

Town of Two Creeks, Manitowoc County, Wisconsin

**AN ORDINANCE ESTABLISHING
ALL-TERRAIN VEHICLE (ATV) AND UTILITY TERRAIN VEHICLE (UTV)
ROUTES WITHIN THE TOWN OF TWO CREEKS**

WHEREAS, the ownership and use of all-terrain vehicles (“ATVs”) and utility terrain vehicles (“UTVs”) has in recent years increased within and around the Town of Two Creeks, resulting in requests by the users of such vehicles to be able to travel on Town roads; and

WHEREAS, pursuant to Wis. Stat. § 23.33(8)(b), the Town Board now has the authority to designate the places in the Town where Town roads may be used by ATVs and UTVs (hereafter “ATV/UTV Routes”); and

WHEREAS, the Town Board desires to establish ATV/UTV Routes to regulate the operation of ATVs and UTVs in the Town to provide for the safety of all users of Town roads;

NOW, THEREFORE, the Town of Two Creeks Board of Supervisors does hereby ordain as follows:

1. **Designation of ATV/UTV Routes.** All highways in the Town are designated ATV/UTV Routes.
2. **Signage.** ATV/UTV Routes shall be marked with uniform ATV and UTV route signs in accordance with s. 23.33(8)(e), Wis. Stats., and s. NR 64.12(7), Wisconsin Administrative Code. 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 sign or standard;
 - B. Intentionally interfere with the effective operation of any sign or standard legally placed by the state, any municipality or any authorized individual;
 - C. 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 he or she obtained the same in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.

3. **Restrictions for Operating on Designated ATV/UTV Routes.** The following provisions or restrictions apply to the operation of ATVs and UTVs on ATV/UTV Routes:
- A. ATVs//UTVs must operate on 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, pursuant to s. 23.33(4)(d)4., Wis. Stats.
 - B. Operators shall ride ATVs and UTVs single file.
 - C. Operators shall not exceed 35 miles per hour or posted roadway speed limits, whichever is less.
 - D. ATVs and UTVs shall not exceed 10 mph within 150 feet of a dwelling.
 - E. ATVs and UTVs shall only operate during daytime hours (from 1 hour before sunrise to 1 hour after sunset).
 - F. ATVs and UTVs shall have their headlights on when operating.
 - G. Operators shall wear eye protection.
 - H. Operators must be at least age 12 and either possess a valid motor vehicle driver's license or be accompanied by a responsible adult who possesses a valid motor vehicle driver's license.
 - I. Operators born after December 31, 1987, must have completed an approved ATV/UTV safety certification course.
 - J. Operators and ATV/UTV operations are otherwise subject to the provisions of s. 23.33, Wis. Stats., which is adopted as a part of this ordinance by reference.
4. **Enforcement.** This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.
5. **Notification.** A copy of this ordinance shall be sent by the town clerk to the Department of Natural Resources, the Manitowoc County Sheriff's Department and any other law enforcement agency serving the Town.
6. **Penalties.** The penalties under s. 23.33 (13), Wis. Stats., are adopted by reference.
7. **Severability.** Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.
8. **Effective Date.** This Ordinance shall take effect upon publication or posting, and placement of the necessary ATV/UTV Route signage.

Enacted on: October 12, 2020.

TOWN OF TWO CREEKS

By: Lee Engelbrecht
LEE ENGELBRECHT, Town Chair

CLERK'S CERTIFICATION

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Two Creeks on the date indicated above.

Dated: October 12, 2020

Jasmine Schwerma
Jasmine Schwerma, Town Clerk

Posted/Published on: October 23 by US-clerk
HTR NEWS

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