

# **TOWN OF ALBANY**

## **ORDINANCE# 2021-01**

### **All Terrain Vehicles (ATV) and Utility Task Vehicles (UTV) use and regulation in the TOWNSHIP OF ALBANY**

#### **SECTION 1 TITLE AND PURPOSE**

The title of this ordinance is the Town of Albany ATV/UTV Ordinance. The purpose of this ordinance is to establish ATV/UTV operation regulations within the Town.

#### **SECTION 2 AUTHORITY**

The Town Board of the Town of Albany, Green County, Wisconsin has the specific authority to adopt this ATV/UTV Route Ordinance under Wisconsin's SS# 23.33(8)(b) and 23.33(11).

#### **Section 3 ADOPTION OF ORDINANCE**

The Town Board of Albany, Green County, Wisconsin by this ordinance, adopted on proper notice with a quorum and roll call vote by majority of the Town Board present and voting, provided the authority for the town to designate ATV/UTV routes in the Town and to regulate the use of those routes.

#### **SECTION 4 OPERATION OF ALL TERRAIN VEHICLES AND UTILITY TASK VEHICLES**

Pursuant to s.23.33 (4) (d) 4, Wis. Stats., except as otherwise provided in s.23.33 (4) Wis. Stats., no person may operate an ATV/UTV on any state highway in the Town. All Towns road are designated as ATV/UTV routes by this ordinance. Operation of an ATV/UTV on a roadway in the Town is only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions. On paved roadways an ATV/UTV must be operated on the paved portion of the roadway and not on the gravel shoulder.

#### **SECTION 5 DESIGNATION OF ATV/UTV**

The following routes are designated ATV/UTV routes in the Town:

- A. This ordinance opens all Town roads to ATV/UTV with the following provisions
  1. All routes and ends of Town roads need to have signage.
  2. Operation of an ATV/UTV on any Town Roads within subdivisions is prohibited.

## **SECTION 6 CONDITIONS OF ATV/UTV ROUTES**

Pursuant to s.23.33(8), Wis. Stats., the following restrictions are placed on the use of the Town ATV/UTV designated by this ordinance:

- A. Routes shall be marked with uniform ATV/UTV route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking ATV/UTV routes:
  - 1. 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 a uniform ATV/UTV route or trail or standards if the sign or standard is legally placed by the state, any municipality or any authorized individual.
  - 2. Possess any uniform ATV/UTV route or trail sign or standard of the types 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 rebuttable presumption of illegal possession.
- B. Operation shall be subject to all provisions of s.23.33, Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to s.23.23(11), Wis. Stats.
- C. A copy of this ordinance shall be forwarded to the Green County Sheriff Department.
- D. In addition to the provisions of s.23.33, Wis. Stats., the following restrictions are placed on the use of the Town ATV/UTV routes designated by this ordinance:
  - 1. Operation of an ATV/UTV shall be at a safe speed not to exceed 35 mph unless the posted limit is less or as stated in the Wisconsin Statutes that relate to ATV/UTV operation.
  - 2. All ATV/UTV operators shall ride single file.
  - 3. The allowed hours of operation shall be from dawn to dusk.
  - 4. No person under the age of sixteen (16) may operate an ATV/UTV on a road or route under any circumstances.
  - 5. Every person who operates an ATV/UTV on any segment of a Town road shall have his or her immediate possession a valid motor vehicle operator's license and shall display the license document upon demand from any law enforcement officer, state patrol office, inspector under Wis. Stats. ss. 110.07, conservation warden, or municipal peace officer
  - 6. Every person under the age of eighteen (18) operating an ATV/UTV must wear a helmet.
  - 7. Lights must be on at all times.
  - 8. Operation will be year-round.

## **SECTION 7 ENFORCEMENT**

Any law enforcement officer authorized to enforce the laws of the State of Wisconsin may enforce this ordinance.


**SECTION 8 PENALTIES**

The penalties' under s23.33(13), Wis. Stats., are adopted by reference.

**SECTION 9 EFFECTIVE DATE**


This ordinance is effective when ATV/UTV route signs are posted and can be discontinued at any time by the decision of the Town of Albany Board.

  
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Chairman, Abel Schultz

  
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1 Supervisor, Doug Lawrence

  
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2 Supervisor, Scott Roth

Passed and approved this  
9th day of November, 2021.  
Recorded in the Regular  
Town Board Minutes dated November 9, 2021

  
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Dean Houlberg, Clerk – Town of Albany