

**TOWN OF LIBERTY
MANITOWOC COUNTY, WISCONSIN**

Ordinance No. 2013- 0819

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

Section I - Intent

The Town of Liberty; Manitowoc County adopts the following all-terrain vehicle route for the operation of all-terrain vehicles upon the roadways listed in Section III.

Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this route(s) has been created.

Section II - Statutory Authority

This route is created pursuant to town authority under section 1.1.01 as authorized by 23.33 (8) (b), Wis. Stats.

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

Section III - Routes

All town roads are designated as routes

Section IV - Conditions

As a condition for the use of this route, the following conditions shall apply to all operators (and passengers);

- A. All ATV operators shall observe posted roadway speed limits.
- B. All ATV operators shall ride single file.
- C. Routes must be signed in accordance with NR 64.12, and NR 64.12(7)c.

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 Town 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' circumstances shall not be deemed affected.

Section VIII - Effective Date

This ordinance becomes effective upon passage and publication. Passed this 19th Day of August 2013.

Town of Liberty Town Board

By: Bill Pitz
Bill Pitz, Town Chairperson

Attest: Bobbi Reedy
Bobbi Reedy, Town Clerk

Appendix B
ATV ROUTES

A Reference of Statutes and Codes

23.33(1)(c) "All-terrain vehicle **ROUTE**" means a highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction as authorized under this section.

23.33 (4) Operation on or near highways.

- (d) Operation on roadway. A person may operate an all-terrain vehicle on the roadway portion of any highway only in the following situations:
 - 4. on roadways which are designated as all-terrain vehicle **ROUTES**. Operation of all-terrain vehicles on a roadway which is an all-terrain vehicle **ROUTE** is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway which is safe given prevailing conditions.
- (e) Operation adjacent to roadway. A person may operate an all-terrain vehicle adjacent to a roadway on an all-terrain vehicle **ROUTE** or trail if the person operates the all-terrain vehicle in the following manner:

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**. A town, village, city or county may designate highways as all-terrain vehicle **ROUTES**. No state trunk highway or connecting highway may be designated as an all-terrain vehicle **ROUTE** unless the department of transportation approves the designation.

- (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 during certain periods of the year.
- (e) Signs. The department, in cooperation with the department of transportation, shall establish uniform all-terrain vehicle **ROUTE** and trail signs and standards.
- (f) Interference with signs and standards prohibited.
 - 1. No person may intentionally remove, damage, deface, move or obstruct any uniform all-terrain vehicle **ROUTE** or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle **ROUTE** or trail sign or standards 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 of the type established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform all-terrain vehicle **ROUTE** or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle **ROUTE** or trail sign or standard creates a rebuttable presumption of illegal possession.

23.33 (9) Administration; enforcement; aids.

- (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):
 - 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 **ROUTE** or all-terrain vehicle trails.

23.33 (11) Local ordinances.

- (a) Counties, towns, cities and villages may enact ordinances regulating all-terrain vehicles on all-terrain vehicle trails maintained by or on all-terrain vehicle **ROUTES** designated by the county, city, town or village.
- (am) Any county, town, city or village may enact an ordinance which 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.
- (b) If a county, town, city or village adopts an ordinance regulating all-terrain vehicles, its clerk shall immediately send a copy of the ordinance to the department and to the office of any law enforcement agency of the municipality or county having jurisdiction over any highway designated as an all-terrain vehicle **ROUTE**.

23.33 (13) Penalties.

- (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 that the defendant removed, damaged, defaced, moved or obstructed.

ANNOT. County forest roads open to vehicular traffic are highways that can be designated as **ROUTES** under sub. (8) (b). 77 Atty. Gen. 52.

RULES AND REGULATIONS

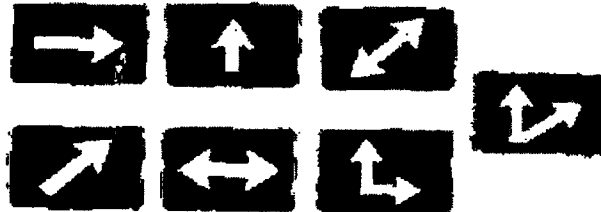
NR 64.12 ROUTES.

- (2) "All-terrain vehicle **ROUTE**" means a highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction.

NR 64.12 ROUTES.

- (1) An all-terrain vehicle **ROUTE** may be established by a town, city, village or county by adopting an ordinance designating a highway as an all-terrain vehicle **ROUTE** and signing the highway in accord with s. 23.33 (8), Stats., and rules of the department.
- (2) A town, city, village or county may adopt an ordinance designating a state trunk highway or connecting highway as an all-terrain vehicle **ROUTE** if the department of transportation approves the designation.
- (3) A town, city, village or county may adopt an ordinance designating a sidewalk of a state trunk highway bridge as an all-terrain vehicle **ROUTE** with the approval of the department of transportation.
- (4) A town, city, village or county may designate a **ROUTE** as an All-terrain **ROUTE** during certain periods of the year and prohibit the operation of all-terrain vehicles on that **ROUTE** during other periods of the year.
- (5) All-terrain vehicle operation is not permitted on state trunk highways or connecting highways except as provided for under s. 23.33 (4), Stats., or sub. (2) or (3).
- (6) No person may operate an all-terrain vehicle on a restricted all-terrain vehicle **ROUTE** during any period of the year when the operation of all-terrain vehicles is prohibited.
- (7) Signs for all—terrain vehicle **ROUTES** on highways and sidewalks designated for use by the governmental unit having jurisdiction as authorized under s. 23.33 (8), Stats., shall meet the following requirements:
 - (a) The all—terrain vehicle **ROUTE** sign shall have a reflectorized white symbol, border and message on a reflectorized green background. The standard and minimum size of this sign shall be 24"X18". The sign, including the stylized all—terrain vehicle symbol and the word message "ATV **ROUTE**", shall conform to the standard design on file in the department of transportation.

- (b) The directional arrow marker (M7 series) shall have a reflectorized white arrow and border on a reflectorized green background. The standard and minimum size of a directional arrow shall be 12"X9".
- (c) An all—terrain vehicle **ROUTE** sign with directional arrow, where appropriate, shall be placed at the beginning of an all—terrain vehicle **ROUTE** and at such locations and intervals as necessary to enable all—terrain vehicle operators to follow the **ROUTE**.



ALL TERRAIN VEHICLE **ROUTE** SIGN AND ARROWS
(M-7 SERIES)
GREEN REFLECTORIZED BACKGROUND WITH WHITE
REFLECTORIZED LETTERS, SYMBOLS, AND BORDER

- (d) All—terrain vehicle **ROUTE** signing shall be done by or under the direction of and is the responsibility of the unit of government which designates the all—terrain vehicle **ROUTE**.

NR 64.14 All—terrain vehicle trail aid.

- (1) **DISTRIBUTION.** The department shall distribute all—terrain vehicle project aids on the basis of a priority system according to the following priority ranked purposes;
- (a) Maintenance of existing approved all—terrain vehicle areas and trails, including **ROUTES**;
- (e) Acquisition of land in fee and development of new all—terrain vehicle areas and trails, including **ROUTES**.
- (2m) **MAINTENANCE OF ROUTES.** The department may provide state aid up to 100% of the cost of the purchase of all—terrain vehicle **ROUTE** signs and arrows, trail crossing warning signs, and signs briefly explaining the intoxicated all—terrain vehicle operator law. All—terrain vehicle **ROUTES**, whether a part of an approve all—terrain vehicle trail or not, are not eligible for per mile maintenance payments under sub. (2).

(6) Development

(d) The department shall distribute aids for all—terrain vehicle areas and trail development projects, including **ROUTES**, considering the following criteria:

1. All—terrain vehicle **ROUTES**, areas and trails in counties where **ROUTES**, areas, and trails are in short supply in comparison to demand.
2. All—terrain vehicle **ROUTES** and trails that provide connecting loops or origin—destination segments over dead end segments.
3. All—terrain vehicle **ROUTES** or trails that provide connections from one jurisdiction to another.
4. All—terrain vehicle **ROUTES** and trails that have potential for year round use.
5. All—terrain vehicle **ROUTES**, areas and trails to be developed on publicly owned land or land under easements or other agreements for 3 years or greater.

MISCELLANEOUS STATUTES and references

84.02(1) Designation. The system of highways known as the trunk highway system heretofore selected and laid out by the legislature and by the highway commission and by special legislative state trunk highway committees and approved by said highway commission and as revised, altered and changed by and under authority vested by law in the highway commission, is hereby validated and confirmed and designated the state trunk highway system but without prejudice to the exercise of the power given to change such system, and all acts by which parts of said system were heretofore adopted or declared to be trunk highways are confirmed and validated. Section 80.32 (2) does not apply to the state trunk highway system.

84.02(11) Connecting highways. The state trunk highway system shall not include the marked routes thereof over the streets or highways in municipalities which the department has designated as being connecting highways. Those municipal streets or highways so excluded as state trunk highways but marked as such and designated as connecting highways are further described and the aids determined therefor under s. 86.32.

84.29 National system of interstate highways.

86.32(1) The department may designate, or rescind the designation of, certain marked routes of the state trunk highway system over the streets or highways in any municipality for which the municipality will be responsible for maintenance and traffic control and the maintenance and operation of any swing or lift bridge. Such maintenance, operation and traffic control of the connecting highways and swing and lift bridges shall be subject to review and approval by the department. Those marked routes of the state trunk highway system designated as connecting streets prior to July 1, 1977, shall become the connecting highways in municipalities which are eligible for aids payments under this section. The character of travel service provided by a route, uniformity of maintenance, the effect on the maintaining agency, and the municipality's maintenance capability will be considerations by the secretary, in cooperation with the municipalities and counties in making changes in the connecting highways of the state trunk highway system in municipalities. The decision of the secretary to designate or rescind a designation may be appealed to the division of hearings and appeals, which may affirm, reverse or modify the secretary's decision.

340.01 (22) "Highway" means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forests which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in s. 115.01 (1), and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways as defined in sub. (46).

340.01 (60) "State trunk highway" means any highway designated pursuant to s. 84.02 or 84.29 as part of the state trunk highway system, exclusive of connecting highways.

To view the state truck highway system, see "Official State Trunk Highway System Maps," Wisconsin Dept. of Transportation, Division of Transportation Infrastructure Development

State Trunk Highways

"The Department of Transportation's (DOT) state trunk highway program is responsible for the construction, improvement and maintenance of the state's 11,752 mile trunk highway system."

"The responsibility for roads and highways is divided between local governments and the state. The state generally has jurisdiction over arterial roads, which function as corridors for interstate and interregional travel. This network is called the state trunk highway system. Generally, counties are responsible for collector roads, which serve short distance, intraregional traffic or provide connections between arterial ads and local roads. Municipalities are responsible for local roads, such as residential streets and town roads, which provide property access and short distance, local mobility services. Jurisdiction does not always follow this functional classification. For instance, a county road can begin to function as an arterial highway if traffic patterns change. However, current DOT policy is to align jurisdictional responsibilities with functional classifications whenever possible."

'Although state highways comprise only 10.5% of total road mileage, they carry 59.7% of the total traffic volume. Of the 11,752 miles of state highway in the system, about 87% are rural, 8% are urban and 5% are considered connecting highways."

Connecting Highways

"Connecting highways are state trunk highways that lie within the corporate limits of larger municipalities."

"State Trunk highway and Connecting Highways" - Source - John Dyck Wisconsin Legislative Fiscal Bureau, Madison, WI