

Town of Clayton
Ordinance 2024-002

AN ORDINANCE REPEALING ORDINANCE 2021-001 AND
RECREATING ORDINANCE 2024-002 ESTABLISHING ALL-
TERRAIN & UTILITY-TERRAIN VEHICLE ROUTES

Section 1 – Authority

1.1 This ordinance is established to create all-terrain vehicle and utility-terrain vehicle routes pursuant to the authority granted to towns by Wis. Stat. § 23.33(8)(b) and § 23.33(11).

Section 2 – Purpose and Intent

2.1 The Town of Clayton, Winnebago County adopts the following all-terrain vehicle (ATV) and Utility Terrain Vehicle (UTV) Route Ordinance upon the roadways listed in Section IV. The purpose of this ordinance is to establish an ATV/UTV route and provide safe and enjoyable ATV/UTV recreation consistent with public rights and interests. The Town Board finds that the ATV/UTV route will provide recreational opportunities to members of the public and will provide economic opportunities for town businesses. The Town Board further finds that public safety on town roads is unlikely to be negatively impacted and the use of ATV/UTVs on town roads is unlikely to create wear and tear which would require maintenance earlier than would be necessary if ATV/UTVs were not allowed.

Section 3 – Definitions

3.1 “All-terrain vehicle” or “ATV” means the following, as defined in Wis. Stat. § 23.33(1)(b) and any amendments thereto: A commercially designed and manufactured motor-driven device to which all of the following applies:

- a. It has a weight, without fluids, of 900 pounds or less.
- b. It has a width of 50 inches or less.
- c. It is equipped with a seat designed to be straddled by the operator.
- d. It travels on 3 or more low-pressure tires or non-pneumatic tires.

3.2 “Utility-terrain vehicle” or “UTV” means any of the following, as defined in Wis. Stat. § 23.33(1)(ng) and any amendments thereto:

- a. 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:
 - i. A weight, without fluids, of 2000 pounds or less.
 - ii. Four or more low-pressure tires or non-pneumatic tires.
 - iii. A steering wheel.
 - iv. A tail light.
 - v. A brake light.
 - vi. Two headlights.

- vii. A width of not more than 65 inches.
 - viii. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
 - ix. 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. A commercially designed and manufactured motor-driven device to which all of the following applies:
- i. It has a weight, without fluids, of more than 900 pounds but not more than 2,000 pounds.
 - ii. It has a width of 50 inches or less.
 - iii. It is equipped with a seat designed to be straddled by the operator.
 - iv. It travels on 3 or more low-pressure tires or non-pneumatic tires.

3.3 “ATV/UTV Route” means a roadway designated by Town ordinance for use by all-terrain vehicle operators or utility-terrain vehicle operators or as defined in Wis. Stat. § 23.33(1)(c) and any amendments thereto.

Section 4 – Routes

4.1 The area designated as an ATV/UTV route shall be as follows:

- a. All town roads west of State Highway 76 within the Town of Clayton including those roads already approved are hereby designated as ATV/UTV routes with the exception of County Road T south of County Road II to Hickory Avenue.
- b. The following County roadway located in the Town of Clayton is hereby declared an ATV/UTV route if authorized by the County of Winnebago:
 - i. County Road T from County Road II to the intersection of Larsen Road.

Section 5 – Special Conditions

5.1 The Town of Clayton shall have the authority to suspend operation in any of the above areas due to hazard, construction, or emergency conditions in any segment listed above.

5.2 The Town of Clayton Clerk shall be provided with a current route map.

5.3 All ATV/UTV operators must adhere to the laws set forth by the Wisconsin Department of Natural Resources, with the understanding the Town Ordinance may be more restrictive.

Section 6 - Limitations

6.1 The following limitations apply to all areas designated in this ordinance:

- a. ATV/UTV operators shall wear eye protection. A UTV full windshield is acceptable in lieu of separate eye protection.
- b. ATV/UTV operators and passengers shall wear a seat belt.
- c. ATV/UTV operators on routes shall observe posted roadway speed limits but shall not exceed 35 mph regardless of whether a higher speed limit is posted.
- d. ATV/UTV operators on routes must slow ATV/UTV to 10 mph or less when riding within 100 feet of a person who is not on a motorized vehicle. This includes, but is not limited to slowing for anglers, hikers, bicyclists, joggers, horses, etc. as well as for other ATV/UTV operators standing along the road.
- e. ATV/UTV operators shall ride single file.

- f. ATV/UTV may be operated on any designated route twenty-four (24) hours per day, seven (7) days per week.
- g. ATV/UTV operators must have attained the age of sixteen (16) and must have a valid driver's license.
- h. No person under the age of eighteen (18) may operate an ATV/UTV on any designated route unless wearing approved protective headgear.
- i. Operators of ATV/UTV shall observe all laws of the state of Wisconsin pertaining to the use of ATV/UTV.
- j. ATV/UTV operators shall ride on paved surfaces only.
- k. No ATV/UTV may be operated on any designated route without fully functional headlights and taillights. Lights are required to be used at all times during operation of the vehicle.
- l. Town of Clayton ATV/UTV routes can be closed at any time by the Town Board when public safety is at risk.
- m. Operators must use hand signals when turning if ATV/UTV is not equipped with turn signals.
- n. Driver must carry vehicle registration and proof of insurance at all times.
- o. No ATV/UTV may be operated on any designated route which the ATV/UTV does not meet all applicable Federal noise and air pollution standards.

Section 7 – Route Signs

7.1 The Town of Clayton, or its designee, shall maintain all route signs within the Town.

7.2 All required designated route signs shall be paid for and installed by an ATV/UTV club or association, under the direction of the Town of Clayton.

7.3 All signs posted shall be in compliance with the Federal manual on uniform traffic control devices.

7.4 No person may erect, remove, obscure, or deface any official designated route sign unless authorized by the Town of Clayton Town Board.

7.5 No person shall operate an ATV/UTV contrary to any authorized and official posted signage.

Section 8 – Enforcement

8.1 The Town Board authorizes the Winnebago County Sheriff to enforce this ordinance as well as any other law enforcement officer authorized to enforce the laws of the State of Wisconsin, including but not limited to, an officer of the state patrol, an inspector under Wis. Stats. §110.07(3), a conservation warden, or the county sheriff.

Section 9 – Penalties

9.1 Wisconsin state All-Terrain Vehicle penalties as found in Wis. Stats. §23.33(13), are adopted by reference.

9.2 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.

Section 10 – Severability

10.1 If any section, clause, provision or a portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected thereby.

Section 11 – Effective Date

11.1 This ordinance becomes effective upon passage and publication. The clerk shall send a copy of the ordinance to the Winnebago County Sheriff, the State Traffic Patrol, and the Department of Natural Resources.

Passed this _____ day of _____, 20_____

Attest:

Russell D. Geise, Town Chairman

Kelsey Faust-Kubale, Town Clerk