

ORDINANCE NO. 18- 003

AN ORDINANCE TO CREATE SECTION 27.20  
OF THE CODE OF ORDINANCES OF THE TOWN OF WHEATLAND  
REGARDING ALL-TERRAIN VEHICLE (ATV/UTV) AND  
UTILITY VEHICLES (UTVs) TRAVEL ON ROADS IN THE  
TOWN OF WHEATLAND, KENOSHA COUNTY, WISCONSIN,  
AND PRESCRIBING PENALTIES FOR VIOLATIONS

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The Town Board of Supervisors of the Town of Wheatland, Kenosha County, Wisconsin, hereby creates Section 27.20 of the Code of Ordinances of the Town of Wheatland to read as follows:

SECTION 27.20     Use of All-Terrain Vehicle (ATV/UTV) and Utility Vehicles (UTVs) on Town Roads.

(A)     Intent. The Town of Wheatland, Kenosha County, Wisconsin, hereby adopts the following ordinance for the operation of All-Terrain Vehicles and Utility Vehicles upon the roadways listed in Section 27.20(C), below. Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created.

(B)     Statutory Authority. This ordinance is created as authorized by §23.33(8)(b), Wis. Stats.

(C)     Routes. Roads to be open for ATV/UTV routes are as follows:

- (1)     Geneva Road/60th Street and Geneva Place beginning at S.T.H. 50 West to C.T.H. "P" (400<sup>th</sup> Avenue).
- (2)     Lilly Lake area:
  - (a)     73<sup>rd</sup> Street (Lilly Lake Road) beginning at the intersection with C.T.H. "JP" West to the intersection with 80<sup>th</sup> Street.
  - (b)     80<sup>th</sup> Street West of its intersection with C.T.H. "JP".
  - (c)     330<sup>th</sup>, 331<sup>st</sup>, 332<sup>nd</sup>, 334<sup>th</sup> Avenue, 335<sup>th</sup> Avenue, 336<sup>th</sup> Avenue and 337<sup>th</sup> Avenue West of C.T.H. "JP".
  - (d)     75<sup>th</sup> Street, 76<sup>th</sup> Street, 77<sup>th</sup> Street, 81<sup>st</sup> Street and 82<sup>nd</sup> Street

West of C.T.H. "JI".

- (3) C.T.H. "O" (368<sup>th</sup> Avenue) beginning at Geneva Road and ending six thousand five hundred (6,500) feet South of Geneva Road
- (4) 65<sup>th</sup> Court from the intersection with C.T.H. "O" (368<sup>th</sup> Avenue) to its terminus.
- (5) The following Town roads South of Geneva Road (60<sup>th</sup> Street):
  - (a) 373<sup>rd</sup> Avenue and 375<sup>th</sup> Avenue
  - (b) 65<sup>th</sup> Street
  - (c) 392<sup>nd</sup> Avenue from S.T.H. "50" South to its terminus at Geneva Road (60<sup>th</sup> Street).
  - (d) 341<sup>st</sup> Avenue, 344<sup>th</sup> Avenue, 347<sup>th</sup> Avenue, 349<sup>th</sup> Avenue, 351<sup>st</sup> Avenue, 64<sup>th</sup> Street, 67<sup>th</sup> Street, 69<sup>th</sup> Street and Geneva Place, all South of Geneva Road (60<sup>th</sup> Street).
  - (e) 344<sup>th</sup> Avenue, 345<sup>th</sup> Avenue, 346<sup>th</sup> Avenue and 63<sup>rd</sup> Street North of Geneva Road (60<sup>th</sup> Street).

(D) Speed. No person shall operate an ATV/UTV in excess of the posted limit within the Town on Town roads.

(E) Hours of Operation. ATVs/UTVs may operate year round, the hours of sunrise to sunset only.

(F) Lane Usage. ATVs/UTVs must operate single file within the Town of Wheatland.

(G) Operation on Private Property. No person shall operate an ATV/UTV on any private property not owned or occupied by him or her within the Town of Wheatland without the express consent or permission of the owner.

(H) Unattended. No person shall leave an ATV/UTV owned or operated by him or her to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

(I) Route Signs. All routes shall have appropriate signage in accordance with NR64-12 and NR64.12(7)c.

(J) Required Equipment. All ATVs/UTVs must have functioning stock muffler, functioning braking system and operating strobe light, headlight and taillight. Any operating ATV/UTV shall display lighted headlight and taillight including daylight hours. Functioning seatbelts shall be utilized at all times when operating.

(K) Town Parks. Operation of ATVs/UTVs shall be subject to the provisions of Chapter 12 of this Code of Ordinances.

(L) Operator's Permit. Every operator of a ATV/UTV who travels upon those roads enumerated at subsection (C), above, shall be required to obtain a user permit from the Town of Wheatland. Each user permit shall be for a two (2) year term and the permittee shall pay to the Town of Wheatland, the sum of Twenty-five (\$25.00) Dollars. In addition, the permittee must provide proof of insurance at the time of the original permit purchase and shall maintain during the term of such permit and any renewal thereof, liability insurance in a minimum amount of One Hundred Thousand (\$100,000.00) Dollars per occurrence, shall provide a ATV Safety Certificate obtained from the Department of Natural Resources for anyone born after January 1, 1988, and shall provide proof of a current and valid driver's license issued by the state of residence of the permittee which shall be maintained at any time during which the permittee shall operate an ATV/UTV.

(M) Penalties. Violations of the provisions of this chapter shall be subject to the Code of Ordinances general penalties as found in Chapter 1 of this Code and Wisconsin state All-Terrain Vehicle penalties as found in §23.33(13)(a), Wis. Stats., are adopted by reference.

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

(O) Severability. The provision of this ordinance shall be deemed severable and is expressly declared that the County and Town would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance and or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.

Dated at Wheatland, Wisconsin, this 13 day of August, 2018.

TOWN OF WHEATLAND

By:   
William M. Glembocki, Chairperson

Attest:   
Sheila M. Siegler, Clerk