any modifications to a designated ATV and UTV route shall be approved by the Freeman Town Board. A copy of those ATV and UTV routes, along with a map showing their location, shall be kept on file at the Freeman Town shop. The Freeman Town Board shall be responsible for signage and the establishment of speed limits regulating ATV's and UTVs. The Freeman Town Board shall retain the sole authority for UTVs. The Freeman Town Board shall retain the sole authority for the closure or termination of any ATV route on the township roads:

1. The Freeman Town Board shall have the authority to suspend operation in any of the above areas for up to ninety (90) days due to hazard, construction, or emergency conditions in any highway segment listed above. The Freeman Town Board shall also have the authority to designate for up to ninety (90) days alternate routes for any of the above authorized highway segments that might be so closed.
2. Every area authorized as an all-terrain vehicle/utility-terrain vehicle route shall be designated by an all-terrain vehicle/utility-terrain vehicle route sign having a reflectorized white all-terrain vehicle symbol, bordered and message on a reflectorized green background with minimum size of 12 inches by 12 inches with directional arrow, where appropriate, placed at the beginning of an ATV/UTV route and at such locations and intervals as necessary to enable the ATV/UTV operators to follow the route.

V. Route Signs:

- a) All required designated route signs shall be paid for and installed by an ATV/UTV club, approved and under the direction of Freeman Town Board.
- b) All signs posted shall be in compliance with the Federal manual on uniform traffic control devices.
- c) Signs may be mounted on any existing township sign post.
- d) No person may erect, remove, obscure, or deface any official designated route sign unless authorized by the Freeman Town Board.
- e) No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

VI. Penalties:

Penalty for violation of Sections III(c) and (d) and V (a)-(e), shall be not more than \$200 plus costs.

Penalty for violation of Section III (b), (e), (f) and (g), shall be not more than \$100.00 plus costs.

Penalty for violation of any other provision of this ordinance for which no specific penalty is specified shall be not more \$50.00 plus costs.

VII. Violations, Judgements, Restitutions:

A judgement obtained under the sections and subsections of this ordinance of the Freeman Township may be enforced in the same manner as any civil judgement. Penalties imposed for violations of said ordinances of Freeman Township shall be made according to the schedule of forfeitures listed in Section VI of the Freeman Town ordinance as hereinafter enacted. The procedure set forth in S. 800.09, Wisconsin Statutes, shall apply to all violations of the sections and subsections of this ordinance.

Persons accused of violating such ordinances may be cited and summoned to appear in the Crawford County Circuit Court by use of one of the forms of appropriate municipal citations. A uniform appearance deposit may be required of any person issued a citation and summons for a violation of any ordinance enacted under Chapter 268 of the Crawford County Code. Upon default in payment of the prescribed forfeiture plus all applicable court costs and restitution, the Crawford County Circuit Court shall follow the procedures set forth in S. 0.095, Wisconsin Statutes, including imprisonment in the County Jail for a period not to exceed ninety (90) days, performance of a community service work or suspension of the person's Wisconsin operating privileges as set forth in S. 800.095(4)(b), Wisconsin Statutes.

If the circuit court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and further finds that the violation resulted in damage to the property or physical injury to a person other than the alleged violator as part of the judgement pursuant to S. 800.093, Wisconsin Statutes.

VIII. Juvenile Penalties:

Any juvenile who violates this Section shall be subject to the forfeitures prescribed in subsection 6 of this Section except that the provisions for the incarceration in jail for the nonpayment of forfeiture shall not apply to juveniles.

Upon default of payment of any forfeiture imposed by this Section, a court may order any license issued to a juvenile under Chapter 29 of the Wisconsin Statutes suspended or may order the child's operating privileges as defined in subsection 340.01(40) of the Wisconsin Statutes suspended for not less than thirty (30) days or more than ninety (90) days. Prior to suspension of licenses under this subsection, the court shall make a finding that the juvenile alone is financially able to pay the amount of the forfeiture and shall allow up to twelve (12) months for the juvenile to make payment. The court shall immediately take possession of any suspended license and forward it to the department which issued the license together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court. If the forfeiture is paid during the first thirty (30) days after the license is suspended, the suspension shall be reduced to the minimum period of thirty (30) days. If it is paid thereafter, the court shall immediately notify the appropriate department which will thereupon return the license to the person.

IX. Uniform Citation and Summons:

A uniform county ordinance violation citation shall be created and reproduced in such a fashion as to provide alleged violators with proper notice of the ordinance violation alleged and date, time and place of said violation along with a summons to appear before the circuit court for Crawford County at the courthouse in Prairie du Chien, Wisconsin, at a date and time specified in the citation and shall provide an option of posting a uniform forfeiture deposit in lieu of the defendant's appearance on that date. The form of such citation and summons shall be on file in the office of the Clerk of Court.

Other uniform citations adopted by the State of Wisconsin for the use of counties and other municipalities may be used in the prosecution of violations under this ordinance.

Effective Date

This ordinance becomes effective upon passage by the Freeman Town Board.

Dated this 27th day of February, 2017

Freeman Town Board

David Olson, Chairman

Stephen Kvigne, Supervisor

John Leirimo, Supervisor

Peggy Audetat, Clerk