

## **Section 14.01 All-Terrain Vehicles and Utility Terrain Vehicles**

### **14.01(A) Definitions**

(1) The Town of Leeds incorporates by reference all of the definitions as set forth in section 23.33(1) of the Wisconsin Statutes as amended from time to time.

(2) “Highway” means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes roads, driveways and municipal parks which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools. This definition does not include private roads or driveways.

(3) “Roadway” means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. On a divided highway, the term “roadway” refers to each roadway separately but not to all such roadways collectively.

(4) “Snow Removal Device” means an attachment designed and installed for the purpose of removing snow. An attachment under this definition may be a plow blade, blower, bucket or brush.

### **14.01(B) Operation on or Near Roadways**

(1) The Leeds Town Board hereby designates all roads under its jurisdiction as ATV/UTV routes, with the exception of all private roads (including, but not limited to, University of Wisconsin roads, Audubon Society roads, and US Fish and Wildlife roads).

(2) The ATV/UTV route may be altered, amended or terminated by future motion of the Town Board. Further, the Town adopts all provisions of the Columbia County ordinance governing the use of ATV/UTV on roadways. In the event there is a conflict between the Town and County ordinance, the more restrictive provision shall apply.

(3) Except as otherwise provided in this Chapter, the provisions of Section 23.33(3), (3c), (3e), (3g), (4), (5), (6), (6m), (6r) and (17) of the Wisconsin Statutes as amended from time to time are adopted as the law of the Town of Leeds and incorporated herein by reference.

(4) There shall be no residential access allowance that permits an ATV/UTV operator to ride on a roadway from his/her dwelling to the nearest route.

(5) Between April 1 and October 31 of each year, no ATV or UTV is allowed be operated on a route within the Town between the hours of 10:00 p.m. and 5:00 a.m. All ATV/UTV travel is prohibited on Town routes between November 1 and March 31 each year.

(6) All ATV/UTV operation shall be confined to a single file and to the far-right side of the paved surfaces or confined to the shoulder or unimproved right of way of the designated routes.

(7) The Town of Leeds may close any part of the route at any time through removal of route signage or posting notice on the route of temporary or permanent closure and providing notice to the public.

(8) It shall be unlawful for any person to possess an open intoxicant container while operating, or while as a passenger on an ATV or UTV on any route within the Town.

(9) Operating an ATV/UTV while intoxicated is prohibited. The provisions of Section s 23.33(4c) through (4z) of the Wisconsin Statutes are incorporated by reference.

(10) No person who is under 16 years of age may operate an ATV/UTV unless the person is accompanied by his or her parent or guardian or by a person who is at least 18 years of age and designated in writing by the parent or guardian.

(11) No person who is at least 12 years of age may operate an ATV/UTV unless holding a valid WDNR Safety Certificate or a valid certificate from another state or Canada, and shall carry this certificate while operating, and shall present this certificate to law enforcement officer upon request.

(12) All individuals under the age of 18, either operating or riding on an ATV/UTV, must wear a helmet at all times when the ATV/UTV is in operation.

(13) The maximum speed of all ATV/UTV operations is 35 mph. All operators shall also comply with all statutory speed limits and speed limits that may be posted on certain parts of the designated routes.

#### **14.01(C) Operation of ATV/UTV with a Snow Removal Device**

(1) A person may operate an ATV or UTV with a snow removal device attached on a roadway or adjacent to a roadway or on a public sidewalk during the period beginning on October 1 and ending on April 30 of each year for the purpose of removing snow if such operation is necessary to travel to or from a site where the snow removal device will be used. The travel necessary to or from the site may not exceed two (2) miles.

(2) Operation of an ATV or UTV with a snow removal device on a roadway or adjacent to a roadway is authorized only if the applicable roadway speed limit is 45 miles per hour or less. The speed limit for operation of an ATV or UTV with a snow removal device adjacent to a roadway shall be 15 miles per hour; however, if the vehicle is being operated within 150 feet of a dwelling, the speed shall not exceed 10 miles per hour.

(3) The operator of an ATV or UTV with a snow removal device is permitted to drive upon a sidewalk for the purpose of snow removal. The operator shall access the sidewalk from a permanently or temporarily established driveway. If an operator is driving an ATV or UTV with a snow removal device on a sidewalk, the speed may not exceed five (5) miles per hour.

(4) No person who is under sixteen (16) years of age may operate an ATV or UTV for purposes of snow removal under any circumstances.

(5) Any person operating an ATV or UTV with a snow removal device attached is required to display at least one or more flashing or rotating amber or yellow lights, and at least one of the lights shall be visible from every direction.

#### **14.01(D) ATV/UTV Signage Requirements**

(1) The Town Board shall cause the ATV and UTV route to be posted on each highway that crosses its territorial boundary in a position to be viewed by motorists as they enter the Town. The signs shall alert motorists that all highways under the jurisdiction of the Town have been designated as ATV/ UTV routes.

(2) No person may do any of the following in regard to signs marking Town ATV/UTV routes:

(a) Intentionally remove, damage, deface, move or obstruct any uniform ATV/UTV or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail sign or standards if the sign or standard is legally placed by the state, any municipality or any authorized individual.

(b) Possess any uniform ATV/UTV route or trail sign or standard of type established by the department for the warning instruction or information of the public, unless he or she obtained the uniform ATV/UTV route or trail sign or standard in the lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttal presumption of illegal possession.

(c) The Town incorporates the provisions of Section 23.33(8)(e) of the Wisconsin Statutes as amended from time to time.

**14.01(E) Enforcement**

The enforcement provisions under sec. 23.33(12), Wis. Stats., as the same may be amended from time to time, are adopted by reference as if fully set forth herein.

**14.01(F) Penalties**

All penalties as found in sec. 23.33(13) as the same may be amended from time to time, are adopted by reference as if fully set forth herein.

- 1. **Severability.** If any portion of this Ordinance or its application on any person or circumstances is held invalid, the validity of this Ordinance as a whole or any other provision herein or its application shall not be affected.
- 2. **Effective Date.** This Ordinance shall take effect upon proper signage for all roads constituting the routes being acquired and properly posted as required by law.

Prior to the effective date of this Ordinance, the Town Board shall either budget appropriate funds to provide for the installation and maintenance of the signage required or enter into a Memorandum of Understanding with one or more ATV/UTV riders groups to provide for the installation and maintenance of the necessary signage.

This Ordinance shall remain in effect for a period of five years from the effective date of this Ordinance.

**TOWN OF LEEDS**

By: \_\_\_\_\_  
Mark Frank, Chair

By: \_\_\_\_\_  
Joan Olson, Clerk