

, ALL-TERRAIN VEHICLE, UTILITY-TERRAIN VEHICLE AND SNOWMOBILE ROUTE
ORDINANCE
ORDINANCE # 81302 (amended 9-08-20)

This is an ordinance designating ROADS within the Town of Foster as, All-Terrain Vehicle, Utility-Terrain Vehicle and Snowmobile routes with the exception of ALL U.S. and County Highways, regulating the operation and use of All-terrain vehicles, Utility-Terrain vehicles and Snowmobiles, thereon and providing penalties for the violation thereof.

The Town Board of the Town of Foster does ordain as follows:

SECTION ONE: For the purpose of this ordinance, the following definitions shall apply:

- A. ALL-TERRAIN VEHICLE (ATV) Wisconsin law ss340.01(2g) defines an all-terrain vehicle as a commercially designed and manufactured motor-driven device which has a net weight of 900 pounds or less, was originally manufactured with a width of 50 inches or less, equipped with a seat designed to be straddled by the operator and which is designed by the manufacturer to travel on three or more tires. This includes small or child-sized ATVs. Certain ATVs that do not currently fit the ATV definition may be registered as UTVs.
- B. UTILITY-TERRAIN VEHICLE (UTV) Wisconsin law ss23.33(1).(ng) defines an utility-terrain vehicle as a commercially designed and manufactured motor-driven device that is designed to be used primarily off highway, and originally manufactured and equipped with all of the following: a weight, without fluids, of 2,000 pounds or less; four or more tires; steering wheel; tail light; brake light; two lights; width of not more than 65 inches; seat belts; and roll bar or similar device designed to reduce the likelihood that an occupant would be crushed as the result of a rollover. This includes small or child-sized UTVs. Vehicles that do not qualify as an ATV.
- C. SNOWMOBILE means any engine-driven vehicle of a type that utilizes sled-type runners or skis, or an endless belt tread or any combination of these or similar means of contact with the surface upon which it is operated, but does not include vehicles that are either manually propelled or driven by a motor of 4 horsepower or less and that are operated in sanctioned races, derbies, competitions or exhibitions or only on private property.
- D. OPERATE means to exercise physical control over the speed or direction of a vehicle or to physically manipulate or activate any of the controls to put it in motion.
- E. OPERATOR means a person who drives or is in actual physical control of a vehicle.

SECTION TWO: It shall be unlawful for any person to operate an All-Terrain Vehicle, Utility-Terrain Vehicle and Snowmobile on any Town Road within the Town limits of the

Town of Foster except in the specific manner set forth in Sections Three and Four of this Ordinance.

SECTION THREE: The operation of an All-Terrain Vehicle, Utility-Terrain Vehicle and Snowmobile will be permitted on the following designated routes:

- A. All town roads in the Town of Foster.
- B. The Town Board may vote to close, open, and remove or add any designation of any one or all Town Roads on a permanent or temporary basis for the use and operation of, All-Terrain Vehicles, Utility-Terrain Vehicles and Snowmobiles.

SECTION FOUR: Operation of all All-Terrain Vehicles, Utility-Terrain Vehicles and Snowmobiles upon designated routes set forth above must comply with the following regulations:

- A. Every All-Terrain Vehicle, Utility-Terrain Vehicle and Snowmobile must be operated on the extreme right-hand side of designated roads.
- B. Every All-Terrain Vehicle, Utility-Terrain Vehicle and Snowmobile must not exceed the 10MPH speed limit on all designated Town Roads, except as listed below:
 - * 25 mph speed limit on all gravel roads
 - * 45 mph speed limit on Willard Rd
- C. All All-Terrain Vehicles, Utility-Terrain Vehicles and Snowmobiles must observe Right of Way and regulations as set forth in the "Wisconsin Rules of the Road" set forth in Section 23.33 of Wisconsin Statutes.
- D. One may not operate an All-Terrain Vehicle, Utility-Terrain Vehicle and Snowmobile on the above-mentioned routes so as to create unnecessary or unusual noise as to disturb or interfere with the peace and quiet of other persons within the Town of Foster.

SECTION FIVE: Incorporated By Reference of Wisconsin Statues. The various Wisconsin Statutes pertaining to the regulation and safety requirements imposed by the Wisconsin Statues now in effect, or hereinafter adopted, are adopted by reference and made a part of this ordinance as if reproduced verbatim.

SECTION SIX: Any person or party violating the terms of this ordinance shall, upon conviction thereof, forfeit not more than \$250.

SECTION SEVEN: Ordinance to be filed. The Town Clerk shall file a copy of this ordinance upon its enactment and posting with the Wisconsin Department of Natural Resources and the Clark County Sheriff Department.

SECTION EIGHT: Repeal of Conflicting Ordinance. All Ordinances regulating All-Terrain Vehicles, Utility-Terrain Vehicles and Snowmobiles in the Town of Foster and all ordinances heretofore enacted by the governing body of the town of Foster is hereby repealed.

SECTION NINE: Severability. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions, sections, subsections, paragraphs, clauses or phrases of this ordinance irrespective of whether or not one or more of such parts may be declared invalid. If any provisions or part of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance shall not be affected thereby.

SECTION TEN: Effective Date: This ordinance shall take effect and be enforced after passage and posting as provided by law.

Dated: 9/8/2020

Scott L. Ellison
Town Chairman, Scott Ellison

Posted: _____

Attest: Carol Poehnlein
Town Clerk, Carol Poehnlein

Posted: _____