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CHAPTER XXVII.

ALL-TERRAIN VEHICLES

SECTION 27.00. Provisions of State Law Adopted by Reference. Except as otherwise specifically provided in this Code, the statutory provisions in Section 23.33 of the Wisconsin Statutes, describing and defining regulations with respect to all-terrain vehicles, are hereby adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any regulation incorporated herein by reference is required or prohibited by this Code.

SECTION 27.10. Future Amendments, Revisions, or Modification of State Law. Any future amendments, revisions, or modifications of the statutory regulations in Section 23.33 incorporated herein are intended to be made part of this Code.

SECTION 27.20 Use of All-Terrain Vehicle (ATV/UTV) and Utility Vehicles (UTVs) on Town Roads.

(A) Intent. The Town of Wheatland, Kenosha County, Wisconsin, hereby adopts the following ordinance for the operation of All-Terrain Vehicles and Utility Vehicles upon the roadways listed in Section 27.20(C), below. Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created.

(B) Statutory Authority and Applicability. This ordinance is created as authorized by §23.33(8)(b), Wis. Stats., and shall apply only to single seat and side-by-side ATV/UTV vehicles. Nothing contained herein shall permit the operation of other unlicensed, motorized vehicles on the Town roads indicated in subsection (C), below including, but not limited to, golf carts, mini-bikes, gas-powered scooters, enduro motorbikes or similar contrivances.

(C) Routes. Roads to be open for ATV/UTV routes are as follows:

(1) Geneva Road/60th Street and Geneva Place beginning at S.T.H. 50 West to C.T.H. "P" (400th Avenue).

(2) Lilly Lake area:

(a) 73rd Street (Lilly Lake Road) beginning at the intersection with C.T.H. "JI" West to the intersection with 80th Street.

(b) 80th Street West of its intersection with C.T.H. "JI".

(c) 330th, 331st, 332nd, 334th Avenue, 335th Avenue, 336th Avenue and 337th Avenue West of C.T.H. "JI".

(d) 75th Street, 76th Street, 77th Street, 81st Street and 82nd Street West of C.T.H. "JI".

(3) The following Town roads South of Geneva Road (60th Street):

(a) 373rd Avenue and 375th Avenue

(b) 65th Street

(c) 392nd Avenue from S.T.H. "50" South to its terminus at Geneva Road (60th Street).

(d) 341st Avenue, 344th Avenue, 347th Avenue, 64th Street and Geneva Place, all South of Geneva Road (60th Street).

(e) 344th Avenue, 345th Avenue, 346th Avenue and 63rd Street North of Geneva Road (60th Street).

(f) 366th Court south of Geneva Road (60th Street).

(g) 396th Avenue south of Geneva Road (60th Street) to its terminus at C.T.H. "P" (400th Avenue).

- (4) The following Town roads South of Geneva Road (STH 50) – Oakwood Shores Subdivision:
- (a) 312th Avenue, 313th Avenue, 314th Avenue, 315th Avenue, 316th Avenue, 317th Avenue, 318th Avenue and 319th Avenue
 - (b) 69th Place from 319th Avenue to dead end.
 - (c) 71st Street from 312th Avenue to dead end.
 - (d) 73rd Street from 312th Avenue to 314th Avenue.
 - (e) 75th Street from 312th Avenue to 314th Avenue.
 - (f) 76th Street from 314th Avenue to 77th Street.
 - (g) 77th Street from 312th Avenue to dead end.

- (5) The following Town roads North of STH “50”:
- (a) 368th Avenue from STH “50” North to 52nd Street.
 - (b) 52nd Street from 368th Avenue East to CTH “KD”.
 - (c) 51st Street from STH “83” West to CTH “KD”.
 - (d) 57th Street from 368th Avenue East to its terminus.
 - (e) 55th Street from 368th Avenue West to 371st Avenue.
 - (f) 371st Avenue from 55th Street North to 53rd Street.
 - (g) 53rd Street from 371st Avenue East to 369th Avenue.
 - (h) 369th Avenue from 53rd Street South to 55th Street.
 - (i) 55th Street from 368th Avenue East to 366th Avenue.
 - (j) 366th Avenue from 52nd Street South to its terminus.
 - (k) 53rd Place from 366th Avenue West to its terminus.
 - (l) 363rd Court from 52nd Street South to its terminus.

(D) Speed. No person shall operate an ATV/UTV in excess of the posted limit within the Town on Town roads.

(E) Hours of Operation. ATVs/UTVs may operate year round, the hours of sunrise to sunset only.

(F) Lane Usage. ATVs/UTVs must operate single file within the Town of Wheatland.

(G) Operation on Private Property. No person shall operate an ATV/UTV on any private property not owned or occupied by him or her within the Town of Wheatland without the express consent or permission of the owner.

(H) Unattended. No person shall leave an ATV/UTV owned or operated by him or her to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

(I) Route Signs. All routes shall have appropriate signage in accordance with NR64-12 and NR64.12(7)c.

(J) Required Equipment. All ATVs/UTVs must have functioning stock muffler, functioning braking system and operating strobe light, headlight and taillight. Any operating ATV/UTV shall display lighted headlight and taillight including daylight hours. Functioning seatbelts shall be utilized at all times when operating.

(K) Town Parks. Operation of ATVs/UTVs shall be subject to the provisions of Chapter 12 of this Code of Ordinances.

(L) Operator's Permit. Every operator of a ATV/UTV who travels upon those roads enumerated at subsection (C), above, shall be required to obtain a user permit from the Town of Wheatland. Each user permit shall be for a one (1) year term and the permittee shall pay to the Town of Wheatland, the sum of Twenty-five (\$25.00) Dollars. In addition, the permittee must provide proof of insurance at the time of the original permit purchase and shall maintain during the term of such permit and any renewal thereof, liability insurance in a minimum amount of One Hundred Thousand (\$100,000.00) Dollars per occurrence, shall provide a ATV Safety Certificate obtained from the Department of Natural Resources for anyone born after January 1, 1988, and shall provide proof of a current and valid driver's license issued by the state of residence of the permittee which shall be maintained at any time during which the permittee shall operate an ATV/UTV.

(M) Penalties. Violations of the provisions of this chapter shall be subject to the Code of Ordinances general penalties as found in Chapter 1 of this Code and Wisconsin state All-Terrain Vehicle penalties as found in §23.33(13)(a), Wis. Stats., are adopted by reference.

(N) Enforcement. This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

(O) Severability. The provision of this ordinance shall be deemed severable and is expressly declared that the County and Town would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance and 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.