

**AN ORDINANCE DESIGNATING ALL-TERRAIN / UTILITY-TERRAIN VEHICLE ROUTES
AND OPERATING REGULATIONS**

WHEREAS, the Town Board of the Town of Lincoln adopts this ordinance pursuant to the authority of Wis. Stats. Sec. 23.33, as may be amended. In addition to Wis. Stat. 23.33, Wis. Stat. Chapters 340 and 346 as applicable to ATV/UTV operation and provisions of Wis. Admin. Code NR 64 regulating ATV operations as may be amended; and,

NOW THEREFORE, the Town Board of the Town of Lincoln does hereby ordain as follows:

SECTION 1 - PURPOSE AND INTENT:

This ordinance is enacted to provide clear guidelines for the operation of ATVs and UTVs within the town, limiting access to residents and property owners while promoting responsible use.

SECTION 2 - DEFINITIONS: The following definitions apply throughout this ordinance:

1. All-Terrain Vehicle (ATV) has the meaning specified in Wis. Stat. Sec. 340.01(2)(g).
2. Utility-Terrain Vehicle (UTV) has the meaning specified in Wis. Stat. Sec. 22.33(1)(ng).
3. Resident: A person who resides on a Town of Lincoln Town Road.
4. Property Owner: An individual or entity that owns property on a Town of Lincoln Town Road.
5. The definitions contained in Wis. Stat. Sec. 23.33, as from time to time amended, are hereby adopted by reference.

SECTION 3 - PERMITTED OPERATION:

All Town roads, which are all dead-end roads, will be accessible only to residents residing on or property owners on that Town road.

SECTION 4 - CONDITIONS: The operation of ATV/UTVs on any portion of a town road designated as an ATV/UTV Local Traffic Only route shall be subject to the following:

1. Operation shall be subject to all provisions of Wis. Stat. 23.33, as from time to time amended, which is hereby adopted by reference under authority of Wis. Stat. 23.33(11).
2. All ATV/UTV operators shall observe a speed limit of not more than 35 MPH or the posted roadway speed limit, whichever is lower.
3. All ATV/UTV operators shall ride single file on the far-right hand side of the paved portion/lane of traffic roadway. Operation on the gravel shoulders, grassy in-slopes, ditches, or other Town road right-of-way area is prohibited. Left Turns may be made from any part of the roadway which is safe given prevailing conditions.
4. All ATV/UTV operators shall maintain liability insurance for their ATV/UTV in the amount established by the State of Wisconsin for motor vehicle operation. By utilizing any ATV/UTV the operator agrees to fully indemnify and hold harmless the Town of Lincoln for all liability arising from use of the Town roads.
5. All ATV/UTVs operating on Town roads must be equipped with a functioning headlamp and taillamps, illuminated while operating on a Town road.
6. On all roads shared with another jurisdiction the most restrictive Ordinance shall apply.
7. All ATV/UTV operators ages 16 years or older must have a valid driver's license. All ATV/UTV safety certified operators aged 12-15 must be accompanied by a parent or legal guardian or adult designated by the parent or legal guardian, with continuous verbal direction and physical control over operation of the ATV/UTV. Any such parent, guardian or adult shall hold a valid driver's license. Anyone under age 12 may not operate an ATV/UTV on any roadway.
8. All operators under the age of 18 must wear protective headgear as required by Wis. Stat. Sec. 23.33.

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9. All occupants riding in or operating an ATV/UTV shall be required to wear a seatbelt when travelling on any trail or route if the ATV/UTV was originally equipped with a seatbelt.
10. It shall be unlawful for any person to possess any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken, or the contents of the receptacle has been partially removed, while operating or as a passenger on an ATV/UTV.
11. ATV/UTV operators born after January 1, 1988, are required to have an ATV Safety Certificate provided by the Department of Natural Resources.

SECTION 5 - SIGNS: The Town shall have oversight of the installation of signage in compliance with s.NR 64, Wisconsin Administrative Code. The quantity and location of signs shall be reviewed and approved by the Town Board.

1. No person may intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail sign.
2. No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

SECTION 6 - ENFORCEMENT: This Ordinance shall be enforced by the Town of Lincoln and any law enforcement officer authorized to enforce the laws of the State of Wisconsin, as set forth in Wis. Stat. Sec. 23.33(12).

SECTION 6 - PENALTIES: Any person violating this Ordinance shall be subject to the penalties as set forth in Wis. Stat. Sec. 23.33(13).

SECTION 7 - SEVERABILITY: If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

SECTION 8 - SAVING CLAUSE: This Ordinance in no way be deemed to supplant or otherwise invalidate any provisions of state statute relating to the subject matter hereof. Any person entrusted with the enforcement of this Ordinance may, in the exercise of his or her discretion, proceed under applicable state statutes.

SECTION 9 - EFFECTIVE DATE: This ordinance becomes effective upon passage and installation of proper signage.

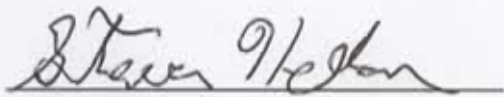
Passed and Adopted this 24th day of October, 2023 by: **TOWN BOARD, TOWN OF LINCOLN**



Bruce Auset, Town Chair



Cody Ritscher, Supervisor I



Steven Heller, Supervisor 2



ATTEST: Lori Dahl, Town Clerk