

Town of Plymouth

ATV Route Proposal



This document is presented to the board as a tool to use when considering the establishment of an ATV/UTV route.

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WISCONSIN ATV/UTV STATISTICS

Wisconsin Usage of ATV and UTV's

- There are currently 500,000 plus ATV/UTVs registered in Wisconsin, and continue to grow significantly.
- Comparatively, there are approximately 200,000 registered snowmobiles in Wisconsin.
- Over 1 in 10 of all adult residents own an ATV/UTV.

- ATV/UTV fatalities fluctuate, year to year, just as snowmobile and boating fatalities.
- ATV/UTVs (500,000+ registered ATV/UTVs – Year-round riding)
- Boating (600,000+ registered Boats – Approx. 9 months use) while;
- Snowmobiles (200,000 registered Snowmobiles – Approx. 3 months riding)

Road Route only fatalities

- Road incidents aren't all in one.
- There are Legal Road Routes, Public Roads (Not Legal Road Routes), Highways (Not Legal Road Routes), and Private Roads.
- For Legal Road Route discussions, *on average*, there have been approximately, a total of, **6.6** fatalities occurring on roads legally open for ATV/UTVs.

- As a percentage of fatalities to overall ATV/UTV registration is less than 1/100 of 1% of all fatalities.
- For legal road routes, the percent of fatalities are considerably less at **3/1000 of 1%** of all registered ATV/UTVs in Wisconsin.

- Over the past 5 years, the average age of a victim in an ATV/UTV collision was **46.7** years of age.
- Over the past 5 years, there has been **1** fatality involving youth 18 and younger.
- Over the past 5 years, there was **1** collision with a motor vehicle.

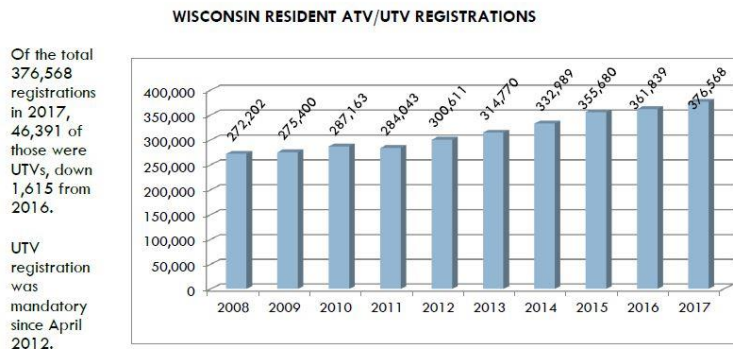
The "Typical" ATV/UTV incident based on legal road routes over the past 5 years:

Victim was in his mid-forties, operating an ATV, attempted to make a U-turn, negotiate a corner, passing drifting off the road surface, or passing other group members, rolling the ATV, or colliding with a fixed object. Victim was not wearing a helmet (seatbelt in UTV), had consumed alcohol and did not have a Safety Certificate.

Use of safety items and training could help to reduce the fatalities

Safety Statistics

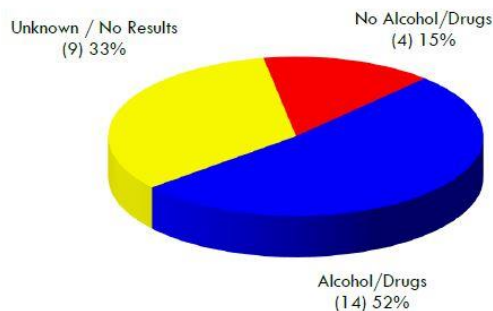
There is a trend in Wisconsin and the entire country toward opening more road routes to ATV/UTV use. Currently there are 35 states with laws that allow some type of road riding. In 2017 there were 376,568 registered units in Wisconsin. There were another 13,668 out of state trail passes issued.



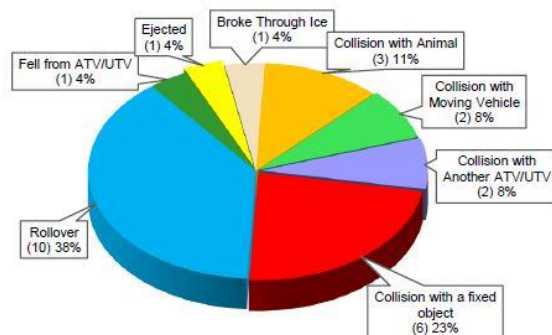
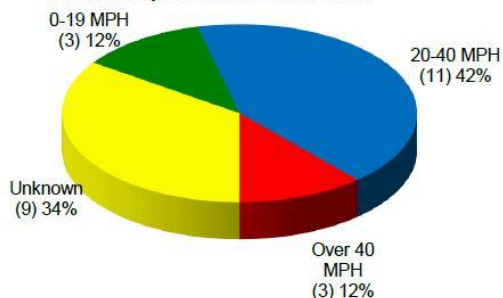
Many people have concerns about the safety of allowing ATV/UTV use on roadways due to rollovers. Using a study by the DNR, there were 27 fatalities in 2017. Of those fatalities, there were 10 involving rollovers. The study showed that the biggest factor for fatalities was alcohol and not high speeds.

ALCOHOL/DRUG INVOLVEMENT

Alcohol/drugs were involved in 14 of the twenty-seven fatal incidents. "Alcohol/drug Involved" means alcohol/drugs were detected in victim's system or witness verified victim used alcohol/drugs prior to crash. (Blood test results were unknown or NA for three incidents.)



Estimated Speed at Time of Accident



Responsible use of ATV/UTV's can be a fun and exciting family sport. Many riders are over the age of 40. The increasing use of UTV's that have roll bar protection and seatbelts will help reduce fatal incidents at time goes forward. Road routes are needed to connect local people to future trail systems in the Kettle Moraine and surrounding areas.



WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO

2017 Wisconsin Act 193
[2017 Assembly Bill 442]

All-Terrain Vehicle Route
Signage

2017 Wisconsin Act 193 makes changes to requirements for signs placed to mark all-terrain vehicle (ATV) routes.

Under state law, a town, village, city, or county (local government) may designate highways or sidewalks as ATV routes. In addition, it may authorize the operation of utility terrain vehicles on ATV routes. Rules promulgated by the Department of Natural Resources (DNR) require that all ATV routes be marked by signs at the beginning of the route and at intervals along the route as needed to enable ATV operators to follow the route.

The Act provides that, if a local government designates **specific highways** within its jurisdiction as ATV routes, the local government is required to do one of the following:

- ☐ Erect a sign at each point on a highway where the ATV route begins and at each point where the ATV route intersects an ATV trail or a highway that is not designated as an ATV route;¹ or
- ☐ Erect a sign on each highway under its jurisdiction that crosses its territorial boundary in a position to be viewed by motorists as they enter the town, village, city, or county. The signs must alert motorists that all highways within the town, village, city, or county have been designated as ATV routes, except where otherwise indicated.²

Alternatively, the Act authorizes a local government to designate **all highways** within its territorial boundaries as ATV routes and to erect signs at the entrances to the local government alerting motorists of this designation. The Act provides that if a local government erects these entrance signs, DNR may not require it to erect or maintain additional signs along the ATV routes.

The Act also provides some additional sign placement authority for a local government that designates all highways under its jurisdiction as ATV routes. The Act allows such a local government to erect a sign on each highway under its jurisdiction at the point where that highway crosses its territorial boundary and enters another town, village, city, or county that does not designate the highway as an ATV route alerting motorists and ATV operators that the ATV route designation has ended. The local government may also designate a preferred route and erect signs marking the route.

Effective date: April 5, 2018 *Prepared by:* Steve
McCarthy, Staff Attorney

April 9, 2018

State of Wisconsin



2017 Assembly Bill 442

Date of enactment: April 3, 2018
Date of publication*: April 4, 2018

2017 WISCONSIN ACT 193

AN ACT to renumber 23.33 (8) (e); to renumber and amend 23.33 (8) (b); and to create 23.33 (1) (ja), 23.33 (8) (b) 2., 23.33 (8) (e) 2., 23.33 (8) (e) 3., 23.33 (8) (e) 4., 23.33 (8) (e) 5. and 23.33 (8) (e) 6. of the statutes; relating to: all-terrain vehicle route signage.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1m. 23.33 (1) (ja) of the statutes is created to read:

23.33 (1) (ja) "Preferred route" means an all-terrain vehicle route marked with signs to assist all-terrain vehicle operators in navigating to needed services such as fueling stations, restaurants, lodging, or other business establishments.

SECTION 1p. 23.33 (8) (b) of the statutes is renumbered 23.33 (8) (b) 1. and amended to read:

23.33 (8) (b) 1. ~~A~~ Subject to subd. 3., a town, village, city, or county may designate highways as all-terrain vehicle routes.

3. No state trunk highway or connecting highway may be designated as an all-terrain vehicle route unless the department of transportation approves the designation.

SECTION 2. 23.33 (8) (b) 2. of the statutes is created to read:

23.33 (8) (b) 2. Subject to subd. 3., a town, village, city, or county may designate all highways under its jurisdiction as all-terrain vehicle routes.

SECTION 3. 23.33 (8) (e) of the statutes is renumbered 23.33 (8) (e) 1.

SECTION 4. 23.33 (8) (e) 2. of the statutes is created to read:

23.33 (8) (e) 2. Except as provided in subd. 3, if a town, village, city, or county designates specific highways under its jurisdiction as all-terrain vehicle routes under par. (b) 2., the town, village, city, or county shall do one of the following:

a. Erect a sign at each point on a highway where the all-terrain vehicle route begins and at each point where the all-terrain vehicle route intersects an all-terrain vehicle trail or a highway that is not designated as an all-terrain vehicle route. The town, village, city, or county is not required to erect a sign under this subdivision at a point that is not more than one-half mile from a sign marking the same all-terrain vehicle route on the same highway.

b. Erect a sign on each highway under its jurisdiction that crosses its territorial boundary in a position to be viewed by motorists as they enter the town, village, city, or county. The signs shall alert motorists that all highways within the town, village, city, or county have been designated as all-terrain vehicle routes, except where otherwise indicated. The town, village, city, or county shall erect signs as appropriate to indicate highways that are not designated as an all-terrain vehicle route.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

SECTION 5. 23.33 (8) (e) 3. of the statutes is created to read:

23.33 (8) (e) 3. If a town, village, city, or county designates all highways under its jurisdiction as all-terrain vehicle routes under par. (b) 2., the town, village, city, or county may erect a sign on each highway that crosses its territorial boundary in a position to be viewed by motorists as they enter the town, village, city, or county. The signs shall alert motorists that all highways under the jurisdiction of the town, village, city, or county have been designated as all-terrain vehicle routes.

SECTION 6m. 23.33 (8) (e) 4. of the statutes is created to read:

23.33 (8) (e) 4. If a town, village, city, or county designates all highways under its jurisdiction as all-terrain vehicle routes under par. (b) 2., the town, village, city, or county may erect a sign on each highway under its jurisdiction at the point where that highway crosses its territorial boundary and enters another town, village, city, or county that does not designate the highway as an all-ter-

rain vehicle route. The signs shall be in a position to be viewed by motorists and all-terrain vehicle operators as they leave the town, village, city, or county and shall alert motorists and all-terrain vehicle operators that the all-terrain vehicle route designation has ended.

SECTION 7m. 23.33 (8) (e) 5. of the statutes is created to read:

23.33 (8) (e) 5. If a town, village, city or county designates highways under its jurisdiction as all-terrain vehicle routes under par. (b) 2., the town, village, city, or county may designate a preferred route and erect signs marking the route.

SECTION 8m. 23.33 (8) (e) 6. of the statutes is created to read:

23.33 (8) (e) 6. If a town, village, city, or county erects and maintains signs under subd. 3., the department may not require the town, village, city, or county to erect any additional signs marking the all-terrain vehicle routes within the town, village, city, or county.



WISCONSIN LEGISLATIVE COUNCIL
ACT MEMO

2017 Wisconsin Act 87
[2017 Senate Bill 392]

**Municipal Ordinances
Authorizing ATV and UTV
Operation on Highways**

Under 2017 Wisconsin Act 87, a city, village, or town may enact an ordinance authorizing the operation of all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) on a highway that has a speed limit of 35 miles per hour or less and is located within the territorial boundaries of the city, village, or town. The Act provides that a city, village, or town may authorize ATV or UTV operation on a highway regardless of whether the city, village, or town has jurisdiction over the highway, but it may not authorize ATV or UTV operation on a highway that is part of the national system of interstate and defense highways.

Effective date: December 2, 2017 *Prepared by:* December 21, 2017
David Moore, Senior Staff Attorney

State of Wisconsin



2017 Senate Bill 392

Date of enactment: November 30, 2017

Date of publication*: December 1, 2017

2017 WISCONSIN ACT 87

AN ACT *to amend* 23.33 (4) (b) and 23.33 (11) (am) 1.; and *to create* 23.33 (11) (am) 4. of the statutes; **relating** to: municipal ordinances authorizing all-terrain vehicle and utility terrain vehicle operation on highways within the municipality.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 23.33 (4) (b) of the statutes is amended to read:

23.33 (4) (b) *Other highways; operation restricted.* No person may operate an all-terrain vehicle or utility terrain vehicle on a highway except as authorized under pars. (d), (e), and (f) and sub. (11) (am) 2. ~~or 3, or 4,~~ or as authorized by rules promulgated by the department and approved by the department of transportation.

SECTION 2. 23.33 (11) (am) 1. of the statutes is amended to read:

23.33 (11) (am) 1. Any county, town, city, or village may enact an ordinance that is in strict conformity with

this section and rules promulgated by the department under this section if the ordinance encompasses all aspects encompassed by this section, except as provided in subds. 2. ~~and 3, and 4.~~

SECTION 3. 23.33 (11) (am) 4. of the statutes is created to read:

23.33 (11) (am) 4. A city, village, or town may enact an ordinance to authorize the operation of all-terrain vehicles and utility terrain vehicles on a highway that is not part of the national system of interstate and defense highways, that has a speed limit of 35 miles per hour or less, and that is located within the territorial boundaries of the city, village, or town regardless of whether the city, village, or town has jurisdiction over the highway.

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

State Statute 23.33

(8) ROUTES AND TRAILS.

(a) *Department authority.* The department shall encourage and supervise a system of all-terrain vehicle routes and trails. The department may establish standards and procedures for certifying the designation of all-terrain vehicle routes and trails.

(b) *Routes.*

1. Subject to subd. [3.](#), a town, village, city, or county may designate highways as all-terrain vehicle routes.

2. Subject to subd. [3.](#), a town, village, city, or county may designate all highways under its jurisdiction as all-terrain vehicle routes.

3. No state trunk highway or connecting highway may be designated as an all-terrain vehicle route unless the department of transportation approves the designation.

(c) *Trails.* A town, village, city, county or the department may designate corridors through land which it owns or controls, or for which it obtains leases, easements or permission, for use as all-terrain vehicle trails.

(d) *Restrictions.* The designating authority may specify effective periods for the use of all-terrain vehicle routes and trails and may restrict or prohibit the operation of an all-terrain vehicle or utility terrain vehicle during certain periods of the year.

(e) *Signs.*

1. The department, in cooperation with the department of transportation, shall establish uniform all-terrain vehicle route and trail signs and standards and uniform signs and standards for the operation of utility terrain vehicles on all-terrain vehicle routes and trails. The standards may not require that any additional signs be placed on all-terrain vehicle routes concerning the operation of all-terrain vehicles or utility terrain vehicles with snow removal devices attached.

2. Except as provided in subd. 3, if a town, village, city, or county designates specific highways under its jurisdiction as all-terrain vehicle routes under par. [\(b\) 2.](#), the town, village, city, or county shall do one of the following:

a. Erect a sign at each point on a highway where the all-terrain vehicle route begins and at each point where the all-terrain vehicle route intersects an all-terrain vehicle trail or a highway that is not designated as an all-terrain vehicle route. The town, village, city, or county is not required to erect a sign under this subdivision at a point that is not more than one-half mile from a sign marking the same all-terrain vehicle route on the same highway.

b. Erect a sign on each highway under its jurisdiction that crosses its territorial boundary in a position to be viewed by motorists as they enter the town, village, city, or county. The signs shall alert motorists that all highways within the town, village, city, or county have been designated as all-terrain vehicle routes, except where otherwise indicated. The town, village, city, or county shall erect signs as appropriate to indicate highways that are not designated as an all-terrain vehicle route.

3. If a town, village, city, or county designates all highways under its jurisdiction as all-terrain vehicle routes under par. [\(b\) 2.](#), the town, village, city, or county may erect a sign on each highway that crosses its territorial boundary in a position to be viewed by motorists as they enter the town, village, city, or county. The signs shall alert motorists that all highways under the

jurisdiction of the town, village, city, or county have been designated as all-terrain vehicle routes.

4. If a town, village, city, or county designates all highways under its jurisdiction as all-terrain vehicle routes under par. (b) 2., the town, village, city, or county may erect a sign on each highway under its jurisdiction at the point where that highway crosses its territorial boundary and enters another town, village, city, or county that does not designate the highway as an all-terrain vehicle route. The signs shall be in a position to be viewed by motorists and all-terrain vehicle operators as they leave the town, village, city, or county and shall alert motorists and all-terrain vehicle operators that the all-terrain vehicle route designation has ended.

5. If a town, village, city or county designates highways under its jurisdiction as all-terrain vehicle routes under par. (b) 2., the town, village, city, or county may designate a preferred route and erect signs marking the route.

6. If a town, village, city, or county erects and maintains signs under subd. 3., the department may not require the town, village, city, or county to erect any additional signs marking the all-terrain vehicle routes within the town, village, city, or county.

(f) *Interference with signs and standards prohibited.*

1. No person may intentionally remove, damage, deface, move, obstruct, or interfere with the effective operation of any uniform all-terrain vehicle route or trail sign or standard or any uniform sign or standard for the operation of a utility terrain vehicle on an all-terrain vehicle route or trail if the sign or standard is legally placed by the state, any municipality or any authorized individual.

2. No person may possess any uniform all-terrain vehicle route or trail sign or standard, or any uniform sign or standard for the operation of a utility terrain vehicle on an all-terrain vehicle route or trail, of the type established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign or standard or uniform sign or standard for the operation of a utility terrain vehicle on an all-terrain vehicle route or trail creates a rebuttable presumption of illegal possession.

(9) ADMINISTRATION; ENFORCEMENT; AIDS.

(a) *Enforcement.* The department may utilize moneys received under sub. (2) for all-terrain vehicle and utility terrain vehicle registration aids administration and for the purposes specified under s. 20.370 (3) (as) and (5) (er) including costs associated with enforcement, safety education, accident reports and analysis, law enforcement aids to counties, and other similar costs in administering and enforcing this section.

(b) *All-terrain vehicle projects.* Any of the following all-terrain vehicle projects are eligible for funding as a state all-terrain vehicle project from the appropriation account under s. 20.370 (1) (ms) or for aid as a nonstate all-terrain vehicle project from the appropriation accounts under s. 20.370 (5) (ct) and (cu):

1. Acquisition of an easement or land in fee simple.
2. Development of all-terrain vehicle facilities such as parking areas, riding areas, shelters, toilets or other improvements.
3. Development of all-terrain vehicle routes or all-terrain vehicle trails.
4. Development or maintenance of a snowmobile route or trail or an off-the-road motorcycle trail or facility if the route, trail or facility is open for use by all-terrain vehicles.
5. Maintenance of all-terrain vehicle routes or all-terrain vehicle trails.
6. Purchase of liability insurance.

(bb) *Signs*. In addition to the projects listed in par. (b), the department may provide aid from the appropriation under s. [20.370 \(5\) \(ct\)](#) or [\(cu\)](#) to a town, village, city or county for up to 100 percent of the cost of placing signs developed under sub. [\(4z\) \(a\) 2.](#)

(bd) *All-terrain and utility terrain vehicle projects; stewardship funding*.

1. The department may obligate from the appropriation account under s. [20.866 \(2\) \(ta\)](#) moneys for state projects and for aids to counties, cities, villages, or towns for nonstate projects. The projects may be any of the following:

- a. Acquisitions of easements and land as specified in par. [\(b\) 1.](#)
- b. Development of facilities, routes, and trails as specified in par. [\(b\) 2.](#) and [3.](#)
- c. Development of a snowmobile route or trail or an off-the-road motorcycle trail or facility if the route, trail or facility is open for use by all-terrain vehicles.
- d. Improvement of all-terrain vehicle trails for use by utility terrain vehicles.
- e. Placement of signs developed under sub. [\(4z\) \(a\) 2.](#)

2. Moneys obligated from the appropriation account under s. [20.866 \(2\) \(ta\)](#) for a project under subd. [1.](#) shall be limited to no more than 80 percent of the cost of the project. The county, city, village, or town receiving the aid is responsible for the remainder of the project cost.

(bg) *Projects for utility terrain vehicles*. A project to improve or maintain all-terrain vehicle trails for use by utility terrain vehicles is eligible for funding as a state utility terrain vehicle project from the appropriation account under s. [20.370 \(1\) \(mr\)](#) or for aid as a nonstate utility vehicle project from the appropriation accounts under s. [20.370 \(5\) \(eu\)](#) and [\(gr\)](#). The maximum amount allowed for aid under this paragraph is \$100 per mile for all-terrain vehicle trails that are maintained not less than 3 months per year including the months of June, July, and August. If the requests for aid for projects under this paragraph exceed the funds available, the department shall distribute available funds to qualified applicants on a proportional basis.

2. For a roadway, or for a portion of a roadway, that is located within the territorial boundaries of a city, village, or town, the city, village, or town may enact an ordinance to authorize the operation of all-terrain vehicles and utility terrain vehicles with snow removal devices attached on the roadway, or adjacent to the roadway, if the applicable roadway speed limit is greater than 45 miles per hour, and regardless of whether the city, village, or town has jurisdiction over the roadway.

3. A county, city, village, or town may enact an ordinance to authorize the operation of all-terrain vehicles and utility terrain vehicles on a highway bridge that is not part of the national system of interstate and defense highways, that is 1,000 feet in length or less, and that is located within the territorial boundaries of the county, city, village, or town regardless of whether the county, city, village, or town has jurisdiction over the highway. Any such ordinance shall require a person crossing a bridge to do all of the following:

- a. Cross the bridge in the most direct manner practicable and at a place where no obstruction prevents a quick and safe crossing.
- b. Stay as far to the right of the roadway or shoulder as practicable.
- c. Stop the vehicle prior to the crossing.
- d. Yield the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway or shoulder.
- e. Exit the highway as quickly and safely as practicable after crossing the bridge.

4. A city, village, or town may enact an ordinance to authorize the operation of all-terrain vehicles and utility terrain vehicles on a highway that is not part of the national system of interstate and defense highways, that has a speed limit of 35 miles per hour or less, and that is

located within the territorial boundaries of the city, village, or town regardless of whether the city, village, or town has jurisdiction over the highway.

(b) If a county, town, city, or village adopts an ordinance regulating all-terrain vehicles, utility terrain vehicles, or both, its clerk shall immediately send a copy of the ordinance to the department, to the state traffic patrol, and to the office of any law enforcement agency of each county, town, city, or village having jurisdiction over any of the highways to which the ordinance applies.

(12) ENFORCEMENT.

(a) An officer of the state traffic patrol under s. [110.07 \(1\)](#), inspector under s. [110.07 \(3\)](#), conservation warden appointed by the department under s. [23.10](#), county sheriff or municipal peace officer has authority and jurisdiction to enforce this section and ordinances enacted in accordance with this section.

(b) No operator of an all-terrain vehicle or utility terrain vehicle may refuse to stop after being requested or signaled to do so by a law enforcement officer or a commission warden, as defined in s. [939.22 \(5\)](#).

(13) PENALTIES.

(a) *Generally.* Except as provided in pars. [\(am\)](#) to [\(e\)](#), any person who violates this section shall forfeit not more than \$250.

(am) Penalty related to interference with signs and standards. Except as provided in par. [\(cg\)](#), a person who violates sub. [\(8\) \(f\)](#) and who, within the last 2 years prior to the arrest for the current violation, was 2 or more times previously convicted for violating a provision of this chapter shall forfeit not more than \$500.

(ar) Penalty related to nonresident trail passes. Any person who violates sub. [\(2j\)](#) shall forfeit not more than \$1,000.

(b) Penalties related to intoxicated operation of an all-terrain vehicle or utility terrain vehicle.

1. Except as provided under subds. [2.](#) and [3.](#), a person who violates sub. [\(4c\) \(a\) 1.](#), [2.](#), or [2m.](#) or [\(4p\) \(e\)](#) shall forfeit not less than \$150 nor more than \$300.

2. Except as provided under subd. [3.](#), a person who violates sub. [\(4c\) \(a\) 1.](#), [2.](#), or [2m.](#) or [\(4p\) \(e\)](#) and who, within 5 years prior to the arrest for the current violation, was convicted previously under the intoxicated operation of an all-terrain vehicle or utility terrain vehicle law or the refusal law shall be fined not less than \$300 nor more than \$1,100 and shall be imprisoned not less than 5 days nor more than 6 months.

3. A person who violates sub. [\(4c\) \(a\) 1.](#), [2.](#), or [2m.](#) or [\(4p\) \(e\)](#) and who, within 5 years prior to the arrest for the current violation, was convicted 2 or more times previously under the intoxicated operation of an all-terrain vehicle or utility terrain vehicle law or refusal law shall be fined not less than \$600 nor more than \$2,000 and shall be imprisoned not less than 30 days nor more than one year in the county jail.

4. A person who violates sub. [\(4c\) \(a\) 3.](#) or [\(4p\) \(e\)](#) and who has not attained the age of 21 shall forfeit not more than \$50.

(bg) Penalties related to intoxicated operation of an all-terrain vehicle or utility terrain vehicle; underage passengers. If there is a passenger under 16 years of age on the all-terrain vehicle or utility terrain vehicle at the time of a violation that gives rise to a conviction under sub. [\(4c\) \(a\) 1.](#) or [2.](#) or [\(4p\) \(e\)](#), the applicable minimum and maximum forfeitures, fines, and terms of imprisonment under pars. [\(b\) 1.](#), [2.](#), and [3.](#) for the conviction are doubled.

(br) Penalties related to intoxicated operation of an all-terrain vehicle or utility terrain vehicle; enhancers.

1. If a person convicted under sub. [\(4c\) \(a\) 1.](#) or [2.](#) had an alcohol concentration of 0.17 to 0.199 at the time of the offense, the minimum and maximum fines specified under par. [\(b\) 3.](#) for the conviction are doubled.
2. If a person convicted under sub. [\(4c\) \(a\) 1.](#) or [2.](#) had an alcohol concentration of 0.20 to 0.249 at the time of the offense, the minimum and maximum fines specified under par. [\(b\) 3.](#) for the conviction are tripled.
3. If a person convicted under sub. [\(4c\) \(a\) 1.](#) or [2.](#) had an alcohol concentration of 0.25 or above at the time of the offense, the minimum and maximum fines under par. [\(b\) 3.](#) for the conviction are quadrupled.
4. The increased fines in this paragraph do not apply if the person convicted under sub. [\(4c\) \(a\) 1.](#) or [2.](#) is subject to par. [\(bg\).](#)

(c) *Penalties related to causing injury; intoxicants.* A person who violates sub. [\(4c\) \(b\)](#) shall be fined not less than \$300 nor more than \$2,000 and may be imprisoned not less than 30 days nor more than one year in the county jail.

(cg) *Penalties related to causing death or injury; interference with signs and standards.* A person who violates sub. [\(8\) \(f\) 1.](#) is guilty of a Class H felony if the violation causes the death or injury, as defined in s. [30.67 \(3\) \(b\)](#), of another person.

(cm) *Sentence of detention.* The legislature intends that courts use the sentencing option under s. [973.03 \(4\)](#) whenever appropriate for persons subject to par. [\(b\) 2.](#) or [3.](#) or [\(c\)](#). The use of this option can result in significant cost savings for the state and local governments.

(d) *Calculation of previous convictions.* In determining the number of previous convictions under par. [\(b\) 2.](#) and [3.](#), convictions arising out of the same incident or occurrence shall be counted as one previous conviction.

(dm) *Reporting convictions to the department.* Whenever a person is convicted of a violation of the intoxicated operation of an all-terrain vehicle or utility terrain vehicle law, the clerk of the court in which the conviction occurred, or the justice, judge or magistrate of a court not having a clerk, shall forward to the department the record of such conviction. The record of conviction forwarded to the department shall state whether the offender was involved in an accident at the time of the offense.

(e) *Alcohol, controlled substances or controlled substance analogs; assessment.* In addition to any other penalty or order, a person who violates sub. [\(4c\) \(a\)](#) or [\(b\)](#) or [\(4p\) \(e\)](#) or who violates s. [940.09](#) or [940.25](#) if the violation involves the operation of an all-terrain vehicle or utility terrain vehicle, shall be ordered by the court to submit to and comply with an assessment by an approved public treatment facility for an examination of the person's use of alcohol, controlled substances or controlled substance analogs. The assessment order shall comply with s. [343.30 \(1q\) \(c\) 1. a.](#) to [c.](#) Intentional failure to comply with an assessment ordered under this paragraph constitutes contempt of court, punishable under ch. [785](#).

(f) *Restoration or replacement of signs and standards.* In addition to any other penalty, the court may order the defendant to restore or replace any uniform all-terrain vehicle route or trail sign or standard, or any uniform sign or standard for the operation of a utility terrain vehicle on an all-terrain vehicle route or trail, that the defendant removed, damaged, defaced, moved or obstructed.

History: [1985 a. 29](#); [1987 a. 200](#), [353](#), [399](#), [403](#); [1989 a. 31](#), [275](#), [359](#); [1991 a. 39](#), [303](#), [315](#); [1993 a. 16](#), [105](#), [119](#), [405](#); [1995 a. 27](#) ss. [1350](#) to [1351](#), [9126 \(19\)](#); [1995 a. 436](#), [448](#); [1997 a. 27](#), [248](#),

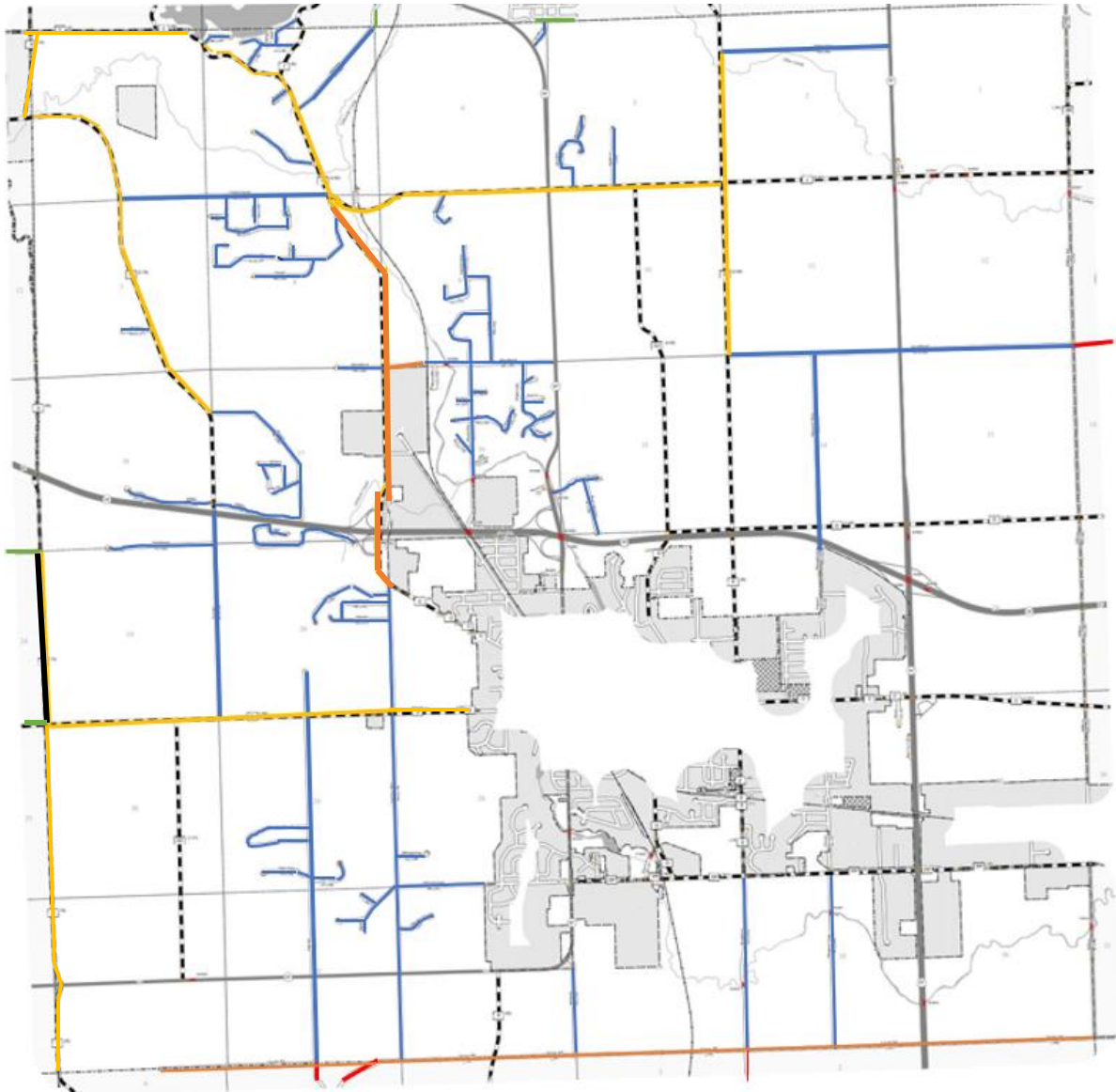
[283](#); [1999 a. 9](#); [2001 a. 16, 90, 106, 109](#); [2003 a. 30, 97, 251, 326](#); [2005 a. 25, 253, 481](#); [2007 a. 20](#) ss. [664m](#) to [666m](#), [9121 \(6\) \(a\)](#); [2007 a. 27, 209](#); [2009 a. 85, 175, 252, 367](#); [2011 a. 35, 51, 208, 258](#); [2013 a. 15, 20, 67, 83](#); [2013 a. 165](#) s. [114](#); [2013 a. 173, 224, 316](#); [2015 a. 55, 89, 170, 210](#); [2017 a. 59, 87, 161, 193, 365](#).

Cross-reference: See also ch. [NR 64](#), Wis. adm. code.

The safety certificate requirement under sub. (5) is a creation of the legislature, and the legislature has specified who is required to comply with the requirement. When a person is not required to obtain a safety certificate, that person cannot be negligent for failing to do so. *Hardy v. Hoeffler*, [2007 WI App 264](#), [306 Wis. 2d 513](#), [743 N.W.2d 843](#), [06-2861](#).

County forest roads open to vehicular traffic are highways that can be designated as routes under sub. (8) (b). [77 Atty. Gen. 52](#).

Even if the primary purpose of designating short county highway segments as ATV routes is to allow a private organization to enhance its system of trails that benefit club members and their invitees, such designations will not violate the public purpose doctrine if no county resources are expended and no county expenditures occur as a result of those designations. [OAG 3-11](#).



Blue Routes show Town Roads

Yellow Routes are County Trunk Highway links suggested

Orange Routes are Routes needing help from neighboring community

Green Routes are neighboring communities that are open

Red Routes are neighboring communities that are closed

Town of Plymouth County Route Request

This document is provided as a request to the Sheboygan County board for the following County Highways to be used as ATV/UTV routes.

County Highway	From	To
A/P	CTH P	CTH C
C	CTH A/P	CTH J
E	Woodland Rd	Gerber Lake Rd
J	CTH C/Camp Evelyn Rd	CTH E
P	CTH A/P	Branch Rd
Z	Edge of Township (West) Boundary with Town of Greenbush	City of Plymouth (West) Boundary
S	CTH Z	Town of Lyndon Boundary

All-Terrain Vehicle Route

Town of Plymouth, Sheboygan County, Wisconsin

AN ORDINANCE DESIGNATING ALL-TERRAIN VEHICLE ROUTES AND REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES

Section I - Intent

The Town of Plymouth, Sheboygan County adopts the following all-terrain vehicle route for the operation of all-terrain vehicles upon all Village roads.

Following due consideration of the recreational value to connect trail opportunities and weighed against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created

Section II - Statutory Authority

Open usage of Village roads is done pursuant to Village authority as authorized by 23.33 (8) (b), Wis stats

The applicable provisions of 23.33 regulating ATV/UTV operation pursuant to routes are adopted.

Section III - Routes

All Village roads will be open to ATV/UTV usage

All county and state roadways posted 35mph or less will be open to ATV/UTV usage as authorized under Wis. Stat. s. 23.33(11)(am)4.

Section IV - Conditions

As condition for use of Village roads, the following conditions shall apply to all operators (and passengers);

- A. All ATV/UTV operators shall observe posted speed limits.
- B. No person under 18 years of age may operate or be a passenger on an ATV/UTV without wearing protective headgear of the type required under s. 347.485(1)(a) and with the chin strap properly fastened, except as specifically exempted under s. 23.33(3g)(b, c and d) Wis. Stats
- C. Operation of ATVs and UTVs on roadways designated as ATV/UTV Routes are authorized only for the extreme right side of the roadway, on the paved surface (if the roadway is paved), except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
- D. All ATV/UTV operators shall ride single file.
- E. The operator of an ATV/UTV shall obey all traffic laws, Local ordinances and DNR Regulations
- F. The operator of an ATV/UTV shall display a lighted headlamp and tail lamps on the ATV/UTV and display the registration or license plate at all times.

- G. All roads must be signed in accordance with NR 64.12, and NR 64.12 (7)
- H. ATV/UTV operation is at the risk of the operator. The Town of Plymouth has no liability for any damage or injury to persons, real property or personal property, arising out of the operation of ATVs and UTVs on designated ATV/UTV Routes.
- I. Routes are open year-round.

Section V - Enforcement

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

Section VI - Penalties

Wisconsin State All-Terrain Vehicle penalties as found in s. 23.33 (13) (a) Wis Stats., are adopted by reference.

Section VII - Severability

The provision of this ordinance shall be deemed severable and it is expressly declared that the Village would have passed the other provisions of this ordinance irrespective of whether or not 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 or circumstances shall not be deemed affected.

Section VIII - Effective Date

This ordinance becomes effective upon passage and publication.

Passed this ____ day of _____, 2024

Town of Plymouth, Clerk

Town of Plymouth, Chairperson

Town of Plymouth, Supervisor

Town of Plymouth, Supervisor

Town of Plymouth, Supervisor

Town of Plymouth, Supervisor

Published this date of _____

ATV/UTV Route letter to DNR

When the route ordinance has been passed/approved by the local jurisdiction, the clerk of jurisdiction **MUST** send a copy of the route/ordinance to the DNR.

Town of Plymouth
120 Suhrke Road
Plymouth, WI 53073

Date:

Department of Natural Resources
Attn: ATV Section
P.O. Box 7921
Madison WI 53707

To Whom it may concern:

Our Village has enacted an ATV/UTV Ordinance in accordance with the Wisconsin State statute 23.33. We have enclosed a copy of the Ordinance and a listing of the Village roads affected.

Included documents:

Copy of the Village Ordinance

Copy of the Village Road list

Copy of the route map

Sincerely,

Town of Plymouth, Clerk

County Sheriff Enforcement Letter

The clerk of jurisdiction MUST also send a copy of the route/ordinance to the law enforcement agency having jurisdiction over the highway(s).

Town of Plymouth
120 Suhrke Road
Plymouth, WI 53073

Date:

Sheboygan County Sheriff's Office
500 Rolfs Avenue
West Bend, Wisconsin, 53090

To Whom it may concern:

Our Village has enacted an ATV/UTV Ordinance in accordance with the Wisconsin State statute 23.33. We have enclosed a copy of the Ordinance and a listing of the Village roads affected.

Included documents:

Copy of the Village Ordinance

Copy of the Village Road list

Copy of the route map

Sincerely,

Town of Plymouth, Clerk

State Patrol Enforcement Letter

The clerk of jurisdiction MUST also send a copy of the route/ordinance to the law enforcement agency having jurisdiction over the highway(s).

Town of Plymouth
120 Suhrke Road
Plymouth, WI 53073

Date:

Wisconsin State Patrol
21115 East Moreland Blvd
Waukesha, WI 53186

To Whom it may concern:

Our Village has enacted an ATV/UTV Ordinance in accordance with the Wisconsin State statute 23.33. We have enclosed a copy of the Ordinance and a listing of the Town Village affected.

Included documents:

Copy of the Village Ordinance

Copy of the Village Road list

Copy of the route map

Sincerely,

Town of Plymouth, Clerk

Example of Signage Options

Individual route markers (Must be at every intersection)

Approximately 300 required @ \$5.00 each (\$1,500.00)



Edge of Town markers (Placed at all entry points of the Town)

Approximately 30 Req @ \$15.00 each (\$450.00)



REQUEST FOR ATV SIGN INSTALLATION ON STATE HIGHWAY
(extracted from TEOps 2-15-3)

Name of Requesting Municipality Town of Ashford

<u>N1410 Rolling Drive</u>	<u>Campbellsport</u>	<u>53010</u>
Street Address	City	Zip Code
Contact Person <u></u>	Phone <u></u>	
	Email <u></u>	

SIGN MESSAGE & #:



PROPOSED SIGN LOCATIONS

Hwy. Interchange or Intersection	Town/City/Village	County	Traffic Direction at Proposed Sign Site	Sign #
<u>Town Boarder</u>	<u>Ashford</u>	<u>Fond du Lac</u>	<u>E & W bound on Hwy. 67</u>	<u>D11-10A</u>

Additional costs should be submitted on a separate form.

The requesting municipality agrees to and will abide by the conditions contained within the Supplemental Guide Sign Policies and general signing policy provisions attached to this application, which is made by the undersigned official under proper authority to act on behalf of the municipality represented above. The municipality agrees to pay for installation costs and costs to replace the signs when they have reached the end of their useful life or repairs if they become damaged, when the cost is not recovered from the person(s) causing the damage.

Signature of Authorized Official <u></u>	Title <u></u>	Date <u></u>
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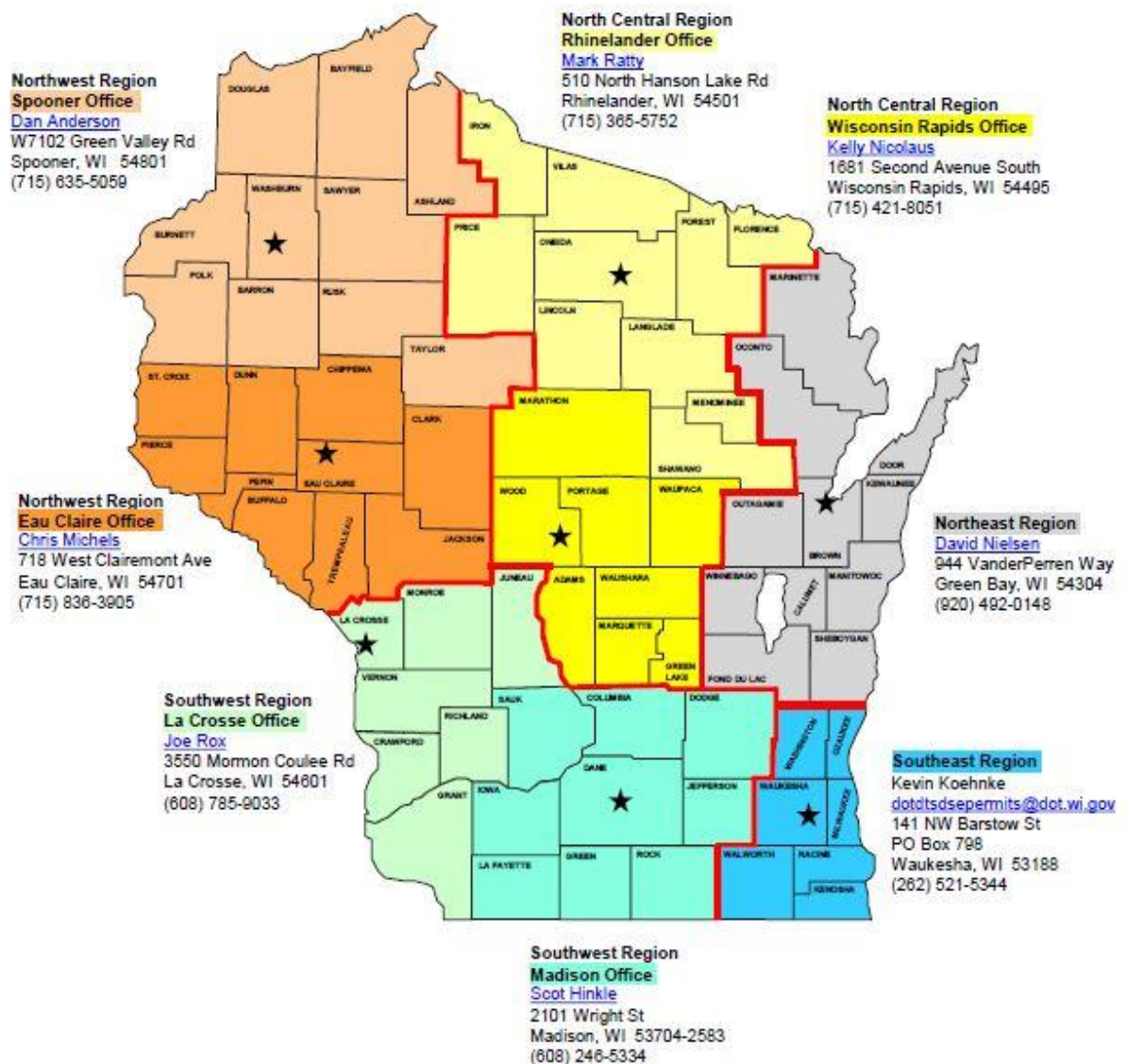
☐ APPROVED
☐ DENIED

<u></u>	<u></u>
Regional Traffic Engineer	Date

This form is available online at <http://downloads.kettletrails.com>

WisDOT STH Connection Permit Contacts

Please contact the appropriate region office that has jurisdiction in the county where the connection is or will be located



Revised: 10/12/18

Disclaimer: All the documents in this proposal are assembled with the latest information available to us at the time of creation. We encourage everyone to verify any and all documents in the event we have missed any vital information. We are not responsible for any errors, unintentional or otherwise in providing this proposal.