

**TOWN OF MANITOWOC RAPIDS, MANITOWOC COUNTY, WI**  
**ORDINANCE NO. 2020-2**  
**DESIGNATION OF ALL-TERRAIN VEHICLE ROUTES**

**1. INTENT.**

The town board, following due consideration of the value to the public to provide recreational opportunities and in particular to provide for connecting all-terrain vehicle trails, and considering the benefits offset by the potential liabilities including terrain involved, traffic density, and the history of automobile traffic, hereby intends to create all-terrain vehicle routes for the operation of All-Terrain Vehicles (ATVs) and Utility Terrain Vehicles (UTVs) in the town of Manitowoc Rapids, Manitowoc County, WI.

**2. AUTHORITY; INCORPORATION OF SEC. 23.33, WIS. STAT.**

A. This Ordinance is adopted pursuant to the village powers of the town, and sections 23.33(8)(b) and (11), Wis. Stats., and sec. NR 64.12, Wisconsin Administrative Code. In the event any provision of this ordinance is inconsistent with or in conflict with any portion of section 23.33, Wis. Stats., then section 23.33, Wisconsin statutes, shall control and be applicable.

B. The terms of Sec. 23.33, Wis. Stat., are incorporated herein by reference.

**3. DEFINITIONS.**

As used in this ordinance, the following terms will have the following meanings:

A. ALL-TERRAIN VEHICLE (herein "ATV") means a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of not more than 50 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more tires. Sec. 23.33(1)(b) and Sec.340.01 (2g), Wis. Stats.

B. UTILITY TERRAIN VEHICLE (herein "UTV") means any of the following:

1. A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that 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, and that has, and was originally manufactured with, all of the following:

a. A weight, without fluids, of 2,000 pounds or less.

b. Four or more tires.

d. A steering wheel.

e. A tail light.

f. A brake light.

g. Two headlights.

h. A width of not more than 65 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.

j. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.

k. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.

2. A commercially designed and manufactured motor driven device to which all of the following applies:

- a. It does not meet federal motor vehicle safety standards in effect on July 1, 2012; is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle; is designed to be used primarily off of a highway; and has, and was originally manufactured with, a weight, without fluids, of not more than 2000 pounds.
- b. It has a width of 65 inches or less as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.
- c. It is equipped with a seat designed to be straddled by the operator.
- d. It travels on 3 or more tires.
- e. It is not an all-terrain vehicle, as defined in s. 340.01 (2g).

Sec. 23.33(1)(ng) Wis. Stat.

C. ATV ROUTE means a highway or sidewalk designated for use by all-terrain vehicle operators by the town board having jurisdiction as authorized under Sec. 23.33, Wis. Stat.

D. TOWN means the Town of Manitowoc Rapids, Manitowoc County, Wisconsin.

E. TOWN BOARD means the board of supervisors of the Town of Manitowoc Rapids, Manitowoc County, Wisconsin.

#### **4. DESIGNATION OF ATV and UTV ROUTES and OPERATION.**

A. All highways under the jurisdiction of the Town are designated ATV Routes in the Town. This does not include any state trunk highway or connecting highway per sec. 23.33 (8)(b)(3), Wis. Stat.

B. All designated ATV Routes may be used by operators of Utility Terrain Vehicles (UTVs), pursuant to Sec. 22.33 (1m) (b), Wis. Stat.

C. ATV Route Signs and Markers:

1. Markers: The town board or its designee is authorized and directed to procure, erect, and maintain uniform ATV route markers and route signs in accordance with sec. 23.33(8), Wis. Stats, and Sec. NR64.12 (7), Wis. Administrative Code.
2. Route Status: The town board acting through the town chairman shall have the authority to declare the stated ATV Routes either opened or closed at any time in the interest of public health and safety.
3. Operation: No person shall fail to obey any route sign, marker, speed limit or other control device erected in accordance with this ordinance or under the authority of Sec. 23.33, Wis. Stat.

#### **5. ENFORCEMENT AND PENALTIES:**

A. Enforcement: This ordinance shall be enforced by the town constable, the town chairman, and such other local, county, or state law enforcement officers, as provided in Sec. 23.33(12), Wis. Stat.

B. Citation: The uniform traffic citation under Wisconsin statutes shall be used for violations of this chapter.

C. Penalty: All provisions of section 23.33 of Wisconsin statutes describing and defining regulations with respect to all-terrain vehicles for which the penalty for a violation thereof

is a forfeiture only, are incorporated herein by reference. The penalty for violation of any provision of this ordinance shall be a forfeiture of not more than two hundred fifty dollars (\$250) together with the costs of prosecution as provided in section 23.33(13), Wis. Stat.

**6. SEVERABILITY:**

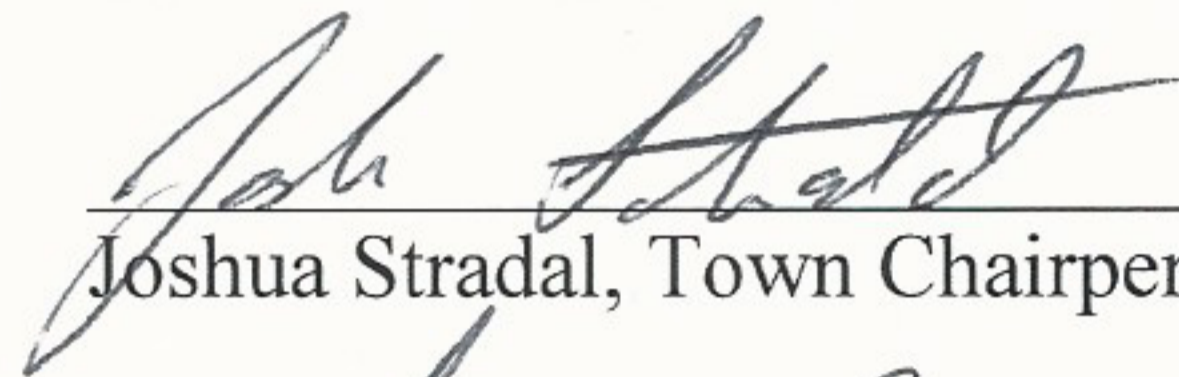
The provisions of this ordinance are severable. If any portion hereof is found to be void, illegal or unenforceable by a court of competent jurisdiction, such finding shall not affect the remaining portions hereof which shall continue to be in full force and effect.

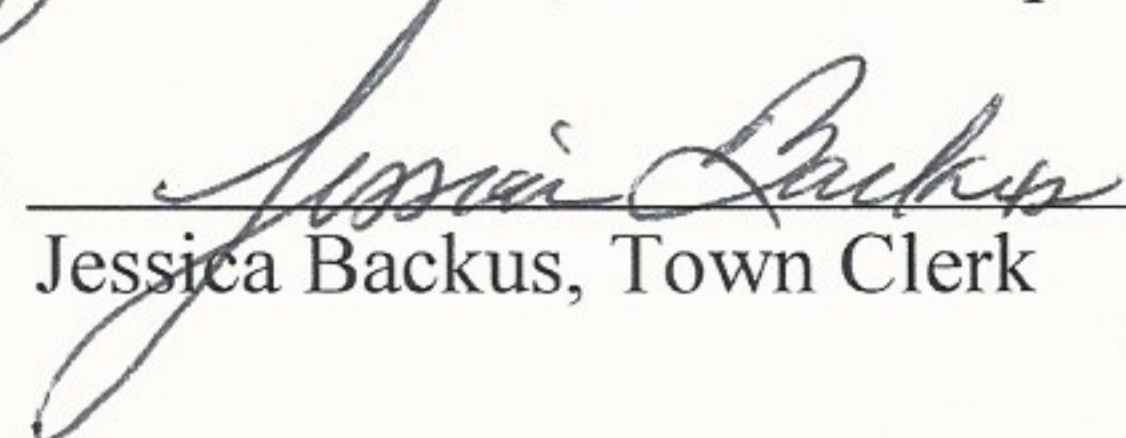
**7. EFFECTIVE DATE:**

This ordinance shall be effective upon adoption and publication according to law.

Adopted this 9<sup>th</sup> day of September 2020.

TOWN OF MANITOWOC RAPIDS

  
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Joshua Stradal, Town Chairperson

Attest:   
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Jessica Backus, Town Clerk