

# **THE TOWN OF HOWARD**

## **CHAPTER 20**

### **Designation of All-Terrain Vehicle/Utility Terrain Vehicle Route(s) and Regulation of All Terrain/Utility Terrain Vehicle Operation**

#### **20.01 Authority**

This Ordinance is adopted pursuant to the authority vested in the Town of Howard pursuant to Sec.23.33 Wis. Stats. It is also enacted pursuant to the granting of Village Powers to the Town Board by the electors of the town which authorizes the enactment of ordinances under Sec. 61.34 Wis. Stat.

#### **20.02 Purpose**

The purpose of this ordinance is to designate the following all-terrain/utility terrain vehicle routes identified in Section 4 of this ordinance and regulate the operation of such all-terrain/utility terrain on such routes within the corporate limits of the Town of Howard. The enactment of this Ordinance is deemed to be in the best interests of the health, safety, and welfare of the general public after due consideration of the recreational opportunities as weighed against public dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic.

#### **20.03 Definitions**

As used in this Ordinance

- a. "All-terrain vehicle" means an engine driven device which has a net weight of 900 pounds or less, which has a width of 48 inches or less, which is equipped with a seat designated to be straddled by the operator and which is designed to travel on 3 or more low-pressure tires. A low-pressure tire is a tire which has a minimum width of 6 inches, which is designed to be mounted on a rim with a maximum diameter of 12 inches and which is designed to be inflated with an operating pressure not to exceed 6 pounds per square inch as recommended by the manufacturer.
- b. "Utility terrain vehicle" means any of the following: A motor-driven device that does not meet federal motor vehicle safety standards; this 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; that has, and was originally manufactured with, all of the following:
  - 1) Net weight less than 2,000 pounds
  - 2) Four or more low pressure tires
  - 3) Cargo Box
  - 4) Steering wheel
  - 5) Tail Light
  - 6) Brake Light
  - 7) Two Headlights
  - 8) Maximum width of 65 inches
  - 9) Non-straddled seats for at least 2 people
  - 10) Seat belts for each occupant
  - 11) Roll bar or similar structural system or device

- c. "All-terrain vehicle route" means a highway designated for use by all-terrain/utility terrain operators by the Town of Howard.
- d. "Operate" means to exercise physical control over the speed or direction of an all-terrain/utility terrain to physically manipulate or activate any of the controls of an all-terrain/utility terrain vehicle necessary to put it in motion.
- e. "Operation" means the exercise of physical control over the speed or direction of an all-terrain/utility terrain vehicle or to physically manipulate or activate any of the controls of an all-terrain/utility terrain vehicle necessary to put it in motion.
- f. "Operator" means a person who operates an all-terrain/utility terrain vehicle, who is responsible for the operation of an all-terrain/utility terrain vehicle or who is supervising the operations of an all-terrain/utility terrain vehicle.

#### **20.04 Routes**

The following are designated as all-terrain/utility terrain routes as authorized by sec. 23.33 (8)(b) Wis. Stats.

- a. All Town Roads in the Town of Howard that are properly posted
- b. Said route(s) further described and identified by the attached map.
- c. A town road may be removed from the approved routes if a majority of residents on said road petition the town board for removal and the board conducts a hearing on the removal.

#### **20.05 Regulations of All-Terrain/Utility Terrain Vehicles Designated Route(s)**

The Town of Howard, as authorized by Sec. 23.33(11)(a) Wis. Stats. Regulates the operation of all-terrain/utility terrain vehicles on designated route(s) as follows:

- a. All all-terrain/utility terrain vehicle operators shall observe posted roadway speed limits.
- b. All all-terrain/utility terrain vehicle operators shall ride single file
- c. All four wheels of the all-terrain/utility terrain vehicle must stay on paved surface
- d. Roads will be open one-half hour before sunrise and one-half hour after sunset
- e. All all-terrain/utility terrain vehicle operators shall slow the all-terrain/utility terrain to 10mph or less when operating within one hundred fifty (150) feet of a residence.
- f. All all-terrain/utility terrain vehicle operators shall have their headlights and taillights turned on at all times.
- g. All all-terrain/utility terrain vehicle operators and riders under age 18 must wear a helmet.
- h. All all-terrain/utility terrain vehicle operators under the age of 16 are required to have a rider safety certificate to ride and must be accompanied by a parent or guardian.

#### **20.06 Responsibility for Approving and Signing Route(s)**

The Town of Howard shall maintain the supervisory responsibility of ensuring that the all-terrain/utility terrain vehicle routes identified in Section 20.04 are signed in compliance with the standard requirements and regulations established by federal, state and local governments and their respective departments and agencies, including but not limited to, the Wisconsin Department of Natural Resources. The actual installation and maintenance of signage is hereby delegated to, and now becomes the responsibility of the all-terrain/utility terrain vehicle club known as Eagle Point ATV Club. Eagle Point ATV Club shall also be responsible for the purchase of and associated costs related to the necessary signage for the route(s). All signage and

signage materials shall be subject to approval by the Town Board prior to installation and the town reserves the right to withdraw from the agreement if signs are not kept in good condition according to state statutes.

**20.07 Enforcement**

This ordinance shall be enforced by Eagle Point ATV Club and the Chippewa County Sheriff Department sec. 23.33(12) Wis. Stats. Section 8 penalties.

Any person violating the provisions of this ordinance shall forfeit a sum of not less than \$50.00 nor more than \$250.00 for each offense, together with the costs of prosecution. Each day that a violation occurs shall constitute a separate offense.

This ordinance shall take effect upon its adoption and publication as required by law.

Dated this 6th day of August 2013  
Town of Howard

Vernon Schindler, Town Chairman

Tom Zwiefelhofer, Supervisor

Dennis Dvoracek, Supervisor

Attested by  
Susan Haake, Clerk