

Chapter 184

Vehicles, All-Terrain and Utility-Terrain

[HISTORY: Adopted by the Town Board of the Town of Omro 4-20-2020 by Ord. No. 01-0420. Amendments noted where applicable.]

§ 184-1 Purpose.

The purpose for this chapter is to establish authorized use of all-terrain vehicle (ATV) and utility-terrain vehicle (UTV) routes in the Town of Omro and to regulate the operation thereof.

§ 184-2 Intent.

Following due consideration of the recreational and economic value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, the terrain involved, traffic density and history of automobile traffic, this chapter has been created pursuant to Town Board authority under § 23.33(11) and (8)(b), Wis. Stats., as amended.

§ 184-3 Definitions.

For purposes of this chapter, the terms below shall be defined as follows:

ALL-TERRAIN VEHICLE or ATV

A commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on three or more low-pressure tires or nonpneumatic tires, or as defined in § 23.33(1)(b), Wis. Stats., and any amendments thereto.

ATV/UTV ROUTE

A street designated by Town of Omro ordinance for use of all-terrain vehicle and utility-terrain vehicle operators or as defined in § 23.33(1)(c), Wis. Stats., and any amendments thereto.

GOLF CART

A vehicle whose speed attainable in one mile does not exceed 20 miles per hour on a paved, level surface, and that is designed and intended to convey one or more persons and equipment to play the game of golf in an area designated as a golf course, or as defined in § 23.33(fm), Wis. Stats., and any amendments thereto. A golf cart is not an ATV or UTV and is not allowed on the all-terrain or utility-terrain vehicle routes established by this chapter.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

UTILITY-TERRAIN VEHICLE or UTV

Any of the following, or as defined in § 23.33(ng), Wis. Stats., and any amendments thereto:

- A. 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) Weight, without fluids, of 2,000 pounds or less.
 - (2) Four or more low-pressure tires or nonpneumatic tires.
 - (3) A steering wheel.
 - (4) A taillight.
 - (5) A brakelight.
 - (6) Two headlights.
 - (7) A width of not more than 65 inches.
 - (8) A system of seatbelts or a similar system for retaining each occupant of the vehicle 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.
- B. A commercially designed and manufactured motor-driven device to which all of the following applies:
- (1) It has a weight, without fluids, of more than 900 pounds but not more than 2,000 pounds.
 - (2) It has a width of 50 inches or less.
 - (3) It is equipped with a seat designed to be straddled by the operator.
 - (4) It travels on three or more low-pressure tires or pneumatic tires.
- C. Restriction on equipment. No ATV/UTV may be operated on any street within the Town limits unless it conforms to all noise, registration and other equipment requirements as stated in Ch. 23, Wis. Stats.

§ 184-4 ATV/UTV rules of operation.

- A. Operators must have attained the age of 16 and must have a valid driver's license to operate an ATV/UTV on any ATV/UTV route designated by the Town.
- B. Helmets must be worn by any operator or passenger of an ATV/UTV if they are under the age of 18. If the driver of the vehicle is required to wear a helmet, then all vehicle occupants must wear a helmet.

- C. Seatbelts must be worn on UTVs by all persons at all times.
- D. Eye protection must be worn by any operator of an ATV/UTV.
- E. ATVs/ATVs shall operate only on the paved portion of the roadway. Operation on the gravel shoulders, grassy in-slopes, ditches or other rights-of-way is prohibited and illegal.
- F. ATV/UTVs must be registered for public use through the Department of Natural Resources and display such registration on the vehicle.
- G. ATV/UTVs must be insured to the minimum Wisconsin Department of Transportation insurance requirements, as follows:
 - (1) \$10,000 for property damage;
 - (2) \$25,000 for the injury or death of one person;
 - (3) \$50,000 for the injury or death of two persons.
- H. Headlights must always be operational and visible from 200 feet, and taillights must always be operational and visible from 500 feet in the hours of darkness.
- I. Speed limit on Town ATV/UTV routes is 25 mph.
- J. Operators shall operate in single file on the right side of the roadway.
- K. Hand signals shall be used when turning or turn signals used if vehicle is so equipped.
- L. Hours of operation are from 7:00 a.m. to 10:00 p.m.
- M. Operators of UTVs/ATVs on Town and county highways assume all the usual and normal risks of ATV/UTV operation.
- N. Three or more violations will result in revocation of route privileges.
- O. ATV/UTV operation shall be subject to all provisions of § 23.33, Wis. Stats., which is adopted by reference as a part of this chapter.

§ 184-5 ATV/UTV routes established.

- A. Town of Omro roadways designated as ATV/UTV routes shall be established and approved by the Town Board, in consultation with the Winnebago County Highway Department and Winnebago County Sheriff's Department, where appropriate. Together, the above-listed entities shall develop policies and procedures for designation of ATV/UTV routes, including appropriate criteria for making a designation. Any modification to a designated ATV/UTV route shall be approved by the Town Board per ordinance amendment. A copy of ATV/UTV routes, along with a map showing their locations, shall be kept on file at the offices of the Town Clerk and Winnebago County Sheriff's Department and copies shared with the adjoining communities' law enforcement departments.

- B. Town of Omro ATV/UTV routes can be closed temporarily at any time by the Town Chairperson, Town Supervisor, or Sheriff's Department when public safety is at risk.
- C. The Town of Omro ATV/UTV routes are intended for recreational travel to and from other ATV/UTV routes located outside the Town. The Town of Omro ATV/UTV routes are not intended for continuous circular travel on Town ATV/UTV routes only.
- D. The following are Town of Omro ATV/UTV routes:
 - (1) Southwest route. From west Town limits on Michigan Street to south Town limit on 2nd Street (connecting to the Town of Rushford).
 - (2) Northwest route. From Town limits on County F to Ginnow Road to Liberty School Road to Town limit on Liberty School Road (connecting to the Town of Rushford).

§ 184-6 Signage for ATV/UTV routes.

- A. Pursuant to § 23.33(8)(d), Wis. Stats., the following restrictions are placed on the use of ATV/UTV routes designated by this chapter:
 - (1) Routes shall be marked with uniform ATV/UTV route signs in accordance with § NR 64.12(7), Wis. Adm. Code. The Town of Omro has sole responsibility for ATV/UTV signage on Town streets.
 - (2) No person may do any of the following in regard to signs marking ATV/UTV routes:
 - (a) Intentionally remove, damage, deface, move or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle route or trail sign.
 - (b) Possess any uniform ATV/UTV route or trail sign or standard of the type established by the Department for the warning, instruction or information of the public, unless obtained in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.
- B. ATV/UTV operation shall be subject to all provisions of § 23.33, Wis. Stats., which is adopted by reference as a part of this chapter.

§ 184-7 Route maintenance.

Designation of segments of the Town roadways as ATV/UTV routes does not impose upon the Town of Omro a greater duty of care or responsibility for maintenance of those segments than for any other segment of roadway.

§ 184-8 Enforcement.

This chapter shall be enforced by any officer employed by the Town of Omro and County Sheriff's Department or any other law enforcement official as set forth in § 23.33(12), Wis. Stats.

§ 184-9 Violations and penalties.

- A. The penalty for operating any ATV/UTV off the roadway designated an ATV/UTV route (e.g., the gravel shoulder, grassy in-slope, ditch or other right-of-way) or violating any other provision of this chapter shall result in a forfeiture of not less than \$25 nor more than \$500, plus court costs. Citations may be issued in accordance with the deposit schedule set forth in this chapter, which does not include law enforcement training penalties, jail assessments or other applicable costs.
- B. Any person who shall violate any provision of this chapter shall be subject to a penalty as determined by the Uniform Wisconsin Schedule for Deposit or Cash Bail Traffic Offenses set forth pursuant to authority contained in § 345.26(2)(a), Wis. Stats., and any amendments thereto. Juveniles 16 or 17 years of age are treated as adults for ATV/UTV violations.
[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]
- C. Where no bond or deposit is established by this schedule for a traffic violation, bond should be set at 1/2 the maximum monetary penalty as provided by law.
- D. In a forfeiture matter, if a penalty is not set forth, see § 939.61(1), Wis. Stats., which provides a forfeiture not to exceed \$200.
- E. This schedule contains demerit point assignments for certain traffic offenses. In situations where no demerit points are assessed and there is a question whether a conviction for a certain violation will appear on the driver record, the Department of Transportation should be contacted for verification. Persons who hold a probationary license, instruction permit, or no license at all will be assessed the regular number of demerit points for their first conviction. Points will be doubled for second and subsequent convictions except for convictions under Ch. 347, Wis. Stats.

§ 184-10 Severability.

The various provisions of this article are declared severable, and should any part be held to be invalid, such invalidity shall only apply to the part in question and shall not affect the remainder of the article.

§ 184-11 Effective date.

This article shall be in full force and effect from and after its passage and publication in the Omro Herald and when any required approvals for portions of County highways is obtained from Winnebago County.