

**ORDINANCE NO. 2022-03**

**AN ORDINANCE REPEALING AND REPLACING CH. 495-35 THROUGH 495-45 (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 Wis. Stat. sec. 23.33 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 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 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 subject to the following limitations hereinafter set forth:

- (1) The Town of Buchanan designates all town roads, with a speed limit as posted, 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.** In addition to the limitations set forth by Wis. Stat. sec. 23.33, the following conditions and restrictions are placed on the use of ATVs and UTVs on Town of Buchanan designated routes:

- (1) ATV/UTV operators shall observe posted or legal speed limits.
- (2) ATV/UTV shall ride in single file and cannot ride on the shoulder of the road.
- (3) ATV/UTV shall observe all laws of this State pertaining to the use of ATV/UTVs.
- (4) ATV/UTV operators shall have a valid driver's license and be at least 16 years of age.
- (5) ATV/UTV operators under the age of 18 must wear a helmet.
- (6) ATV/UTV operators cannot ride on any route in the Town of Buchanan from midnight until 5:00 a.m. unless they are engaged in snowplowing.
- (7) ATV/UTV operators shall have headlights and taillights on while operating on any Town route.
- (8) All ATV/UTV operators shall have liability insurance in force on any ATV/UTV operated on any Town route and shall have in their immediate possession proof of said insurance, which shall be displayed upon demand from any law enforcement officer, with the following minimum coverages:
  - a. \$10,000 property damage coverage
  - b. \$25,000 single injury/death coverage
  - c. \$50,000 multiple injury/death coverage

**§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.** This Ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin and is not intended to limit or prohibit any law enforcement officer or Department of Natural Resources Warden from proceeding under any other ordinance, regulation, statute, law, or order pertaining to the subject matter addressed herein.

**§495-41. PENALTIES.** Wisconsin state ATV/UTV penalties as found in §23.33(13)(a) of the Wisconsin Statutes are adopted by reference and are made part of this ordinance.


**§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.

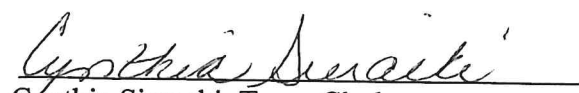
This amendatory ordinance shall take effect after notice, hearing, adoption and publication.

Adopted this 15 day of November, 2022

**TOWN OF BUCHANAN**

  
\_\_\_\_\_  
Greg Sprangers, Town Chairperson

**ATTEST:**

  
\_\_\_\_\_  
Cynthia Sieracki, Town Clerk  
Posted: November 17, 2022