

ORDINANCE NO. 2023-02

AN ORDINANCE REPEALING AND REPLACING CH. 495 ARTICLE VI (All-Terrain Vehicles) OF THE TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WISCONSIN.

WHEREAS, the Town Board of the Town of Buchanan recognizes that regulating ATV/UTV use on town roads is necessary to enhance safety, promote safe recreational activities and enable greater flexibility of agricultural use of ATV/UTVs in the Town of Buchanan;

WHEREAS, Ch. 495, Article VI of the Town of Buchanan Municipal Code currently regulates ATV/UTV use in the Town of Buchanan;

WHEREAS, recent changes to Outagamie County Sec. 50-535 All-terrain vehicles and utility terrain vehicles and the installation and connection of additional ATV/UTV trails throughout Outagamie County have necessitated an update to the Town's ATV/UTV Ordinance;

WHEREAS, the Town Board of Supervisors, after review of the Town's ATV/UTV Ordinance, wish to repeal and replace the Town's ATV/UTV Ordinance as set forth below.

NOW THEREFORE, the Town Board of the Town of Buchanan, Outagamie County, Wisconsin, does hereby ordain as follows:

§ 495-35. STATE AND COUNTY ALL-TERRAIN VEHICLE & UTILITY-TERRAIN VEHICLE LAWS ADOPTED. The provisions describing and defining regulations with respect to all-terrain vehicles and utility-terrain vehicles in sec. 23.33, Wis. Stats., and Outagamie County sec. 50-535 and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein.

§495-36. PURPOSE. The purpose of this ordinance is to establish all-terrain vehicle (ATV) / utility-terrain vehicle (UTV) routes in the Town of Buchanan and provide safe and enjoyable ATV/UTV recreation consistent with public rights and interests pursuant to Wis. Stat. sec. 23.33(8)(b) and 23.33(11).

§495-37. DESIGNATION AND AUTHORIZATION OF ROUTES. Except as otherwise provided by Wis. Stat. sec. 23.33 and Outagamie County sec. 50-535, and subject to the following limitations hereinafter set forth:

- (1) The Town of Buchanan designates all town roads as ATV/UTV routes unless otherwise posted.
- (2) County and state highways located within the Town of Buchanan may be authorized for ATV/UTV use by Outagamie County and/or the State of Wisconsin only.

- (3) The Town Board Chair, in his or her sole discretion, may temporarily close any ATV/UTV route or portion thereof for a period of up to ninety (90) days due to hazard, construction, or any other emergency condition.
- (4) The Town Board may, in its sole discretion, permanently close any ATV/UTV route or portion thereof for any reason by posting signage for prohibited routes and by providing notice to the public.

§495-38. CONDITIONS FOR USE OF ROUTES. Conditions for use of routes shall comply with Wis. Stat. sec. 23.33 and Outagamie County sec. 50-535.

§495-39. SIGNAGE.

- (1) Routes shall be marked with ATV/UTV route signs in accordance with the Wisconsin Administrative Code section NR 64.12 and all other applicable state and local laws.
- (2) No person may intentionally remove, damage, deface, move, or obstruct any ATV/UTV route or trail sign or intentionally interfere with the effective operation of any ATV/UTV route or trail sign.

§495-40. ENFORCEMENT. Enforcement as set forth in Outagamie County sec. 50-535 shall apply.

§495-41. PENALTIES. Penalties as set forth in Outagamie County sec. 50-535 shall apply.

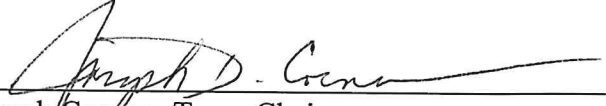
§495-42. SEVERABILITY. The provisions of this ordinance shall be deemed severable, and it is expressly declared that the Town would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be deemed affected

§495-43. APPLICABILITY OF TRAFFIC REGULATIONS TO SNOWMOBILES. No person shall operate a snowmobile upon any street, highway or alley within the Town in violation of the provisions of Ch. 350 or §§ 346.04, 346.06, 346.11, 346.14(1), 346.18 to 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46 to 346.48, 346.50(1)(b), 346.51 to 346.55, 346.87 to 346.91, 346.92(1) and 346.94(1) and (9), Wis. Stats.

This amendatory ordinance shall take affect after notice, hearing, adoption and publication.


Adopted this 21st day of November, 2023

TOWN OF BUCHANAN



Joseph Coenen, Town Chairperson

ATTEST:



Cynthia Sieracki, Town Clerk

Posted: November 27, 2023