

TOWN OF OAK GROVE
Pierce County, Wisconsin

ORDINANCE NO. 2023-01
Amending Town of Oak Grove Ordinance 2021-01
All-Terrain and Utility Terrain Vehicle Routes

The Town Board of the Town of Oak Grove does hereby amend the Town of Oak Grove All-Terrain Vehicle and Utility Terrain Vehicle Routes Ordinance, and does ordain that Town of Oak Grove Ordinance 2021-01 is hereby repealed and recreated in its entirety as follows:

SECTION 1 – PURPOSE

The purpose of this Ordinance is to establish All-Terrain Vehicle (“ATV”) and Utility Terrain Vehicle (“UTV”) routes on designated public roadways in the Town of Oak Grove (“Town”) and to regulate the operation of ATVs and UTVs in the Town. The rules and restrictions for operating ATVs and UTVs in Oak Grove shall be consistent with statewide law under Wis. Stat. s. 23.33 and all its subsections.

SECTION 2 – AUTHORITY

The Town Board of the Town of Oak Grove, Pierce County, Wisconsin, has the specific authority to adopt this Ordinance under s. 23.33(8)(b) and (11), Wis. Stats.

SECTION 3 – ADOPTION OF STATE ATV AND UTV LAWS AND DEFINITIONS

The State ATV and UTV laws and definitions found in Wis. Stat. § 23.33 and Wisconsin Administrative Code NR 64 are adopted by reference and fully incorporated herein by reference, pursuant to Wis. Stat. § 23.33(11)(a).

SECTION 4 – OPERATIONAL REQUIREMENTS

Operational requirements include the following state regulations for ATVs and UTVs, and all additional requirements described under Wis. Stat. § 23.33.

- A. No person may operate an ATV or UTV on a public highway or Town road that is not designated an ATV/UTV route.
- B. Operation of ATVs and UTVs on designated routes is authorized only for the extreme right side of the roadway, except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
- C. On paved roadways, ATVs and UTVs must be operated on the paved portion of the roadway and not on the gravel shoulder.
- D. All ATV and UTV operators shall ride single file.
- E. Headlights and taillights on ATVs/UTVs must be activated and visible at all times.
- F. All ATV and UTV operators born on or after January 1, 1988, shall possess a valid state-issued ATV/UTV Safety Certificate, which shall be carried while operating in a public area and presented to an officer of the law upon request.
- G. All ATV and UTV operators under the age of 16 must be under the direct supervision of a parent or legal guardian at all times when operating on an ATV/UTV route.
- H. No ATV operators under age 12 may operate on a public roadway for any reason.
- I. No UTV operators under age 16 may operate on a public roadway for any reason.
- J. Certain operational exceptions apply for ATVs/UTVs that are licensed for agricultural use and those utilized for snowplowing, pursuant to Wis. Stat. § 23.33.

SECTION 5 – DESIGNATION OF ATV AND UTV ROUTES

All public town roads under the jurisdiction of the Town of Oak Grove shall be designated ATV/UTV routes. An exception may be granted if a majority of property owners on a dead-end road petition the Town Board to close their dead-end road to ATV/UTV travel. The Town of Oak Grove reserves the right to close or modify routes by formal motion and a majority vote of the Town Board at any duly noticed board meeting. Town Roads that are closed to ATV/UTV travel by action of the Town Board shall be marked accordingly with appropriate signage.

SECTION 6 – CONDITIONS APPLICABLE TO ATV AND UTV ROUTES

A. Routes shall be marked with uniform ATV/UTV Route signs in accordance with s. NR 64.12, and NR 64.12(7)c Wisconsin Administrative Code. No person may do any of the following in regard to signs marking Town ATV/UTV Routes:

1. 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 ATV/UTV route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
2. Possess any uniform ATV/UTV route or trail sign or standard of the types established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform ATV/UTV route or trail sign in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a reasonable presumption of illegal possession.

B. Operation shall be subject to all provisions of Wis. Stat. § 23.33, Wis. Stats., which is incorporated as part of this Ordinance by reference, pursuant to Wis. Stat. § 23.33(11), Wis. Stats.

SECTION 7 – ENFORCEMENT

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

SECTION 8 – PENALTIES

The penalties under Wis. Stat. § 23.33(13), Wis. Stats., are adopted by reference.

SECTION 9 – 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 10 – EFFECTIVE DATE

This Ordinance is effective upon proper passage and publication.

A copy of this Ordinance shall be sent by the Town Clerk to the Pierce County Sheriff's Department and the Wisconsin Department of Natural Resources.

Adopted **this 15th day of May, 2023**, by a majority vote of the Town Board of the Town of Oak Grove.

Gerald Kosin, Town Chair

Attest: Andria Hayday, Town Clerk

Effective Date: May 25, 2023 (first day following the date of publication)

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Posted: May 24, 2023 (town website, town hall)