

ORDINANCE 19.12
TOWN OF DUNN
AN ORDINANCE CREATING CHAPTER 19.12 OF THE GENERAL CODE OF
ORDINANCES TO ESTABLISH ALL-TERRAIN AND UTILITY-TERRAIN
VEHICLE ROUTES FOR THE OPERATION OF ATVs AND UTVs WITHIN THE
TOWN OF DUNN

Sec. 19-12-1 Finding, Purpose, and Authority

- (a) Findings.** The Town Board finds that there is a need for ATV/UTV routes on roadways in the Town of Dunn for recreational purposes and that the need should be balanced against possible dangers and liabilities resulting from the use of ATV/UTVs on roadways.
- (b) Purpose.** The purpose of this ordinance is to establish ATV/UTV routes for the operation of ATVs/UTVs upon roadways in the Town of Dunn and to regulate the operation of ATVs/UTVs. Following due consideration of the recreational value weighed against the possible dangers, public health, liability aspects, traffic density and history of automobile traffic, these routes have been created.
- (c) Authority.** This Ordinance is adopted under the powers granted to the Town of Dunn by Wis. Stats. §§ 60.22(3), 61.34, and Wis. Stat. §23.33(8)(b)(1) and other authority under the statutes, and its adoption of village powers under Wis. Stats. §60.10(2)(c). Any amendment, repeal or recreation of the statutes relating to this Ordinance made after the effective date of this Ordinance is incorporated into this Ordinance by reference on the effective date of the amendment, repeal, or recreation.

Sec. 19-12-2 Definitions

- (a)** For the purpose of administrating and enforcing this section, the terms or words used herein shall be interpreted as follows:
- (1) Words in the present tense include the future.

- (2) Words in the singular number include the plural number.
- (3) Words in the plural number include the singular number.

(b) The following definitions apply:

- (1) All-Terrain Vehicle (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.
- (2) Utility Terrain Vehicle (UTV) means any of the following:
 - i. 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:
 1. A weight, without fluids, of 3,000 pounds or less.
 2. Four or more tires.
 3. A steering wheel.
 4. A tail light.
 5. A brake light.
 6. Two headlights.
 7. 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.
 8. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
 9. 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.

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

1. 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 3,000 pounds.
2. 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.
3. It is equipped with a seat designed to be straddled by the operator.
4. It travels on 3 or more tires.
5. It is not an all-terrain vehicle, as defined in Sec. 19-12-2 (b) (1).

(3) ATV Route means a roadway designated for use by ATV/UTV operators by the governmental agency having jurisdiction as authorized under this ordinance.

(4) ATV/UTV means ATV and/or UTV.

Sec. 19-12-3 Regulations

(a) Designation of ATV/UTV routes. No person shall operate an ATV/UTV on any Town of Dunn street, road, highway, alley, park, or parking lot other than a motorized boat landing parking lot; on any land owned by the Town of Dunn or parking lots held open to the public; or on private land without permission of the owner; within the Town except as provided in 19-12-3(b) below.

(b) The Town-maintained roads listed below are designated as ATV/UTV routes unless posted:

- (1) Waucheeta Trail: In its entirety.

- (2) McConnell St.: In its entirety.
- (3) McConnell Ct: In its entirety.
- (4) Shaw Ct.: In its entirety.
- (5) Alma Rd.: From Gannon St. to Waubesa Ave.
- (6) Gannon St.: In its entirety.
- (7) Waubesa Ave.: In its entirety.
- (8) 3rd St.: In its entirety.
- (9) Lakeside St.: In its entirety.
- (10) Goodland Park Rd: From Waubesa Ave. to Lake Farm Rd
- (11) Noarts St.: In its entirety.
- (12) Berkan St.: In its entirety.
- (13) Beale St.: In its entirety.

(c) Regulation of operation. In addition to the provisions in Wisconsin Statutes, including Wis. Stat. §23.33 and Wis. Stats. Chs. 340 to 348 the following regulations apply to all operators and passengers as applicable:

- (1) The Town of Dunn reserves the right to close or modify ATV/UTV routes at any time.
- (2) All ATV/UTV routes shall be signed in accordance with Wisconsin Statutes, including Wis. Stat. § 23.33 (8) and NR 64.12(7).
- (3) Only Town of Dunn roads designated in 19-12-3(a) of this ordinance are designated as ATV/UTV routes, not including any county highways, state trunk highways, or connecting highways, unless Dane County and/or the Department of Transportation approves or is required to approve the designation.
- (4) All ATV/UTV units shall be registered in accordance with WI DNR regulations.

- (5) All ATV/UTV operators shall observe all applicable rules of the road governing motorized vehicles on municipal streets in accordance with Ch. 346, and § 23.33, Wis. Stats.
- (6) All ATV/UTV operators shall observe a speed limit of not more than 25 mph., or the posted speed limit, whichever is lower.
 - (i) Operators shall further drive at speeds that are reasonable and prudent for all prevailing roadway and highway conditions present.
 - (ii) Operators shall not drive carelessly or recklessly in any manner likely to result in property damage, injury or endanger the safety of any property, thing or person.
- (7) All operators of ATVs or UTVs are subject to Wis. Stats. and/or Wisconsin DNR rules and regulations pertaining to safety requirements.
- (8) No ATV/UTV may be operated on any designated route without fully functional headlights, taillights and brake lights. Operators must display a lighted headlight and taillight at all times while on the Town designated route.
- (9) All ATV/UTV operators must ride single file.
- (10) ATVs/UTVs may be operated on paved roadway surfaces only.
- (11) No ATV/UTV may be operated on any designated route from March 16 thru November 30.
- (12) ATV/UTVs that do not meet Wisconsin State or

local noise pollution requirements may not be operated on any route.

- (13) Operation on unpaved road shoulders is prohibited.
- (14) No person shall leave or allow any ATV/UTV owned or operated by him/herself to remain unattended on any roadway or public property while the motor is running or with the starting key left in the ignition. Insurance is required for all ATVs/UTVs operated within the Town of Dunn. Operators shall have proof of liability insurance and produce it upon demand of any law enforcement officer.
- (15) DOT approved protective helmets are required to be worn by all operators and passengers of any ATV/UTV for persons under the age of 18 years old.
- (16) A valid Department of Transportation driver's license is required to operate any ATV/UTV on a town ATV/UTV route.

Sec. 19-12-4 Enforcement

Dane County Sheriff's deputies shall enforce the provisions of this ordinance, as applicable.

Sec. 19-12-5 Penalties

- (a) The penalty for violation of any provision of this ordinance shall be a forfeiture as hereafter provided, together with statutory court costs and penalty assessment, if applicable.
- (b) The penalty for violations of this ordinance shall be a forfeiture of no less than \$60 and no greater than \$300 and shall be in accordance with the amounts designated in the Town of Dunn fee schedule.

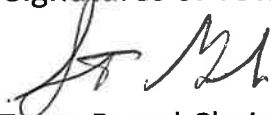
Sec. 19-12-6 Effective Date

This ordinance is effective upon approval by the WisDOT, Bureau of Highway Management and upon publication.

The Town Clerk shall properly publish this ordinance as required under Sec. 60.80(2) of Wis. Statutes as a Class I Notice in a newspaper.

Adopted this 20 day of June, 2022

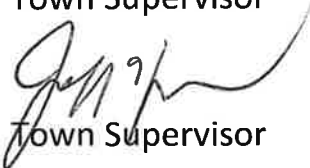
Signatures of Town Board:



Town Board Chair



Town Supervisor



Town Supervisor