

Town roads are marked and open, as permitted. 8/1/2022

**TOWN OF RICHMOND
ST. CROIX COUNTY, WISCONSIN
ORDINANCE NO. 2022-02**

AN ORDINANCE TO REGULATE ATV AND UTV OPERATIONS AND ROUTES

The Town Board of the Town of Richmond, St. Croix County, Wisconsin, does ordain as follows:

SECTION I – PURPOSE

The purpose of this Ordinance is to address the matter of all-terrain vehicle (“ATV”) and utility terrain vehicle (“UTV”) routes on Town streets, alleys, and public lands and to regulate the related operation of ATVs and UTVs, as defined in Wis. Stat. § 23.33(1), in the Town of Richmond, St. Croix County, Wisconsin (the “Town”). The intent of this Ordinance is to provide for the safety, welfare, healthful conditions, and enjoyment of recreational vehicle enthusiasts and private landowners consistent with the public rights, interests, and capabilities of the areas regulated in the Town. The provisions of this Ordinance shall apply to all roadways and public property in the Town within the jurisdiction of the Town Board as authorized by state law.

SECTION II – AUTHORITY

The Town Board has the specific authority under Wis. Stat. §§ 23.33(8)(b) and 23.33(11) to adopt this Ordinance.

SECTION III – ADOPTION OF STATUTORY PROVISIONS

Those provisions and requirements set forth in Wis. Stat. § 23.33, Wis. Stat. Chapters 340-348, and Wis. Admin. Code § NR 64, and any future amendments or revisions thereto, are hereby adopted by reference and fully incorporated as if fully set forth herein.

SECTION IV – ROUTES

The following Town roads in the Town of Richmond are hereby designated as ATV and UTV routes (the “Routes”):

All Town roads except the following:

1. That portion of 95th street from HWY 64 south to 170th avenue.
2. That portion of 100th street from County Road A north to 170th avenue.
3. That portion of 140th Avenue from County Round A east to 120th street.

The Routes shall not include any private roads or driveways nor any private property in the Town. The Town retains the right to close any Town road to ATV and UTV operation for special events, street construction or repair, or for any other reason, without advance notice. The Town neither accepts nor assumes liability for the operation of ATVs or UTVs on any Town roads under the provisions of this Section. Residents of the Town are permitted to travel to and from their place of residence to the nearest designated route, using the most direct route, and shall be subject to the rules of the road. This does not apply to County or State Trunk Highways unless it is signed as a Route.

SECTION V – OPERATION OF ATVs and UTVs

1. Pursuant to Wis. Stat. § 23.33(4)(d)4, except as otherwise provided in Wis. Stat. § 23.33(4), no person may operate an ATV or UTV on the roadway portion of any highway, street, alley, public right-of-way, park, cemetery, or on any other public property in the Town or on any parking lots held open to the public, except on roadways, right-of-ways and trails which are designated as Routes by Section IV above. Unless authorized by the Town Board, no ATV/UTV shall be operated on any walking, bicycle, equestrian, or other special use trail or path.
2. No person shall operate an ATV or UTV upon private property without the owner's express permission, except upon Routes designated by the Town Board.
3. Municipal or other governmental ATVs or UTVs used for governmental purposes are authorized to operate on streets and right-of-ways.
4. It shall be the responsibility of ATV and UTV operators to know whether they are operating on public or private property.
5. Violations Involving Signage. Routes shall be marked with uniform signage, applicable to both ATV and UTV operations, as prescribed in Wis. Admin. Code § NR 64.12(7), and which conform to regulations of this Ordinance and of the DNR and DOT, pursuant to Section VI below. No person shall do any of the following in regard to signs marking Routes:
 - a. Intentionally remove, damage, deface, move, obstruct, or interfere with any uniform ATV/UTV Route or trail sign or standard, or intentionally interfere with the effective operation of any uniform ATV/UTV route sign or standard if the sign or standard is legally placed by the State of Wisconsin, any local government, or any authorized individual or organization.
 - b. Possess any uniform ATV or UTV Route or trail sign or standard of the type established by the DNR for the warning, instruction, or information of the public, unless he/she obtained the uniform ATV or UTV Route sign or standard in a lawful manner. Possession of a uniform ATV/UTV Route sign or standard creates a rebuttable presumption of illegal possession.
6. Cruising Prohibited. No person shall, while operating an ATV or UTV, engage in the practice of cruising on any authorized Route. "Cruising" is defined as running all or part of a designated route multiple times per day, back and forth, for any purpose other than departing or arriving at their residence.
7. No ATV or UTV shall be operated on a Route between the hours of 10:00 p.m. and 6:00 a.m..

8. Operation of ATVs and UTVs shall be subject to Sec. 23.33, Wis. Stats. and any other applicable regulations, which is adopted as a part of this Ordinance by reference, pursuant to Sec. 23.33(11), Wis. Stats.
9. Operators of ATV and UTVs on Routes assume all of the usual and normal risks of ATV and UTV operation.
10. The Town accepts no liability for the operation of ATVs and UTVs on any Routes.
11. Anyone under the age of twelve (12) shall not operate an ATV or UTV on a designated Route. Anyone between the age of twelve (12) years and sixteen (16) years shall not operate an ATV on a designated Route without a valid Wisconsin Department of Natural Resources-issued safety certification and must be accompanied by an adult parent or designated guardian that provides the operator with continuous verbal direction or control. UTV operators shall be licensed drivers over the age of sixteen (16).
12. No person shall operate an ATV or UTV on a Route during such time as their driver's license has been suspended or revoked.
13. All Routes in the Town shall have a maximum speed limit of thirty-five (35) miles per hour unless posted at a lower speed for vehicular traffic. If ATV and UTV speed limits are posted, then ATV and UTV operators shall observe posted ATV and UTV speed limits. Notwithstanding the above and regardless of the signage posted, no ATV or UTV shall be operated at a speed greater than thirty-five (35) miles per hour.
14. All ATV and UTV operators under the age of eighteen (18) shall wear a helmet.
15. All ATV and UTV operators shall ride single file.
16. All ATV and UTV operators shall operate only on the extreme right side of the paved portion of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
17. On paved roadways, ATVs and UTVs shall be operated on the paved portion of the roadway and not on the gravel shoulder or ditch.
18. Radios or electric sound amplification devices. No person may operate or park, stop or leave standing an ATV or UTV while using a radio or other electric sound amplification device emitting sound from the vehicle that is audible under normal conditions from 75 feet or more, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition.
19. All ATV and UTV operators shall slow the vehicle to ten (10) mph or less when operating within one hundred (100) feet of a person not on a vehicle or machine.

20. All ATV and UTV operators shall stop at each roadway or highway to be crossed and yield the right-of-way to all motor vehicles approaching on each such roadway or highway.
21. All ATVs and UTVs operated on the Routes shall be equipped with a working white-lighted headlamp and a red-lighted tail lamp. The headlamp and tail lamp shall be lighted at all times while operating on the ATV/UTV Routes.
22. All ATVs and UTVs are required to be equipped with a functioning muffler to prevent excessive or unusual noise and with a functioning spark arrester of a type approved by the U.S. Forest Service.
23. No person may operate an ATV or UTV in a reckless manner or such a manner that noise emitted from the machine is louder than ninety-six (96) decibels when measured on the "A" scale; measured in the manner prescribed in the reaffirmed 1998-07, Society of Automotive Engineers Standard J1287, entitled Measurement of Exhaust Sound Levels of Stationary Motorcycles.

SECTION VI – DESIGNATED ROUTES SIGNAGE/MARKERS

1. The Town shall be responsible for administering and authorizing appropriate route, trail, and/or speed limit signs and markers to be procured, erected and maintained consistent with this Ordinance and as required by Wisconsin Statutes, Wisconsin Administrative Code, and Wisconsin Department of Transportation and Wisconsin Department of Natural Resources standards. Specific state standards to be complied with include, but are not limited to, Wis. Stat. § 23.33(8), Wis. Admin. Code § NR 64.12. The Town may work cooperatively with local authorized ATV/UTV organizations to procure, place, and maintain all ATV/UTV route/trail signs within the Town, including, without limitation, on local streets and county trunk highways within the Town limits. Routes shall be open for use until properly signed.
2. Signs and Markers to be Obeyed. No person shall fail to obey any route or trail sign, marker, speed limit, or other control device erected in accordance with this Ordinance or traffic sign or signal under the authority of the Wisconsin Statutes.

SECTION VII – ENFORCEMENT

This Ordinance shall be enforced by any law enforcement officer of the Town, Town official, or any other officer authorized to enforce the laws of the State of Wisconsin, including but not limited to St. Croix County Sheriff's Department personnel and Wisconsin Department of Natural Resources Wardens.

SECTION VIII – PENALTIES

Wisconsin ATV and UTV penalties set forth in Wisconsin Statutes § 23.33(13) are adopted by reference and may be enforced through the issuance of municipal citations as provided elsewhere in the Town's ordinances.

SECTION IX – SEVERABILITY

The provisions 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 person’s circumstances shall not be deemed affected.

SECTION X – EFFECTIVE DATE

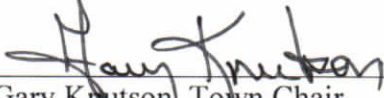
This Ordinance is effective on publication or posting. This Ordinance shall terminate one (1) year from the effective date unless extended by action of the Town Board.

The Town Clerk shall properly post or publish this Ordinance as required under Wis. Stat. § 60.80.

Adopted this 9th day of June, 2022.

Town Roads remain closed until all signage is completed. Check back here for updates.

TOWN OF RICHMOND



Gary Knutson, Town Chair

Attest:



Patrick Earley, Town Clerk

Voted for: 4 Peirson, Naser, Knutson, Stephens
Voted against: 1 Berquist
Abstained: -