

ORDINANCE #2-2022
ATV/UTV ORDINANCE
WITH AMENDMENT #1 (2022)

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

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

SECTION 1 – INTRODUCTION

1.01 Title and Purpose

This ordinance is entitled the Town of Holland 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 Holland and to regulate the operation of ATV/UTVs in the Town.

1.02 Authority

The Town Board of the Town of Holland, 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.

1.05 Repeal and adoption of provisions

Upon adoption of this ordinance, any and all former ordinances or parts thereof regulating all-terrain vehicle or utility terrain vehicle operations in the Town of Holland that are in conflict with this Ordinance are hereby repealed.

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 Holland, the Town Board or any other Town of Holland official(s) authorized by the Town Board to act on behalf of the Town of Holland
- 2.04 **Utility Terrain Vehicle (UTV):** Is 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:
- 1) A weight, without fluids, of 3000 lbs. or less
 - 2) Four or more tires
 - 3) A steering wheel
 - 4) A tail light
 - 5) A brake light
 - 6) Two headlights
 - 7) A width of not more than 65 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation
 - 8) A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident
 - 9) 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 (*amend #1*)

SECTION 3 – DESIGNATION OF ATV/UTV ROUTES

- 3.01 Operation of All-Terrain and Utility Terrain Vehicles
- A. Pursuant to Sec. 23.33(4)(d), Wis. Stats., except as otherwise provided in Sec. 23.33(4), Wis. Stats., no person may operate an all-terrain or utility terrain vehicle on the road way portion of any highway, street, public right-of-way, park, cemetery or any other public property in the Town except on roadways, right-of-ways and trails which are designated as ATV or UTV routes by this Section. Unless authorized by the Town Board, no ATV/UTV shall be operated on any walking, bicycle or other special use trail or path.
 - B. No person shall operate an ATV or UTV upon private property without the owner's express permission except upon routes and trails designated by the Town Board as ATV or UTV routes/trails.
 - C. Municipal or other governmental ATV or UTV used for governmental purposes are authorized to operate on streets and rights-of-way.
 - D. As a part of a designated route system, the Town Board may designate limited access for the sole purpose of access to main designated routes and places of lodging.
 - E. It shall be the responsibility of ATV and UTV operators to know whether they are operating on public or private property.

3.02 Routes

- A. All public roadways in the Town of Holland, pursuant to Sect. 23.33(8)(b)(2), Wis. Stats., are designated as ATV/UTV routes.
- B. The aforementioned routes shall not include any private roads or driveways nor any private property in the Town.
- 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)).

SECTION 4 – ENFORCEMENT

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

SECTION 5 – PENALTY PROVISIONS

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

SECTION 6 – 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 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 Holland Town Board of the Township of Holland, La Crosse County, Wisconsin, this 13th day of July, 2022.

Approved by: Robert Stupi, Town Chair
Attest by: Marilyn J Pedretti, Town Clerk
Posted: 7/14/22

Adopted by the Holland Town Board of the Township of Holland, La Crosse County, Wisconsin, this 10th day of August, 2022.

Approved by: Robert Stupi, Town Chair
Attest by: Marilyn J Pedretti, Town Clerk
Posted: 8/18/22