

ORDINANCE 8-2022

Town of Modena

An Ordinance Designating ATV/UTV Vehicle Routes and Regulating the Operation of ATV/UTV Vehicles

Whereas, the Town of Modena adopts this ordinance pursuant to the authority of Wis. Stats. 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 Therefor, the Town of Modena does hereby ordain as follows:

Section 1 – Definitions: The following definitions apply throughout this ordinance:

1. All-Terrain Vehicle (ATV) has the meaning specified in Wis. State 340.01(2)(g).
2. ATV/UTV Route shall mean a highway/roadway designated for use by ATV and UTV vehicle operators by the Town Board.
3. The definition contained in Wis. Stat. 23.33, as from time to time amended are hereby adopted by reference.

Section 2 – Routes: The following roads are designated as ATV/UTV routes:

Rockwell Road from County Road KK to County Road J is open to public use.

Section 3 – Conditions: The operation of ATV/UTVs on any portion of a town road designated as an ATV/UTV 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 side of the paved portion/lane of traffic roadway. Operation on the gravel shoulders, grassy in-slopes, ditches, or other 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 operating. By

utilizing any ATV/UTV the operator agrees to full indemnify and hold harmless the Town of Modena 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. All ATV/UTV operators shall not operate their ATV/UTVs for the period of one (1) hour prior to sunrise and no later than 10:00 PM.
7. ATV/UTV routes will be open for use from April 1 through December 1.
8. On all roads shared with another jurisdiction the most restrictive ordinance shall apply.
9. All ATV/UTV operators ages 16 years or older must have a valid driver's license. All ATV safety certified operators aged 12-15 must also be accompanied by a parent, guardian or adult designated by the parent or guardian with continuous verbal direction and physical control. Any such parent, guardian or adult shall hold a valid driver's license. Anyone under age 12 cannot operate on any roadways.
10. All operators under the age of 18 must wear protective headgear as required by Sec. 23.33, Wis. Stats.
11. All occupants riding in, or operating a UTV, shall be required to wear a seatbelt when travelling on any trail or route within the Town of Modena.
12. It shall be unlawful for any person to possess any bottle or receptacle containing alcohol beverages if the bottles 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 or UTV on any road or road route in the Town of Modena.
13. ATV/UTV operators who are born after January 1, 1988, and are operating on a town road are required to have an ATV Safety Certificate provided by the Department of Natural Resources.

Section 4 – Signs: The Buffalo County Highway Department, as the maintaining authority for highways designated as ATV/UTV routes, 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 Buffalo County Highway Department.

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. All costs for signage, installation, maintenance, and removal shall be borne by the Buffalo County Trail Riders. The Buffalo County Trail Riders may assist the Buffalo County Highway Department in the installation of signs under the direction of department staff to help defer costs of installation.

3. No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

Section 5 – Enforcement: This ordinance shall be enforced by any law enforcement officer as applicable and authorized to enforce the laws of the State of Wisconsin, as set forth in Wisconsin Statutes Sec. 23.33(12). This Ordinance may be enforced by citation by any law enforcement agency in every municipality within Buffalo County.

Section 6 – Penalties: The State of Wisconsin All-Terrain Vehicles penalties as found in Sec. 23.33(13)(1), Wis. Stats. and/or any resolutions are adopted by reference. Any person who violates this Ordinance shall, upon conviction, be required to forfeit not more than \$500.00, together with the costs of the action.

Section 7 – Severability: The provision 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 one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons circumstances shall not be deemed affected.

Section 8 – Saving Clause: This Ordinance in no way be deemed to supplant or otherwise invalidate any provisions of the 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 the applicable state statutes.

Section 9 – Effective Date: This ordinance becomes effective upon passage and installation of signage. This ordinance will become null and void if there is one fire call that is not paid by the ATV/UTV rider or by the Buffalo County Trail Riders within 30 days of notice or for any other just cause at the discretion of the Modena Town Board.

DATED: June 15, 2022



Dale Klopp, Modena Town Board Chairman



Perry Pronschinske, 1st Supervisor



David Bauer, 2nd Supervisor

ATTEST: 

James Hagen, Modena Town Board Clerk