

TOWN OF KOSHKONONG  
ORDINANCE NO. 2021-02

AN ORDINANCE TO CREATE SECTION \_\_\_\_\_ OF THE TOWN ORDINANCES  
REGULATING THE USE OF ALL-TERRAIN, UTILITY AND RECREATIONAL  
TERRAIN VEHICLES

THE TOWN BOARD OF KOSHKONONG DOES HEREBY ORDAIN AS FOLLOWS:

Section \_\_\_\_\_ of the Town Code is created as follows:

SECTION I:

28.18 ATV/UTVs

- (a) PURPOSE. The purpose of this ordinance is to establish All-Terrain Vehicle (ATV), Utility Terrain Vehicle (UTV) and Recreational Terrain Vehicle (RTV) routes in the Town of Koshkonong and to regulate the operation of ATV/UTV/RTV's in the town.
- (b) AUTHORITY. The Town Board of Koshkonong, Jefferson County, Wisconsin, has the specific authority to adopt this ATV/UTV/RTV Route Ordinance under s. 23.33 (8)(b) and (11), Wisconsin statutes.
- (c) OPERATION OF ATV/UTV/RTV's. Pursuant to s. 23.33 (4) (d) 4., Wis. Stats., except as otherwise provided in s. 23.33 (4), Wis. Stats., no person may operate an ATV/UTV/RTV on the roadway portion of any highway in the town except on roadways that are designated as ATV/UTV/RTV routes by this ordinance. Operation of ATV/UTV on a roadway in the town that is an ATV/UTV/RTV route is authorized only for the extreme right of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
- (d) CLUB DESIGNATION. Prior to the enactment of this ordinance an ATV/UTV/RTV club shall be established and identified as the designated club and registered with the Town of Koshkonong. The purpose of the club shall be to promote safe and responsible ATV/UTV/RTV use and to fund, install and maintain signage. Officer and contact information will be maintained by the club and reported to the Town of Koshkonong on an annual basis.
- (e) DESIGNATION OF ATV/UTV ROUTES.

1. Adoption of State ATV/UTV/RTV Laws and Definitions: State ATV/UTV/RTV law and definitions found in Wisconsin State Statutes 23.33 and Wisconsin Administrative Code NR 64 are adopted by reference and fully incorporated herein by reference, pursuant to Wisconsin State Statutes 23.33 (11)(a).
  2. Routes: Any town road that is signed in accordance with NR 64.12 and NR 64.12(7)c (as those sections may hereafter be amended) may be used by ATV/UTV/RTV's in accordance with such signage and as provided by the applicable portions of 23.33 Wis. Stats and this ordinance.
  3. Designation: Under Wis. Stat. s. 23.33(8)(b)1, the Town of Koshkonong designates all town roads as an ATV/UTV/RTV Route **WITH THE EXCEPTION OF: Roads north of Hackbarth Road and east of Business Highway 26 to South Main Street, Old Highway 26 from Koshkonong Mounds Road to the Highway 26 overpass.**
- (f) CONDITIONS APPLICABLE TO ATV/UTV ROUTES. Pursuant to s. 23.33(8)(d), Wisc. Stats., the following restrictions are placed on the use of the town ATV/UTV/RTV routes:
1. **All** routes shall be marked with uniform ATV/UTV/RTV route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code. **All signage shall be provided, installed and maintained by the designated club. The Town of Koshkonong will not be liable for the installation, or maintenance of any signage.**
  2. No person may do any of the following regarding signs marking town ATV/UTV/RTV routes:
    - a. Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV/RTV route or trail sign or standard, or intentionally interfere with the effective operation of any uniform ATV/UTV/RTV route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
    - b. Possess any uniform ATV/UTV/RTV route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform ATV/UTV/RTV route or trail sign in a lawful manner. Possession of all uniform ATV/UTV/RTV route or trail sign or standard creates a rebuttable presumption of illegal possession.
  3. Operation shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted as a part of the ordinance by reference, pursuant to s. 236.33(11), Wis. Stats.

(g) ADDITIONAL RESTRICTIONS AND APPLICABLE TIME PERIODS.

1. All ATV/UTV/RTV Operators must be 16 years of age or older.
2. A valid Department of Transportation driver's license is required to operate any ATV/UTV/RTV on a designated route within the town.
3. All ATV/UTV/RTV vehicles must be operated in a single file.
4. No ATV/UTV/RTV operator shall exceed the posted ATV/UTV/RTV speed limit of the road being traveled.
5. All ATV/UTV/RTV riders under the age of 18 must wear a helmet.
6. All ATV/UTV/RTV 's must be operated on (paved or graveled) road surfaces only.
7. No ATV/UTV/RTV 's may be operated on road shoulders or in road ditches except to cross at a right angle for property access
8. Any and all ATV/UTV/RTV routes may be closed at any time at the discretion of the Town of Koshkonong.
9. ATV/UTV/RTV operators are required to maintain applicable liability insurance
10. All ATV/UTV/RTV 's shall have headlights, taillights, mirrors and brake lights
11. All ATV/UTV/RTV 's headlights and taillights must remain on at all times
12. AVT/UTV/RTV 's may not be operated on any Town of Koshkonong road between the hours of 11:00 p.m. and 5:00 a.m, unless directly related to farming operations
13. All ATV/UTV/RTV operations are subject to Wisconsin Department of Natural Resources ATV/UTV/RTV Laws and Regulations.
14. No ATV/UTV/RTV operator may travel the same route more than once every half hour in any area deemed residential.
15. Operation of an ATV/UTV/RTV within any municipal park is prohibited, with the exception of designated parking areas.
16. All ATV/UTV/RTV exhaust systems must be maintained in proper working order and noise may not exceed the rating of the original manufacturer or state law.
17. No passenger riding in front of the driver or on a ATV/UTV/RTV designed for one driver/rider

(h) ENFORCEMENT. This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

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

**SECTION II. MISCELLANEOUS.**

The Clerk is directed to send a copy of this ordinance to the Department of Natural Resources and the Jefferson County Sherriff's Department.

**SECTION II – 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 X – EFFECTIVE DATE**

This ordinance is effective upon publication or posting and the installation of proper signage. The Town Clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

Published and/or posted this \_\_\_\_\_

DRAFT