

STATE OF WISCONSIN

Town of Montana

Buffalo County

Ordinance

Designating ATV/UTV Routes and Operation Regulations

SECTION I – PURPOSE

The purpose of this ordinance is to establish ATV/UTV routes in the Town of Montana and to regulate the operation of said vehicles in the town.

SECTION II – AUTHORITY

The town board of Montana has the specific authority to adopt this ATV/UTV ordinance under s.23.33(8) (b) and (11), Wis. Stats.

SECTION III – DEFINITIONS

1. All-Terrain Vehicle ("ATV") has the meaning specified within Wis. Stat. Sec. 340.01(2)(g).
2. Utility-Terrain Vehicle ("UTV") has the meaning specified within Wis. Stat. Sec. 23.33(1)(ng).
3. ATV/UTV Route shall mean a highway designated for use by ATV/UTV operators.

SECTION IV - ROUTES

The following roads are designated as ATV/UTV routes:

1. All town roadways that connect to a town road or a county highway.
2. The town board may suspend any route at any time for any reason.
3. If it is determined by the Town of Montana that a road must be closed due to emergency or other safety issues, the ATV/UTV route will be suspended until such time as the road is reopened.

SECTION V – CONDITIONS

The operation of ATV's and UTV's 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 hand side of the paved portion/lane of traffic of the roadway. Operation on gravel shoulders, grassy in-slope, ditches, or other highway 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 Montana for all liability arising from use on town roadways.
5. All ATV/UTV operators are allowed to operate their ATV/UTV ~~during the period of one (1) hour prior to sunrise and no later than one (1) hour after sunset~~ from 5 A.M. to 10 P.M.
6. ATV/UTV routes will be open year-round.
7. On all roads shared with another jurisdiction the most restrictive ordinance shall apply.
8. All ATV/UTV operators ages 16 years or older must have a valid driver's license. All ATV/UTV safety certified operators age 12-15 must be accompanied by a parent or legal guardian, or an adult designated by the parent or legal guardian, with continuous verbal direction and physical control over operation of the ATV/UTV. Any such parent or guardian, or designee adult shall hold a valid driver's license. Anyone under age 12 may not operate an ATV/UTV on any roadway.
9. All operators under the age of 18 must wear protective headgear as required by Wis. Stat. Sec. 23.33.
10. On any trail or route, if the ATV/UTV was originally equipped with a seatbelt, all occupants riding in or operating an ATV/UTV shall be required to wear a seatbelt.
11. 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 have been partially removed, while operating or as a passenger on an ATV/UTV.
12. ATV/UTV operators born after January 1, 1988 are required to have an ATV Safety Certificate provided by the Department of Natural Resources.

SECTION VI – SIGNS

The Town shall have oversight of the installation of signage in compliance with s. NR 64.12 (7), Wisconsin Administrative Code. The quantity and location of all signs shall be reviewed and approved by the town board.

1. All costs for signage, installation, maintenance, and removal shall be born by the Buffalo County Trail Riders.

2, 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.

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

SECTION VII- ENFORCEMENT This Ordinance shall be enforced by 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 VIII – PENALTIES Any person violating this Ordinance shall be subject to the penalties as set forth in Wis. Stat. Sec. 23.33(13).

SECTION IX – 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 of 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 X – EFFECTIVE DATE

This ordinance shall take effect following passage and posting in 3 public places within the town. ~~This ordinance ends on April 15, 2025 unless renewed by the town board.~~ A copy of this ordinance shall be sent by town clerk to the Department of Natural Resources, the Buffalo County Sheriff's office, and the Buffalo County clerk.

Adopted this 13th day of May 2024

Jimmy Ellis, Chairman

Dennis Bork, Supervisor

Joe Bragger, Supervisor

Attest: LeeAnne Bulman, town clerk

Roll call vote:

Jimmy Ellis: _____

Dennis Bork: _____

Joe Bragger: _____

Posted at the town hall, town shop
and at the intersection of county roads C and
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