



Ordinance 2023-01 Town of Magnolia ATV/UTV Routes and Regulations

Purpose

The purpose of this ordinance is to establish all-terrain vehicle ("ATV") and utility terrain vehicle ("UTV") routes and regulate the operation of ATV/UTVs within the Town of Magnolia. This ordinance is not intended to impede or restrict ATV/UTV use for agricultural purposes outlined in Wisconsin Statutes.

Authority

- 1) These regulations are adopted under the authority granted by Section 23.33(8)(b), 23.33(11), and 59.02, Wisconsin Statutes.
- 2) In addition, the provisions of Section 23.33, Wisconsin Statutes, and the provisions of Wisconsin Administrative Code NR 64 regulating all-terrain vehicle operations are hereby adopted.

References

Any reference to a Wisconsin Statute 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 ordinance to secure uniform regulation of all-terrain vehicles and utility terrain vehicles.

Designated ATV/UTV Routes

All Town roads are designated as ATV/UTV routes. Shared roads with adjacent towns that do not allow ATV/UTV on their roads are not included, i.e. Dorner Road (shared with Town of Spring Valley). No State or County roads are included in this ordinance. Rock County does not allow ATV/UTVs in County Parks, including Magnolia Bluff Park.

Route Signage

Any ATV/UTV Route must be posted with proper signage prior to use. An ATV/UTV route sign plan and the acquisition/manufacture, installation, and maintenance of the ATV/UTV route signs will be performed by the Rock County Department of Public Works.

The costs of the plan and signs will be billed to the Town of Magnolia. The Western Rock County ATV Club will reimburse the Town of Magnolia for these costs.

Additional Restrictions

The following conditions and restrictions shall apply to designated ATV/UTV routes within the jurisdiction of the Town of Magnolia:

- 1) No ATV/UTV operator shall exceed speed limits established for motor vehicle traffic or exceed speed limits posted specifically for ATV/UTVs.
- 2) All ATV and UTV operators must be at least 16 years old.
- 3) No person may operate an ATV or UTV without either a valid Wisconsin driver's license or a valid ATV Safety Certificate issued by the State of Wisconsin.



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- 4) All ATV/UTV operators and passengers under the age of 18 shall wear a DOT approved helmet with the chin strap securely fastened.
- 5) Operation on the unimproved right-of-way or ditch, outside of the regular traveled portion of the roadway is prohibited.
- 6) ATV/UTVs shall yield the right-of-way to all other vehicular traffic and pedestrians.

Enforcement and Penalties

Any act that is required or prohibited by any statute or administrative code provision incorporated herein by reference is required or prohibited by this Ordinance. The Rock County Sheriff's Office and local law enforcement agencies shall have authority to enforce this Ordinance pursuant to Wis. Stat. 23.33(12). Any person who violates any section of this ordinance or statutes adopted by reference shall be subject to the penalties set forth in Sections 23.33(13) of the Wisconsin Statutes.

Notifications

A copy of this ordinance shall be sent by the Town of Magnolia to the Rock County Sheriff's Office, Wisconsin State Patrol, and the Wisconsin Department of Natural Resources.

Severability Clause

If any provision of this ordinance or 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 provisions or application, and to this end, the provisions of this Ordinance are severable.

Effective Date

Following passage by the Town Board, this ordinance shall take effect the day after publication as provided by sec. 60.80, Wis Stats. Additionally, no operation of ATV/UTVs shall be allowed on Magnolia Township roads until the installation of ATV/UTV route signage has been completed and that signage fully and completely complies with all applicable Wisconsin State Statutes.

Passed and Adopted by a majority vote of the Town Board of the Town of Magnolia, Rock County, Wisconsin, this 12th day of September, 2023.

Magnolia Town Board:

Kurt Bartlett
Kurt Bartlett, Chairman

William S Trow
William S Trow, 1st Supervisor

Stephen J Eager
Stephen J Eager, 2nd Supervisor

Attest:

Graceann Toberman
Graceann Toberman, Town Clerk/Treasurer

Date of Publication Oct 9th, 2023