

ORDINANCE NO. 2022-12-13

**AN ORDINANCE TO REGULATE NON-TRADITIONAL VEHICLES AND
ESTABLISHING ROUTES FOR THEIR OPERATION ON
TOWN OF LODI ROADS**

The Town Board of the Town of Lodi, Columbia County, Wisconsin, does hereby ordain as follows:

WHEREAS, the Town of Lodi recognizes that surrounding communities permit the use of non-traditional vehicles, including UTVs and ATVs on their roadways; and

WHEREAS, the Town of Lodi recognizes that there is interest in allowing the use of such vehicles on roadways within the Town; and

WHEREAS, Columbia County Ordinance Section 9.13 permits the use of UTVs and ATVs on certain public roadways in Columbia County, including some, but not all roadways within the Town of Lodi;

WHEREAS, the Town of Lodi also recognizes that such use if permitted needs appropriate regulation to ensure the safety of all citizens.

NOW, THEREFORE, BE IT RESOLVED, that Section 4.04 of Chapter 4, Public Safety, be hereby created to read as follows:

SECTION 4.04 ALL TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLE ROUTES AND REGULATIONS.

(a) **PURPOSE.**

The purpose of this ordinance is to regulate the usage of all-terrain (“ATV”) and utility terrain vehicle (“UTV”) on public roadways within the Town and to provide safe and healthful conditions for their enjoyment consistent with the statutory restrictions upon their regulations. Following due consideration of the recreational value such vehicles provide to connect trail opportunities and weighed against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, ATV and UTV routes are permitted to be created.

(b) **STATUTORY AUTHORITY AND STATE LAWS ADOPTED BY REFERENCE.**

The Town Board of the Town of Lodi, Columbia County, Wisconsin has the specific statutory authority to adopt this ordinance pursuant to Wisconsin Statutes §349.26(1) and §23.33(8)(b) and Wisconsin Admn. Code Chap. NR 64. The applicable provisions of Wisconsin Statutes Chapter 346, Rules of the Road and Sections 349.18(1)(b) & (c), §349.26(1) and §23.33 regarding ATV and UTV operations pursuant to specified public routes are hereby adopted by this reference. Any act required to be performed or prohibited by the provisions of said Wisconsin Statutes 349.18(1)(b) & (c), §349.26(1) or §23.33 are hereby required or prohibited by this ordinance.

(c) **DEFINITIONS.**

In this section, words and phrases used herein shall have the meaning as defined by Wis. Stat. § 23.33(1), unless otherwise defined herein. All-terrain vehicles (hereinafter referred to as ATVs) shall have the definition given in Wis. Stat. § 340.01(2g). Utility terrain vehicles (hereinafter referred to as UTVs) shall have the definition given in Wis. Stat. § 23.33(1)(ng). Any reference to a Wisconsin Statute Section or Administrative Code Regulation is a reference to that specific chapter, section, code, or its successor chapter, section, or code. Any future amendments, revisions, or modifications of the statutes or administrative code incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of all-terrain vehicles.

For the purposes of this section, a "Golf Cart" is a vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and which is not capable of exceeding 20 mph. Golf Carts are not intended to be permitted or regulated by this ordinance.

(d) **ATV AND UTV ROUTES.**

Notwithstanding any other rule, law or regulation, including specifically County Ordinances, the operation of ATVs and UTVs on all town roads is permitted provided that the operation of said vehicles otherwise complies with this ordinance and such roads are posted for such use. No person shall operate any ATV or UTV on lands owned by the Town of Lodi except where the use is explicitly authorized by posted notice of the Town of Lodi.

The Town of Lodi by act of the Lodi Chairman or his/her designee shall have the authority to suspend operation on any town roadway route or segment thereof due to hazards, construction, emergency conditions, road damage, or any other issue deemed appropriate for public safety. Upon any such suspension of operation the Town Board shall be notified and shall the Town Board shall have an opportunity to consider the concern and rule on its disposition.

Routes subsequently removed as approved as ATV or UTV routes will be posted on the Columbia County website.

(e) **ROUTE SIGNS**

ATV and UTV Routes established by Section 4.04(d), shall not become ATV and UTV routes until signs are erected marking said routes. All route signs shall conform with the standards of Wisconsin Administration Code NR § 64.12(7). Signs may be provided by the Town or with Town approval, by individuals or local ATV clubs. Following the purchase and installations of signs, the Town may contract a local ATV club to provide for supplementary maintenance of any ATV or UTV route.

- (1) Signage. The most recent versions of the U.S. Department of Transportation (USDOT) Federal Highway Administration (FHWA) Manual of Uniform Traffic Control Devices (MUTCD), Wisconsin Supplement of MUTCD, and Wisconsin Administrative Code NR § 64.12(7) will govern the use of proper signage. Any

amendments or modifications to these shall be incorporated automatically into this ordinance.

- (2) Approval, installation, and maintenance of ATV/UTV signs for the Town of Lodi Systems shall be conducted by the Town of Lodi or its designee.
- (3) The quantity and location of signage shall be determined by the Town of Lodi.
- (4) No person shall do any of the following in regards to signage marking ATV/UTV:
 - i. Intentionally remove, damage, deface, move, or obstruct any uniform ATV or UTV sign; or
 - ii. Possess any uniform an ATV or UTV sign of the type established by the Town of Lodi for the warning, instruction, or information of the public, unless obtained in a lawful manner. Possession of a uniform ATV or UTV sign creates a rebuttable presumption of illegal possession of the sign.

(f) **GENERAL RULES OPERATION**

The following restrictions shall apply to all operators and passengers on all town roads designated as ATV or UTV routes.

- (1) Operators of ATVs and UTVs shall abide by all federal, state, and local ordinances, laws, orders, regulations, restrictions, and rules including the rules of operation and equipment requirements in Wisconsin Statute §23.33 and Wisconsin Administrative Code Chapter NR64, unless further restricted by this ordinance.
- (2) ATVs/UTVs shall have their Wisconsin DNR registration number clearly visible and in legible letters from the rear of the vehicle. A copy of the current, valid registration certificate shall be present on the vehicle and shall be presented to law enforcement when requested.
- (3) No person may operate an ATV or UTV on a town road unless it has been designated as an ATV or UTV route by the Lodi Town Board, except for operation that is allowed by state statute or administration code.
- (4) ATVs and UTVs may only operate on designated ATV and UTV routes between 5:00 a.m. and 10:00 p.m.
- (5) ATVs and UTVs may not be operated on designated ATV and UTV routes at a speed exceeding 35 miles per hour, unless a reduced speed is otherwise required by law or roadway conditions.
- (6) No person shall operate an ATV or UTV on a town road if the town road is closed for any reason.
- (7) All ATV and UTV operators shall ride single file on the extreme right-hand side of the paved parts of the road. Operation on shoulders, ditches or other portions of the

road right-of-way is prohibited. Left turns may be made from any portion of the road when safe, given prevailing conditions.

- (8) All ATV and UTV operators shall slow to a safe and prudent speed when there are animals, pedestrians or cyclists, on or near the roadway.
- (9) All ATVs and UTVs must operate with fully functional headlights, taillights and brake lights.
- (10) Crossings of other highways shall be made only at places where no obstructions prevent a quick and safe crossing. "Obstructions" include, but are not limited to, impairment of new and potential hazardous roadway conditions.
- (11) No person between the age of 12 and 16 may operate a ATV or UTV on any segment of a town road designated unless the person is accompanied by either the person's parent, guardian, or by a person designated by the parent or guardian who is at least 18 years old.
- (12) No person under the age of 12 may operate an ATV or UTV on any town road.
- (13) All individuals under the age of 18, either operating or riding on an ATV/UTV must wear a helmet.
- (14) All persons who are at least 12 years old and who is born on or after January 1, 1988 who operates an ATV or UTV on any segment of any designated ATV and UTV route shall carry a valid ATV or UTV safety certificate issued by Wisconsin or another jurisdiction, and shall display the certificate upon demand by any law enforcement officer.
- (15) No person shall ride in or on any part of an ATV or UTV that is not designed as intended to be used by passengers.
- (16) No operator or passenger of an ATV or UTV may possess any opened bottle or receptacle containing alcohol beverages.
- (17) No person may operate an ATV or UTV while under the influence of an intoxicant to a degree which renders him/her incapable of safe operation or which may result in injury to another.
- (18) No person may engage in the operation of an ATV or a UTV while the person has an alcohol concentration of 0.08 or more.
- (19) No person may engage in the operation of an ATV or a UTV while the person has a detectable amount of a restricted controlled substance in his or her blood.

(g) **ADMINISTRATION, ENFORCEMENT AND PENALTIES**

(1) Authority. The Town of Lodi shall have the authority to suspend operation on any town roadway route or segment thereof due to hazards, construction, emergency conditions, road damage, or any other issue deemed appropriate for public safety.

- i. The Town of Lodi Chairman or his/her designee shall have the authority to close, terminate, or suspend operation on any town route or segment thereof until such time as the Town Board shall have an opportunity to consider the concern and rule on its disposition.
- ii. Routes subsequently removed as approved as ATV or UTV routes will be posted on the Columbia County website.

(2) Applicability.

- i. Provisions of this Ordinance shall apply to all Town of Lodi roads within the jurisdiction of the Town of Lodi.
- ii. This Ordinance does not apply to Town of Lodi owned land.
- iii. The Town of Lodi Chairman may make exemptions to use on Town of Lodi land. Exemptions made by the Chairman if challenged, will be heard by the Town Board.

(3) Enforcement.

- i. Provisions of this Ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.
- ii. Adoption of this Ordinance shall not prohibit any Wisconsin law enforcement officer or Wisconsin Department of Natural Resources Warden from proceeding under any other ordinance, regulation, State Statute, law or order that pertains to the subject matter addressed under this section.

(4) Penalties. The penalties provided by Wis. Stat. §23.33(13)(a), penalties are hereby adopted and incorporated herein, by reference.

(h) **SEVERABILITY**

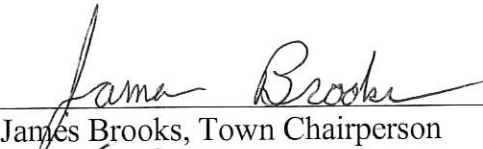
The provisions of this ordinance are deemed severable, and it is expressly declared that the Town of Lodi would have adopted the other provisions of this ordinance irrespective of whether one or more provisions might be declared ineffective. If any provisions of this ordinance or the application of the ordinance to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to the other persons circumstances shall not be deemed effective.


(i) **EFFECTIVE DATE**

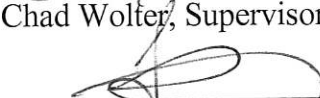
This ordinance shall take effect and be in force from and after passage and sign posting as required by law.

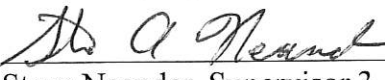
The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Lodi held on the _____ day of _____, 2022.


TOWN OF LODI


James Brooks, Town Chairperson

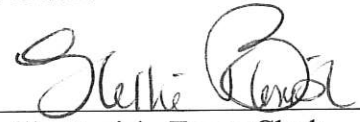

Chad Wolfer, Supervisor 1


Tom Marx, Supervisor 2


Steve Neander, Supervisor 3


Bill Pfeil, Supervisor 4

ATTEST:


Shellie Benish, Town Clerk

VOTE: Wolfer/Marx
AYES: 5
NOES: 0
ADOPTED: 12-13-2022
PUBLISHED: _____

Date this ordinance was sent by the Town to the Columbia County Sheriff and Wisconsin Department of Natural Resources _____, 2022.