

# TOWN OF FRANKLIN ORDINANCE 2022-1

## All-Terrain Vehicles

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### Section 1 - Authority.

The Town of Franklin, Kewaunee County adopts the provisions of this Ordinance pursuant to the authority of Wis. Stats. §23.33(11)

### Section 2 - Regulation of All-Terrain Vehicles.

Except as otherwise specifically provided in this Code, the statutory provisions of Wis. Stat. §23.33 and Wis. Admin. Code NR §64 describing and defining regulations with respect to all-terrain vehicles are 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 statute or administrative code incorporated herein by reference is required or prohibited by this Code. Any future amendments, revisions, or modifications of the statutes or administrative code incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of all-terrain vehicles.

### Section 3 - Operation of ATVs or UTVs on ATV Routes.

The operation of an ATV or UTV on a roadway that is an approved ATV Route and signed in accordance with Wis. Stat. §23.33(8)(e) by the Town of Franklin, Kewaunee County is subject to the following provisions:

- (1) Any operator or passenger shall comply with all federal, state, and local laws, orders, regulations, restrictions and rules, including Wis. Stats. §23.33 and Wisconsin Administrative Code NR §64.
- (2) Operators shall observe a speed limit of 35 miles per hour or the posted speed limit, whichever is less.
- (3) Operators shall operate on the paved surface on the extreme right side of the roadway.
- (4) Operators shall ride in single file.
- (5) Operators who were born on or after January 1, 1988 must have completed an ATV safety certification course.
- (6) Operators must be at least 16 years of age and possess a valid driver's license.
- (7) No person may operate an ATV or UTV on an ATV Route at any time before or after the Operating Hours. Operating Hours are 60 minutes before sunrise to 60 minutes after sunset.
- (8) Every ATV/UTV shall be equipped, maintained, and operated so as to prevent excessive or unusual noise. No person shall drive an ATV/UTV on an ATV Route

unless such ATV/UTV is equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation. It shall be unlawful to use a muffler cutout, bypass, or similar device on any ATV/UTV upon an ATV Route. No person shall modify or change the exhaust muffler, the intake muffler, or any other noise-abatement device of an ATV/UTV in a manner such that the noise emitted by the ATV/UTV is increased above that emitted by the ATV/UTV as originally manufactured.

- (9) All operators shall have a liability insurance policy in force on any ATV or UTV operated on an ATV Route with the following minimum coverages:
- (a) \$10,000 for property damage
  - (b) \$25,000 for the injury or death of one person
  - (c) \$50,000 for the injury or death of more than one person

Section 4 - Penalties.

- (1) Any forfeiture for a violation for the State Statutes adopted by reference in this Chapter shall conform to the forfeiture permitted to be imposed for violation of such statutes as set forth in the uniform deposit and misdemeanor bail schedule of the Wisconsin Judicial Conference, including any variations or increases for subsequent offenses, which schedule is adopted by reference.
- (2) Any violation of this Chapter not included in the uniform deposit and misdemeanor bail schedule of the Wisconsin Judicial Conference shall have a cash deposit of seventy-five dollars (\$75.00) plus court costs and one-hundred fifty dollars (\$150.00) plus court costs for a second violation of this Ordinance within a 12 month period.

Section 5 - Enforcement.

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

Section 6 - Effective Date.

This ordinance is effective upon passage and publication.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by the Town Board of Supervisors of the Town of Franklin, Kewaunee County.

APPROVED BY:

Town Chairperson - Dave Wesely \_\_\_\_\_

Town Supervisor #1 – Katie Duckart \_\_\_\_\_

Town Supervisor #2 – Jim Wacek \_\_\_\_\_

ATTESTED BY:

DATE: 02/14/2022 Town Clerk – Todd DeGrave \_\_\_\_\_

This Ordinance shall be effective upon posting by the town clerk as required, pursuant to Sec. 60.80 Wisconsin Statutes. Posting date 02/14/2022