

# All-Terrain/Utility-Terrain Vehicles and Routes

## Township of Springvale

### Fond du Lac County, Wisconsin

#### Section 1: INTENT

The Springvale Township, Fond du Lac County adopts the following all-terrain vehicle (ATV) and utility-terrain vehicle (UTV) Route Ordinance upon the roadways listed herein. Following due consideration of the recreational value and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density, and automobile traffic volume, this route has been created.

#### Section 2: STATUTORY AUTHORITY

These routes are created pursuant to Town authority as authorized according to Wisconsin State Statute 23.33(8)(B). The applicable provisions of 23.33 regulating ATV and UTV operation pursuant to routes are adopted.

#### A. DEFINITIONS

OFF ROAD VEHICLES shall include, without limitation,

"**OPERATOR**" is defined as a person who operates an all-terrain vehicle or utility-terrain vehicle, who is responsible for the operation of an all-terrain vehicle or utility-terrain vehicle or who is supervising the operation of an all-terrain vehicle or utility-terrain vehicle.

"**ALL-TERRAIN VEHICLE**" (ATV) is defined to mean:

A commercially designed and manufactured motor driven device to which all of the following apply:

1. It has a weight, without fluids, of less than 900 pounds.
2. It has a width of 50 inches or less.
3. It is equipped with a seat designed to be straddled by the operator for the number of people intended
4. It travels on 3 or more low-pressure tires or non-pneumatic tires.
5. It has a lighted head lamp and tail lamp functioning at all times of operation

"**UTILITY-TERRAIN VEHICLE**" (UTV) is defined to mean any of the following:

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 3,000 pounds or less.
- b. Four or more low-pressure tires or non-pneumatic tires.
- c. A steering wheel.
- d. A tail light,
- e. Two headlights.
- f. A brake light.
- g. A width of not more than 65 inches.
- h. A system of seat belts, or a similar system, for restraining each occupant (for the number of occupants intended) of the device in the event of an accident
- i. 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.

**B: OPERATION OF ATV/UTV**

Operation of all-terrain vehicles and utility-terrain vehicles is authorized only upon those Town of Springvale roads designated for such use by this ordinance and in accordance with the conditions set forth in SECTION 5, below.

**C: DESIGNATION OF ROUTES**

1. The Town of Springvale reserves the right to close or modify routes at any time.
2. The Town of Springvale, or its designee, shall maintain all route signs within the township.
3. All ATV/UTV routes shall be signed in accordance with NR 64.12, and NR 64.12(7). If a route is not signed, it is not open for use.
4. **ROUTES DESIGNATED** — The following roads are designated ATV/UTV routes in the Town of Springvale:
  - a. All paved roads within the Town of Springvale
  - b. Authorized private lands subject to easement or leases are designated trails.
  - c. Prohibited travel areas include: the cemetery, parks and greenspaces, and any private property not subject to easement or leases as designated trails.
  - d. Operation of an ATV/UTV is limited to the paved portion of the roadway. Operation of an ATV/UTV upon township road shoulders, ditches, or other road rights-of-way, or sidewalks is prohibited.
5. **ROUTES AUTHORIZED** — The following roads are authorized for the operation of ATV's under Wis. Stat §23.33(11)(am)(4):
  - a. All state highways and county highways with a speed limit of 35 MPH or less.

## **D: CONDITIONS**

1. All ATV/UTV units shall be registered for public use in accordance with Wisconsin Department of Natural Resources ("DNR") regulations, and proof of registration shall be displayed as required by statute during all times of operation.
2. All ATV/UTV operators on routes shall observe posted roadway speed limits and any posted roadway signage.
3. All ATV/UTV operators shall ride single-file on the right-hand side of the roadway.
4. Operators of an ATV/UTV shall observe all laws of this state pertaining to the use of an ATV/UTV.
5. ATV/UTV designated routes are closed for operation of AVT/UTV between the hours of 10:00 PM and 6:00 AM daily.
6. A person operating an ATV/UTV within the Town of Springvale must be at least 16 years of age and have been issued a valid state driver's license. During time of operation, the operator/owner shall have both of the following in their possession: (a) a valid motor vehicle operator's license and (b) written proof of liability insurance coverage which meets the requirements specified in §344.61 Wisconsin Statutes.
7. An operator of an ATV/UTV shall at all times of operation, upon any designated Town road, have the ATV/UTV head lights and taillights activated.
8. When making directional turns, all operators are required to use signal lights or hand signals.
9. No person under the age of 18 shall operate an ATV/UTV on any township road unless wearing protective headgear.
10. ATV/UTV operators and passengers under the age of 18 must wear protective headgear as required under section 347.485(1)(a) of Wisconsin Statutes, with a chin strap securely fastened at all times of operation.
11. No ATV/UTV operator or passenger shall be in possession of an open-intoxicant while the ATV/UTV is in operation. No person shall operate an ATV/UTV while under the influence of an intoxicant, a restricted controlled substance, a controlled substance analog, or any combination of these elements, to a degree which renders the person incapable of operating the ATV/UTV.
12. ATV/UTV operation is at risk of the operator. The Town of Springvale has no liability for any damage or injury to persons, real property or personal property arising out of the operation of ATVs and/or UTVs on designated routes.

## **E: ENFORCEMENT**

This ordinance may be enforced by the Fond du Lac County Sheriff's Department, or any other law enforcement official authorized to enforce laws in of the State of Wisconsin.

## **F. PENALTIES**

The penalty for any violation identified in Section 23.33(13) or Chapters 340 through 347 of the Wisconsin Statutes shall be as set forth in the Wisconsin Statutes. Deposit

amounts for such violations shall be set forth in the current Revised Uniform State Traffic Deposit Schedule. The penalty for any violation of this ordinance not addressed in Section 23.33(13) or Chapters 340 through 347 of the Wisconsin Statutes shall be forfeiture as set forth in the Township Code, together with all applicable costs, surcharges, and assessments.

**G. SEVERABILITY**

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

**H: EFFECTIVE DATE**

This ordinance becomes effective upon passage and publication as required under §60.80, Wis. Stats.


Passed this 22 day of August, 2022

TOWN OF SPRINGVALE, FOND DU LAC COUNTY, WISCONSIN

  
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Eric Hau, Town Chairman

Attest:

  
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Karen Smit, Clerk

Ayes: 3

Nays: 0

Absent: 0