

TOWN OF MISHICOT
MANITOWOC COUNTY, WISCONSIN
ORDINANCE NO. 2021-1

AN ORDINANCE REGARDING ESTABLISHING ALL-TERRAIN VEHICLE AND
UTILITY TERRIAN VEHICLE ROUTES AND TO REGULATE THE OPERATION OF
THESE VEHICLES IN THE TOWN

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Mishicot ATV/UTV Route Ordinance. The purpose of this ordinance is to establish ATV/UTV routes in the town and to regulate the operation of ATV/UTVs in the town.

SECTION II – AUTHORITY

The Town Board of the Town of Mishicot, Manitowoc County, Wisconsin, has the specific authority to adopt this ATV/UTV Ordinance under s. 23.33 (8) (b) and (11), Wis. stats.

SECTION III – ADOPTION OF ORDINANCE

This ordinance adopted on proper notice with a quorum and roll call vote by a majority of the town board present and voting, provides the authority for the town to designate ATV/UTV routes in the town and to regulate the use of those routes and ATV/UTVs in the town, designates ATV/UTV routes in the town and provides for the regulation of the use of those routes and of ATV/UTVs in the town.

SECTION IV – OPERATION OF ATV/UTVs

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 the roadway portion of any highway in the town except on roadways that are designated as ATV/UTV routes by this ordinance. Operation of ATV/UTVs on a roadway in the town that is an ATV/UTV 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 that is safe given prevailing conditions.

SECTION V – DESIGNATION OF ATV/UTV ROUTES

All Town of Mishicot roads are designated ATV/UTV routes. County highways and state highways in the Town are not ATV/UTV routes.

SECTION VI – CONDITIONS APPLICABLE TO ATV/UTV ROUTES

Pursuant to s. 23.33 (8) (d), Wis. stats., the following restrictions are placed on the use of the town ATV/UTV routes designated by this resolution:

- A. Routes shall be marked with uniform ATV/UTV route signs in accordance with s. 23.33 (8) (e), Wis. stats., and s. NR 64.12 (7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking town 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 any uniform ATV/UTV route or trail sign 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 type 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 a 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. 23.336, Wis. stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33 (11), Wis. stats.
 - C. A copy of this ordinance shall be sent by the town clerk to the Department of Natural Resources, the Manitowoc County Sheriff's Department and any other law enforcement agency serving the Town of Mishicot's jurisdiction.
 - D. Any operator or passenger shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including Wisconsin Administrative Code NR 64.

Operators shall operate on the extreme right side of the roadway with the flow of traffic (usually a paved surface), not on the shoulders or in the ditches or other portions of the Town's right-of-way.

Operators shall ride in single file.

Operators shall observe a speed limit of 35 miles per hour or the posted speed limit, whichever is less.

Operators shall observe all posted regulatory signs.

Operators shall yield the right of way to pedestrians and other vehicles.

ATV/UTVs shall only operate during daytime hours (30 minutes before sunrise to 30 minutes after sunset)

Operators shall be at least 16 years old.

Operators shall wear required safety gear.

No ATV/UTV shall be left unattended on a Town roadway.

SECTION VII – ENFORCEMENT

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin [and additionally as stated in the Town's citation authority ordinance adopted per s. 66.0113]

SECTION VIII – PENALTIES

The penalties under s. 23.33 (13), Wis. stats., are adopted by reference.

SECTION IX – SEVERABILITY

If any provision of this ordinance of its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or 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 is effective on publication or posting and placement of the necessary ATV/UTV signage.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 5th day of July, 2021.

Town of Mishicot

By: Lee Stefaniak
Lee Stefaniak, Chairman

Dean Anhalt
Dean Anhalt, Supervisor

Robert DesJarlais
Robert DesJarlais, Supervisor

Attest:

Sarah Kowalski
Sarah Kowalski, Town Clerk