

## TOWN OF EAGLE, WI ORDINANCE NO 2023-02

All-Terrain Vehicle and Utility Terrain Vehicle Routes and Regulations in the  
Town of Eagle, Waukesha County, Wisconsin

### SECTION 1-DEFINITIONS

**All-Terrain Vehicle-(ATV)-** Wis. Stat. 340.01(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 ordinance excludes small or child-sized ATVs.

**Utility Terrain Vehicle-(UTV)-** Wis. Stat. 23.33(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 3000 pounds or less; four or more tires; steering wheel; tail light; brake light; two headlights; 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 ordinance excludes small or child-sized UTVs.

### SECTION II - AUTHORITY – ENFORCEMENT

The Town of Eagle Board of the Town of Eagle, Waukesha County, Wisconsin, has the specific authority to adopt this Ordinance under Wis. Stat. 23.33 (8)(b) and (11) Wis. Stats.

1. The provisions of this Ordinance shall apply to all Town of Eagle roads within the authority of the Town of Eagle. Adoption of this Ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law, or order that pertains to the subject matter addressed under this section.
2. The Town of Eagle Board shall have the authority to suspend operation on any Town of Eagle road, route, or segment thereof due to hazards, abuse, misuse, construction, emergency conditions, road damage, or any other issue deemed appropriate for public safety. Any modifications to the routes designated for ATV/UTV shall be approved by the Town of Eagle Board. Routes subsequently removed or closed as an ATV/UTV vehicle route will be posted on the Town of Eagle website.
3. The routes designated as an ATV/UTV vehicle route shall be all town roads with a speed limit of 35 mph or less unless posted otherwise.
4. This ordinance may be enforced by any law enforcement officer or DNR warden authorized to enforce these laws of Wisconsin.

### **SECTION III – CONDITIONS APPLICABLE TO ALL ATV/UTV ROUTES AND SIGNAGE**

Pursuant to Wis. Stat. 23.33(8)(d), Wis. Stats., the following restrictions are placed on the use of the town ATV/UTV routes designated by this ordinance:

1. Routes shall be marked with uniform ATV/UTV route signs in accordance with Wis. Stat. 23.33 (8)(e), Wis. Stats., and Wisconsin Administration Code NR 64.12(7), Wisconsin Administration Code.
2. No person may erect, deface, damage, or remove any official route sign unless authorized by the Town of Eagle Board.
3. All required designated route signs and installation shall be paid for by an ATV/UTV club. Installation of such signs will be approved and directed by the Town of Eagle Board.
4. No person shall operate an ATV/UTV contrary to any authorized and official posted sign.
5. Operation shall be subject to all provisions of Wis. Stat. 23.33, Wis. Stats. and Wisconsin Administration Code NR 64, adopted as part of this ordinance by reference, pursuant to Wis. Stat. 23.33(11), Wis. Stats.

### **SECTION IV – RESTRICTIONS AND LIMITATIONS**

The following restrictions and limitations apply on all areas designated by this ordinance:

1. All ATV/UTV shall not be operated between 11pm and 5am.
2. All ATV/UTV shall operate single file and to the right side of a paved road.
3. All persons who operate an ATV/UTV must be 16 years of age and possess a valid driver's license as defined in Wis. Stats. 340.01(41g) and 23.33(12).
4. ATV/UTV may not be operated on any route without fully functional headlights, taillights, and brake lights.
5. ATV/UTV shall not be operated on private property with owners' consent.
6. ATV/UTV shall not be operated in an excessively disorderly/unsafe manner.
7. ATV/UTV operators are required to have a certificate of insurance listing Company, policy term and minimum limits of liability of \$100,000 per person, \$300,000 per accident and \$5000 medical.
8. No person shall operate an ATV/UTV in violation of the provisions set forth in Wis. Stat. 23.33, Wis. Stat. 346 and Wis. code Wisconsin Administration Code NR 64.

### **SECTION V – PENALTIES**

The penalties under Wis. Stat. 23.33, Wis. Stat. 346 and Wisconsin Administration Code NR 64 are adopted by reference.

Adoption on Motion by Supervisor Schneider, seconded by Supervisor Rozinski, on the 3<sup>rd</sup> Day  
of January 2023.

Attest:

Approved:

\_\_\_\_\_  
Mercia Christian, Town Clerk

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Don Malek, Town Chair

Ayes\_\_\_ Noes\_\_\_ Absent\_\_\_