

Town of Riverview

ALL-TERRAIN VEHICLE ORDINANCE #02-2022 TO REPLACE EXISTING ALL-TERRAIN (ATV/UTV) ORDINANCE #02-2011, #02-2012, 02-2012-2 and 2-2013

A Sole Ordinance to regulate the Use and Operation of DNR currently registered ATVs and UTVs in the Town of Riverview, Oconto County and for the purpose of establishing the designation of all town roads, with exception of those signed no ATV/UTV, and all County Roads within the Township for year-round usage.

Section I – Intent

The Town of Riverview adopts the following all-terrain vehicle (ATV) and Utility Vehicle (UTV) Ordinance for year-round route operation of DNR currently registered ATVs and UTVs upon the roadways listed in Section III.

Following consideration of the recreational value to connect trail opportunities and weights against dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created.

Section II – Statutory Authority

These routes/town roads are created pursuant to the Town of Riverview authority under as authorized by 23.33 (8) (b), Wis. Stats.

The applicable provisions of 23.33 regulating ATV/UTV operation pursuant to routes are adopted.

Section III – Routes/Town Roads/County Roads

The following roads are designated as routes/town roads for year-round usage:

- A. All maintained roads within the Town of Riverview (Township 32 in Oconto County), are acceptable travel for DNR currently registered ATVs and UTVs, with the exception of all State roads within the township, specifically State Highway 32 and 64.**
- B. Year-round usage of such routes/town roads will commence as of revision Effective Date October 11, 2022.**

Section IV – Operation of All-Terrain Vehicles and Utility Terrain Vehicles on Town/ County Roads

As a condition for the use of this route/town road, the following conditions shall apply to all operators (and passengers where applicable):

- A. All ATVs and UTVs shall operate only on the paved portion of the roadway unless otherwise indicated herein. Operation on the gravel shoulders, grassy in-slope, ditches, or other road right-of-way is prohibited and illegal. Operation shall be subject to all provisions of Wis. Stats ss23.33, Wis Stats ss340 and NR64, which are adopted as part of this ordinance by reference. In addition:**
- B. No person may operate an ATV/UTV on Town/County roads unless the owner or operator has in effect a liability insurance policy providing coverage consistent with the liability insurance required for automobile operation by the State of Wisconsin and has in his or her immediate possession proof that he or she is in compliance.**
- C. Persons 16 years of age or older must possess a valid drivers license to operate an ATV/UTV on a Town/County Road.**
- D. No persons under the age of 16 may operate an ATV/UTV on Town/County roads during the hours between sunset and sunrise.**
- E. No one under 12years of age is allowed to operate an ATV/UTV on a Town/County Road and all operators born after January 1, 1988, are required to have an ATV/UTV safety certificate.**
- F. No person under 16 years of age may operate an ATV/UTV on a Town/County Road unless the person is accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian. Anyone accompanying those under 16 years of age must possess a valid driver's license.**
- G. No person may operate or be a passenger on an ATV/UTV without wearing protective headgear of the type required in section 347.485(1), Wis Stats., unless the person is at least 18 years of age.**
- H. All ATV/UTVs shall display either a Wisconsin registration or a nonresident Trail Pass while operating on Town/County roads.**
- I. All ATV/UTV operators shall ride in single file on the far-right hand side of the paved portion of the road, unless marked for operation on the shoulder or in the right of way.**
- J. All ATV/UTV operators are required to display a lighted headlamp and tail lamp while operating on a Town/County Road.**
- K. Open intoxicants are prohibited for ATV/UTV operators or passengers while operating on a Town/County Road.**

- L. Every ATV/UTV shall be equipped and operated to prevent excessive or unusual noise. No person shall operate an ATV/UTV on a Town/County Road unless such ATV/UTV is equipped with a muffler or other noise suppression system in good working order and in constant operation. It shall be unlawful to use a muffler cutout, bypass, or similar device on an ATV/UTV in a manner such that noise emitted by the ATV/UTV increases to a level higher than as originally manufactured.**
- M. ATV/UTV Speed limit on all County roads is same as Automobiles unless otherwise posted**
- N. ATV/UTV Speed limit on all Town roads is the same as Automobiles unless otherwise posted. This will be reviewed yearly.**

Section V – Signage

- A. The Town of Riverview has the sole responsibility for ATV/UTV signage on roads entering the Town. Roads shall be marked with uniform all-terrain vehicle route signs in accordance with NR 64.12(7), Wisconsin administration code and Wis. Stats ss23.33.**
- B. ATV clubs shall be responsible for the cost and posting of signs on all trails entering the Town of Riverview.**
- C. ATV/UTV operation shall be subject to all provisions of Wis. Stats 23.33, which is adapted as part of this ordinance by reference. Pursuant to Wis. Stats 23.33(6)(f). No person may do any of the following regarding sign marking all-terrain vehicle routes.**
 - (1) Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle route trail sign.**
 - (2) Possess any uniform all-terrain vehicle 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 all-terrain or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.**

Section VI – Enforcement

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the Town of Riverview, Oconto County, Wisconsin, as set forth in Wis. Stats 23.33 (12)

Section VII – Penalties

Wisconsin state All-Terrain Vehicle (ATV/UTV) Penalties as found in Wis. Stats. 23.33 (13) (a) and found in the Town Code schedule., are adopted by reference.

Section VIII – Severability

The provisions of this ordinance shall be deemed severable, and it is expressly declared that County/Town would have passed the other provisions of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected. This ordinance will be reviewed annually.

Section IX – Effective Date

This ordinance becomes effective upon passage and publication.

Passed this October 11, 2022

Attested:

_____, Chairperson
Ann Hogan

Beth Hartman, Clerk

_____, Supervisor
Jim Zittlow

_____, Supervisor
Dick Booth