



## Town of Port Washington ATV/UTV Route Proposal

As requested, we have put together the following information for the Town of Port Washington to use as a guide in establishing their local roads as ATV/UTV routes. Please read over the following proposal and contact us if you have any questions.

### Contents:

- Town Roads Route Map
- ATV/UTV Route Ordinance
- Estimated Cost of Signage
- 2017 Wisconsin Act 193
- 2017 Wisconsin Act 87
- State Statute 23.33 (partial)
- Sample Notification Letters to: DNR, Ozaukee County Sheriff & WI State Patrol
- Information on ATV/UTV Safety

Thank you for your time and consideration.

Sincerely,

**Tom Birenbaum**, President  
Lakeshore ATV/UTV Club

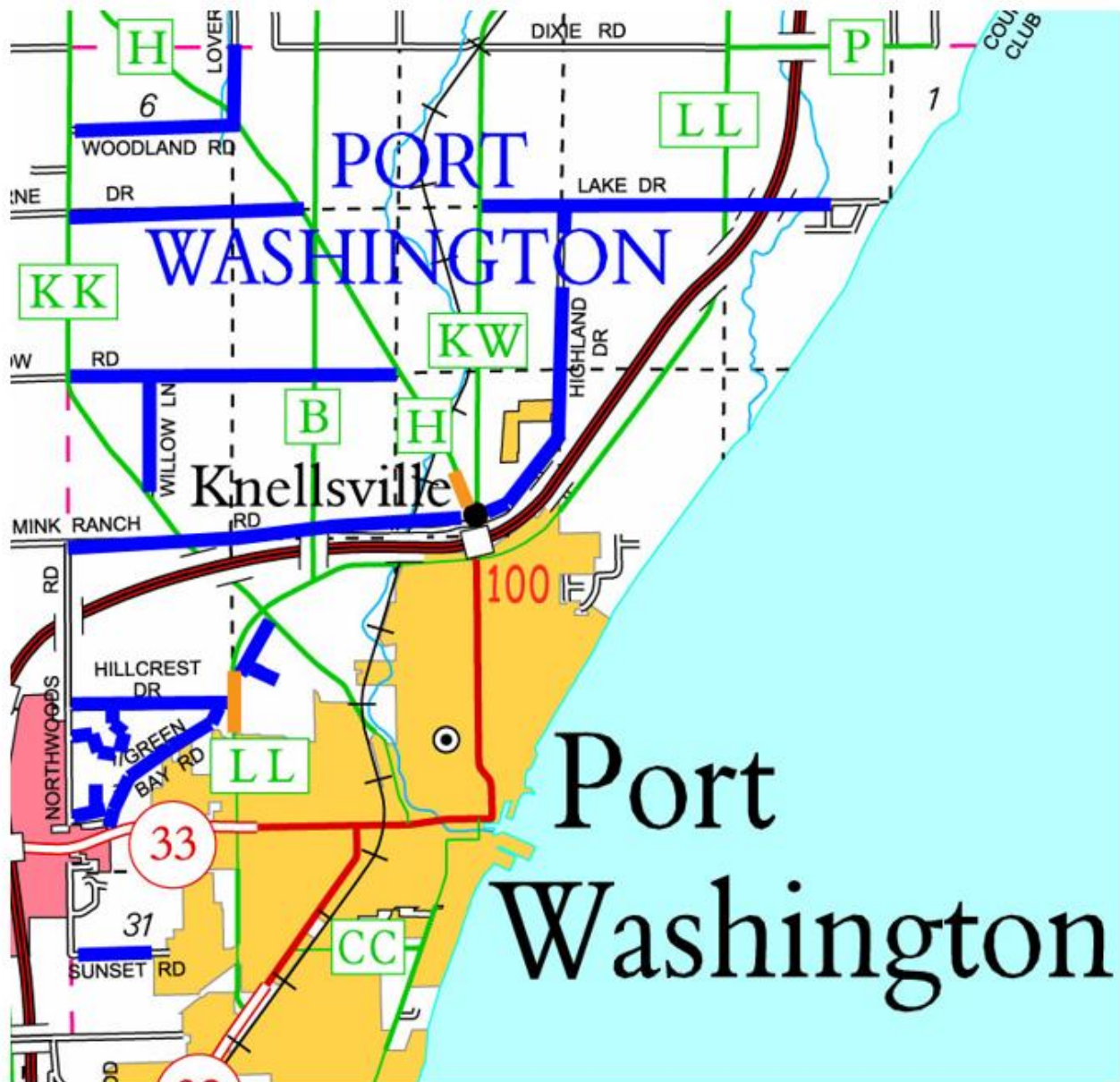
**Bob Hubing**, Road Route Committee  
Lakeshore ATV/UTV Club

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The **Lakeshore ATV/UTV Club** is a family orientated club consisting of ATV/UTV enthusiasts from the Belgium, Port Washington, Fredonia, Random Lake, Cedar Grove, Oostburg and surrounding communities of SE Wisconsin. Our goal is to create a safe and positive future for ATV/UTV recreation and have fun together as a family orientated club.



# Town of Port Washington Town Roads Route Map



**Blue Routes show Town Roads**  
**Orange shows 35mph or less County Roads**

## **Town of Port Washington, Ozaukee County All-Terrain Vehicle Route Ordinance**

### **Section I - Intent**

The Town of Port Washington, Ozaukee County, adopts the following all-terrain vehicle route for the operation of all-terrain vehicles upon all township roads. Following due consideration of the recreational value to connect route and trail opportunities, and weighed against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created.

### **Section II - Statutory Authority**

Open usage of township roads is done pursuant to township authority as authorized by Wis. Stats. 23.33(8)(b). The applicable provisions of Wis. Stats. 23.33 regulating ATV/UTV operation pursuant to routes are adopted.

### **Section III - Routes**

All township roads will be open to ATV/UTV usage unless otherwise posted. All county and state roadways posted 35mph or less will be open to ATV/UTV usage as authorized under Wis. Stats. 23.33(11)(am)4 unless otherwise posted.

### **Section IV - Conditions**

As condition for use of township roads, the following conditions shall apply to all operators (and passengers);

- A. All ATV/UTV operators shall observe posted speed limits.
- B. No person under 18 years of age may operate or be a passenger on an ATV/UTV without wearing protective headgear of the type required under Wis. Stats. 347.485(1)(a) and with the chin strap properly fastened, except as specifically exempted under Wis. Stats 23.33(3g)(b, c and d).
- C. All ATV/UTV operators under 16 years of age must be in direct verbal supervision of a parent or legal guardian when operating on a designated all-terrain vehicle route.
- D. Operation of ATVs and UTVs on roadways designated as ATV/UTV Routes are authorized only for the extreme right side of the roadway, on the paved surface (if the roadway is paved), except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
- E. Approved hand signals are required whenever the operator intends to change direction if the vehicle is not equipped with turn signals.
- F. All ATV/UTV operators shall ride single file.
- G. The operator of an ATV/UTV shall obey all traffic laws, local ordinances and DNR Regulations
- H. The operator of an ATV/UTV shall display a lighted headlamp, tail lamp and working brake light on the ATV/UTV and display the registration license plate at all times.
- I. All roads must be signed in accordance with NR 64.12 and NR 64.12(7).
- J. ATV/UTV operation is at the risk of the operator. The Town of Port Washington has no liability for any damage or injury to persons, real property or personal property, arising out of the operation of ATVs and UTVs on designated ATV/UTV Routes under Wis. Stats. 895.52(1)(d)(g).
- K. Routes are open year round.

- L. On all roads shared with another jurisdiction, the most restrictive Ordinance shall apply.
- M. The Town reserves the right to open or close routes by a simple Board motion.

**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 Wis. Stats. 23.33(13)(a), are adopted by reference.

**Section VII - Severability**

The provision of this ordinance shall be deemed severable and it is expressly declared that the Township 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 or circumstances shall not be deemed affected.

**Section VIII - Effective Date**

This ordinance becomes effective upon passage and the signage is posted.

Passed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Town of Port Washington, Clerk

\_\_\_\_\_  
Heather Krueger

Town of Port Washington, Chairman

\_\_\_\_\_  
Mike Didier

Town of Port Washington, Supervisor

\_\_\_\_\_  
Gary Schlenvogt

Town of Port Washington, Supervisor

\_\_\_\_\_  
Greg Welton

Published this date of \_\_\_\_\_

# Town of Port Washington Cost of Signage Estimate Provided by Kettle Trails

Qty	Item #	Description	Unit	Total price
22	D11-10A – S	18" x 24" Edge of Town Local	\$13.93	\$306.46
4	D11-10	24" x 18" ATV Route	\$13.93	\$55.72
2	MK4-6	12" x 9" END	\$5.29	\$10.58
7	MK4-6B	12" x 12" End of Route	\$6.89	\$48.23
33	Steel Posts	2# weight X 12 foot	\$17.37	\$573.21
1	Equipment	Fuel and equipment rental	\$250.00	\$250.00
33	Installs	Sign placement and assembly	\$35.00	\$1,155.00
33	Marking	Diggers Hotline Locates	Free	

**Estimated Total Cost \$2,399.20**

Estimated sign only cost \$421.00

**Disclaimer:** All the documents in this proposal are assembled with the latest information available to us at the time of creation. We encourage everyone to verify any and all documents in the event we have missed any vital information. We are not responsible for any errors, unintentional or otherwise in providing this proposal.



WISCONSIN LEGISLATIVE COUNCIL  
ACT MEMO

2017 Wisconsin Act 193 [2017 Assembly Bill 442]	All-Terrain Vehicle Route Signage
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2017 Wisconsin Act 193 makes changes to requirements for signs placed to mark all-terrain vehicle (ATV) routes. Under state law, a town, village, city, or county (local government) may designate highways or sidewalks as ATV routes. In addition, it may authorize the operation of utility terrain vehicles on ATV routes. Rules promulgated by the Department of Natural Resources (DNR) require that all ATV routes be marked by signs at the beginning of the route and at intervals along the route as needed to enable ATV operators to follow the route. The Act provides that, if a local government designates **specific highways** within its jurisdiction as ATV routes, the local government is required to do one of the following:

- Erect a sign at each point on a highway where the ATV route begins and at each point where the ATV route intersects an ATV trail or a highway that is not designated as an ATV route;<sup>1</sup> or
- Erect a sign on each highway under its jurisdiction that crosses its territorial boundary in a position to be viewed by motorists as they enter the town, village, city, or county. The signs must alert motorists that all highways within the town, village, city, or county have been designated as ATV routes, except where otherwise indicated.<sup>2</sup>

Alternatively, the Act authorizes a local government to designate **all highways** within its territorial boundaries as ATV routes and to erect signs at the entrances to the local government alerting motorists of this designation. The Act provides that if a local government erects these entrance signs, DNR may not require it to erect or maintain additional signs along the ATV routes.

The Act also provides some additional sign placement authority for a local government that designates all highways under its jurisdiction as ATV routes. The Act allows such a local government to erect a sign on each highway under its jurisdiction at the point where that highway crosses its territorial boundary and enters another town, village, city, or county that does not designate the highway as an ATV route alerting motorists and ATV operators that the ATV route designation has ended. The local government may also designate a preferred route and erect signs marking the route.

*Effective date:* April 5, 2018 *Prepared by:* Steve McCarthy, April 9, 2018  
Staff Attorney



# State of Wisconsin



2017 Assembly Bill 442

Date of enactment: April 3, 2018  
Date of publication\*: April 4, 2018

## 2017 WISCONSIN ACT 193

**AN ACT** to *renumber* 23.33 (8) (e); to *renumber and amend* 23.33 (8) (b); and to *create* 23.33 (1) (ja), 23.33 (8) (b) 2., 23.33 (8) (e) 2., 23.33 (8) (e) 3., 23.33 (8) (e) 4., 23.33 (8) (e) 5. and 23.33 (8) (e) 6. of the statutes; relating to: all-terrain vehicle route signage.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1m.** 23.33 (1) (ja) of the statutes is created to read:

23.33 (1) (ja) "Preferred route" means an all-terrain vehicle route marked with signs to assist all-terrain vehicle operators in navigating to needed services such as fueling stations, restaurants, lodging, or other business establishments.

**SECTION 1p.** 23.33 (8) (b) of the statutes is renumbered 23.33 (8) (b) 1. and amended to read:

23.33 (8) (b) 1. ~~A~~ Subject to subd. 3., a town, village, city, or county may designate highways as all-terrain vehicle routes.

3. No state trunk highway or connecting highway may be designated as an all-terrain vehicle route unless the department of transportation approves the designation.

**SECTION 2.** 23.33 (8) (b) 2. of the statutes is created to read:

23.33 (8) (b) 2. Subject to subd. 3., a town, village, city, or county may designate all highways under its jurisdiction as all-terrain vehicle routes.

**SECTION 3.** 23.33 (8) (e) of the statutes is renumbered 23.33 (8) (e) 1.

**SECTION 4.** 23.33 (8) (e) 2. of the statutes is created to read:

23.33 (8) (e) 2. Except as provided in subd. 3, if a town, village, city, or county designates specific highways under its jurisdiction as all-terrain vehicle routes under par. (b) 2., the town, village, city, or county shall do one of the following:

a. Erect a sign at each point on a highway where the all-terrain vehicle route begins and at each point where the all-terrain vehicle route intersects an all-terrain vehicle trail or a highway that is not designated as an all-terrain vehicle route. The town, village, city, or county is not required to erect a sign under this subdivision at a point that is not more than one-half mile from a sign marking the same all-terrain vehicle route on the same highway.

b. Erect a sign on each highway under its jurisdiction that crosses its territorial boundary in a position to be viewed by motorists as they enter the town, village, city, or county. The signs shall alert motorists that all highways within the town, village, city, or county have been designated as all-terrain vehicle routes, except where otherwise indicated. The town, village, city, or county shall erect signs as appropriate to indicate highways that are not designated as an all-terrain vehicle route.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

**SECTION 5.** 23.33 (8) (e) 3. of the statutes is created to read:

23.33 (8) (e) 3. If a town, village, city, or county designates all highways under its jurisdiction as all-terrain vehicle routes under par. (b) 2., the town, village, city, or county may erect a sign on each highway that crosses its territorial boundary in a position to be viewed by motorists as they enter the town, village, city, or county. The signs shall alert motorists that all highways under the jurisdiction of the town, village, city, or county have been designated as all-terrain vehicle routes.

**SECTION 6m.** 23.33 (8) (e) 4. of the statutes is created to read:

23.33 (8) (e) 4. If a town, village, city, or county designates all highways under its jurisdiction as all-terrain vehicle routes under par. (b) 2., the town, village, city, or county may erect a sign on each highway under its jurisdiction at the point where that highway crosses its territorial boundary and enters another town, village, city, or county that does not designate the highway as an all-ter-

rain vehicle route. The signs shall be in a position to be viewed by motorists and all-terrain vehicle operators as they leave the town, village, city, or county and shall alert motorists and all-terrain vehicle operators that the all-terrain vehicle route designation has ended.

**SECTION 7m.** 23.33 (8) (e) 5. of the statutes is created to read:

23.33 (8) (e) 5. If a town, village, city or county designates highways under its jurisdiction as all-terrain vehicle routes under par. (b) 2., the town, village, city, or county may designate a preferred route and erect signs marking the route.

**SECTION 8m.** 23.33 (8) (e) 6. of the statutes is created to read:

23.33 (8) (e) 6. If a town, village, city, or county erects and maintains signs under subd. 3., the department may not require the town, village, city, or county to erect any additional signs marking the all-terrain vehicle routes within the town, village, city, or county.





WISCONSIN LEGISLATIVE COUNCIL  
ACT MEMO

2017 Wisconsin Act 87  
[2017 Senate Bill 392]

Municipal Ordinances  
Authorizing ATV and UTV  
Operation on Highways

Under 2017 Wisconsin Act 87, a city, village, or town may enact an ordinance authorizing the operation of all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) on a highway that has a speed limit of 35 miles per hour or less and is located within the territorial boundaries of the city, village, or town. The Act provides that a city, village, or town may authorize ATV or UTV operation on a highway regardless of whether the city, village, or town has jurisdiction over the highway, but it may not authorize ATV or UTV operation on a highway that is part of the national system of interstate and defense highways.

**Effective date:** December 2, 2017 **Prepared by:** David Moore, Senior Staff Attorney December 21, 2017

# State of Wisconsin



2017 Senate Bill 392

Date of enactment: November 30, 2017  
Date of publication\*: December 1, 2017

## 2017 WISCONSIN ACT 87

**AN ACT** *to amend* 23.33 (4) (b) and 23.33 (11) (am) 1.; and *to create* 23.33 (11) (am) 4. of the statutes; relating to: municipal ordinances authorizing all-terrain vehicle and utility terrain vehicle operation on highways within the municipality.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 23.33 (4) (b) of the statutes is amended to read:

23.33 (4) (b) *Other highways; operation restricted.* No person may operate an all-terrain vehicle or utility terrain vehicle on a highway except as authorized under pars. (d), (e), and (f) and sub. (11) (am) 2. ~~or 3., or 4.~~ or as authorized by rules promulgated by the department and approved by the department of transportation.

**SECTION 2.** 23.33 (11) (am) 1. of the statutes is amended to read:

23.33 (11) (am) 1. Any county, town, city, or village may enact an ordinance that 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, except as provided in subds. 2. ~~and 3., and 4.~~

**SECTION 3.** 23.33 (11) (am) 4. of the statutes is created to read:

23.33 (11) (am) 4. A city, village, or town may enact an ordinance to authorize the operation of all-terrain vehicles and utility terrain vehicles on a highway that is not part of the national system of interstate and defense highways, that has a speed limit of 35 miles per hour or less, and that is located within the territorial boundaries of the city, village, or town regardless of whether the city, village, or town has jurisdiction over the highway.

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."



## 23.33 All-terrain vehicles and utility terrain vehicles.

### (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.*

1. Subject to subd. 3., a town, village, city, or county may designate highways as all-terrain vehicle routes.

2. Subject to subd. 3., a town, village, city, or county may designate all highways under its jurisdiction as all-terrain vehicle routes.

3. No state trunk highway or connecting highway may be designated as an all-terrain vehicle route unless the department of transportation approves the designation.

(c) *Trails.* A town, village, city, county or the department may designate corridors through land which it owns or controls, or for which it obtains leases, easements or permission, for use as all-terrain vehicle trails.

(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 or utility terrain vehicle during certain periods of the year.

(e) *Signs.*

1. The department, in cooperation with the department of transportation, shall establish uniform all-terrain vehicle route and trail signs and standards and uniform signs and standards for the operation of utility terrain vehicles on all-terrain vehicle routes and trails. The standards may not require that any additional signs be placed on all-terrain vehicle routes concerning the operation of all-terrain vehicles or utility terrain vehicles with snow removal devices attached.

2. Except as provided in subd. 3, if a town, village, city, or county designates specific highways under its jurisdiction as all-terrain vehicle routes under par. (b) 2., the town, village, city, or county shall do one of the following:

a. Erect a sign at each point on a highway where the all-terrain vehicle route begins and at each point where the all-terrain vehicle route intersects an all-terrain vehicle trail or a highway that is not designated as an all-terrain vehicle route. The town, village, city, or county is not required to erect a sign under this subdivision at a point that is not more than one-half mile from a sign marking the same all-terrain vehicle route on the same highway.

b. Erect a sign on each highway under its jurisdiction that crosses its territorial boundary in a position to be viewed by motorists as they enter the town, village, city, or county. The signs shall alert motorists that all highways within the town, village, city, or county have been designated as all-terrain vehicle routes, except where otherwise indicated. The town, village, city, or county shall erect signs as appropriate to indicate highways that are not designated as an all-terrain vehicle route.

3. If a town, village, city, or county designates all highways under its jurisdiction as all-terrain vehicle routes under par. (b) 2., the town, village, city, or county may erect a sign on each highway that crosses its territorial boundary in a position to be viewed by motorists as they enter the town, village, city, or county. The signs shall alert motorists that all highways under the jurisdiction of the town, village, city, or county have been designated as all-terrain vehicle routes.

4. If a town, village, city, or county designates all highways under its jurisdiction as all-terrain vehicle routes under par. (b) 2., the town, village, city, or county may erect a sign on each highway under its jurisdiction at the point where that highway crosses its territorial boundary and enters another town, village, city, or county that does not designate the highway as an all-terrain vehicle route. The signs shall be in a position to be viewed by motorists and all-terrain vehicle operators as they leave the town, village, city, or county and shall alert motorists and all-terrain vehicle operators that the all-terrain vehicle route designation has ended.

5. If a town, village, city or county designates highways under its jurisdiction as all-terrain vehicle routes under par. (b) 2., the town, village, city, or county may designate a preferred route and erect signs marking the route.

6. If a town, village, city, or county erects and maintains signs under subd. 3., the department may not require the town, village, city, or county to erect any additional signs marking the all-terrain vehicle routes within the town, village, city, or county.

(f) *Interference with signs and standards prohibited.*

1. No person may intentionally remove, damage, deface, move, obstruct, or interfere with the effective operation of any uniform all-terrain vehicle route or trail sign or standard or any uniform sign or standard for the operation of a utility terrain vehicle on an all-terrain vehicle route or trail 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, or any uniform sign or standard for the operation of a utility terrain vehicle on an all-terrain vehicle route or trail, of the type established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign or standard or uniform sign or standard for the operation of a utility terrain vehicle on an all-terrain vehicle route or trail creates a rebuttable presumption of illegal possession.

### (9) ADMINISTRATION; ENFORCEMENT; AIDS.

(a) *Enforcement.* The department may utilize moneys received under sub. (2) for all-terrain vehicle and utility terrain vehicle registration aids administration and for the purposes specified under s. 20.370 (3) (as) and (5) (er) including costs associated with enforcement, safety education, accident reports and analysis, law enforcement aids to counties, and other similar costs in administering and enforcing this section.

(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):

1. Acquisition of an easement or land in fee simple.

2. Development of all-terrain vehicle facilities such as parking areas, riding areas, shelters, toilets or other improvements.

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 routes or all-terrain vehicle trails.

6. Purchase of liability insurance.

(bb) *Signs*. In addition to the projects listed in par. (b), the department may provide aid from the appropriation under s. 20.370 (5) (ct) or (cu) to a town, village, city or county for up to 100 percent of the cost of placing signs developed under sub. (4z) (a) 2.

(bd) *All-terrain and utility terrain vehicle projects; stewardship funding*.

1. The department may obligate from the appropriation account under s. 20.866 (2) (ta) moneys for state projects and for aids to counties, cities, villages, or towns for nonstate projects. The projects may be any of the following:

- Acquisitions of easements and land as specified in par. (b) 1.
- Development of facilities, routes, and trails as specified in par. (b) 2. and 3.
- Development 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.
- Improvement of all-terrain vehicle trails for use by utility terrain vehicles.
- Placement of signs developed under sub. (4z) (a) 2.

2. Moneys obligated from the appropriation account under s. 20.866 (2) (ta) for a project under subd. 1. shall be limited to no more than 80 percent of the cost of the project. The county, city, village, or town receiving the aid is responsible for the remainder of the project cost.

(bg) *Projects for utility terrain vehicles*. A project to improve or maintain all-terrain vehicle trails for use by utility terrain vehicles is eligible for funding as a state utility terrain vehicle project from the appropriation account under s. 20.370 (1) (mr) or for aid as a nonstate utility vehicle project from the appropriation accounts under s. 20.370 (5) (eu) and (gr). The maximum amount allowed for aid under this paragraph is \$100 per mile for all-terrain vehicle trails that are maintained not less than 3 months per year including the months of June, July, and August. If the requests for aid for projects under this paragraph exceed the funds available, the department shall distribute available funds to qualified applicants on a proportional basis.

**(10) LIABILITY OF LANDOWNERS. Section 895.52 applies to this section.**

**(11) LOCAL ORDINANCES.**

(a) Counties, towns, cities and villages may enact ordinances regulating all-terrain vehicles and utility terrain vehicles on all-terrain vehicle trails maintained by or on all-terrain vehicle routes designated by the county, city, town or village.

(am)

1. Any county, town, city, or village may enact an ordinance that 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, except as provided in subds. 2., 3., and 4.

2. For a roadway, or for a portion of a roadway, that is located within the territorial boundaries of a city, village, or town, the city, village, or town may enact an ordinance to authorize the operation of all-terrain vehicles and utility terrain vehicles with snow removal devices attached on the roadway, or adjacent to the roadway, if the applicable roadway speed limit is greater than 45 miles per hour, and regardless of whether the city, village, or town has jurisdiction over the roadway.

3. A county, city, village, or town may enact an ordinance to authorize the operation of all-terrain vehicles and utility terrain vehicles on a highway bridge that is not part of the national system of interstate and defense highways, that is 1,000 feet in length or less, and that is located within the territorial boundaries of the county, city, village, or town regardless of whether the county, city, village, or town has jurisdiction over the highway. Any such ordinance shall require a person crossing a bridge to do all of the following:

- Cross the bridge in the most direct manner practicable and at a place where no obstruction prevents a quick and safe crossing.
- Stay as far to the right of the roadway or shoulder as practicable.
- Stop the vehicle prior to the crossing.
- Yield the right-of-way to other vehicles, pedestrians, electric scooters, and electric personal assistive mobility devices using the roadway or shoulder.
- Exit the highway as quickly and safely as practicable after crossing the bridge.

4. A city, village, or town may enact an ordinance to authorize the operation of all-terrain vehicles and utility terrain vehicles on a highway that is not part of the national system of interstate and defense highways, that has a speed limit of 35 miles per hour or less, and that is located within the territorial boundaries of the city, village, or town regardless of whether the city, village, or town has jurisdiction over the highway.

(b) If a county, town, city, or village adopts an ordinance regulating all-terrain vehicles, utility terrain vehicles, or both, its clerk shall immediately send a copy of the ordinance to the department, to the state traffic patrol, and to the office of any law enforcement agency of each county, town, city, or village having jurisdiction over any of the highways to which the ordinance applies.

**(12) ENFORCEMENT.**

(a) An officer of the state traffic patrol under s. 110.07 (1), inspector under s. 110.07 (3), conservation warden appointed by the department under s. 23.10, county sheriff or municipal peace officer has authority and jurisdiction to enforce this section and ordinances enacted in accordance with this section.

(b) No operator of an all-terrain vehicle or utility terrain vehicle may refuse to stop after being requested or signaled to do so by a law enforcement officer or a commission warden, as defined in s. 939.22 (5).

**(13) PENALTIES.**

(a) *Generally*. Except as provided in pars. (am) to (e), any person who violates this section shall forfeit not more than \$250.

(am) *Penalty related to interference with signs and standards*. Except as provided in par. (cg), a person who violates sub. (8) (f) and who, within the last 2 years prior to the arrest for the current violation, was 2 or more times previously convicted for violating a provision of this chapter shall forfeit not more than \$500.

(ar) *Penalty related to nonresident trail passes*. Any person who violates sub. (2j) shall forfeit not more than \$1,000.

(b) *Penalties related to intoxicated operation of an all-terrain vehicle or utility terrain vehicle*.

1. Except as provided under subds. 2. and 3., a person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) shall forfeit not less than \$150 nor more than \$300.

2. Except as provided under subd. 3., a person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and who, within 5 years prior to the arrest for the current violation, was convicted previously under the intoxicated operation of an all-terrain vehicle or utility terrain vehicle law or the refusal law shall be fined not less than \$300 nor more than \$1,100 and shall be imprisoned not less than 5 days nor more than 6 months.

3. A person who violates sub. (4c) (a) 1., 2., or 2m. or (4p) (e) and who, within 5 years prior to the arrest for the current violation, was convicted 2 or more times previously under the intoxicated operation of an all-terrain vehicle or utility terrain vehicle law or refusal law shall be fined not less than \$600 nor more than \$2,000 and shall be imprisoned not less than 30 days nor more than one year in the county jail.

4. A person who violates sub. (4c) (a) 3. or (4p) (e) and who has not attained the age of 21 shall forfeit not more than \$50.

(bg) *Penalties related to intoxicated operation of an all-terrain vehicle or utility terrain vehicle; underage passengers.* If there is a passenger under 16 years of age on the all-terrain vehicle or utility terrain vehicle at the time of a violation that gives rise to a conviction under sub. (4c) (a) 1. or 2. or (4p) (e), the applicable minimum and maximum forfeitures, fines, and terms of imprisonment under pars. (b) 1., 2., and 3. for the conviction are doubled.

(br) *Penalties related to intoxicated operation of an all-terrain vehicle or utility terrain vehicle; enhancers.*

1. If a person convicted under sub. (4c) (a) 1. or 2. had an alcohol concentration of 0.17 to 0.199 at the time of the offense, the minimum and maximum fines specified under par. (b) 3. for the conviction are doubled.

2. If a person convicted under sub. (4c) (a) 1. or 2. had an alcohol concentration of 0.20 to 0.249 at the time of the offense, the minimum and maximum fines specified under par. (b) 3. for the conviction are tripled.

3. If a person convicted under sub. (4c) (a) 1. or 2. had an alcohol concentration of 0.25 or above at the time of the offense, the minimum and maximum fines under par. (b) 3. for the conviction are quadrupled.

4. The increased fines in this paragraph do not apply if the person convicted under sub. (4c) (a) 1. or 2. is subject to par. (bg).

(c) *Penalties related to causing injury; intoxicants.* A person who violates sub. (4c) (b) shall be fined not less than \$300 nor more than \$2,000 and may be imprisoned not less than 30 days nor more than one year in the county jail.

(cg) *Penalties related to causing death or injury; interference with signs and standards.* A person who violates sub. (8) (f) 1. is guilty of a Class H felony if the violation causes the death or injury, as defined in s. 30.67 (3) (b), of another person.

(cm) *Sentence of detention.* The legislature intends that courts use the sentencing option under s. 973.03 (4) whenever appropriate for persons subject to par. (b) 2. or 3. or (c). The use of this option can result in significant cost savings for the state and local governments.

(d) *Calculation of previous convictions.* In determining the number of previous convictions under par. (b) 2. and 3., convictions arising out of the same incident or occurrence shall be counted as one previous conviction.

(dm) *Reporting convictions to the department.* Whenever a person is convicted of a violation of the intoxicated operation of an all-terrain vehicle or utility terrain vehicle law, the clerk of the court in which the conviction occurred, or the justice, judge or magistrate of a court not having a clerk, shall forward to the department the record of such conviction. The record of conviction forwarded to the department shall state whether the offender was involved in an accident at the time of the offense.

(e) *Alcohol, controlled substances or controlled substance analogs; assessment.* In addition to any other penalty or order, a person who violates sub. (4c) (a) or (b) or (4p) (e) or who violates s. 940.09 or 940.25 if the violation involves the operation of an all-terrain vehicle or utility terrain vehicle, shall be ordered by the court to submit to and comply with an assessment by an approved public treatment facility for an examination of the person's use of alcohol, controlled substances or controlled substance analogs. The assessment order shall comply with s. 343.30 (1q) (c) 1. a. to c. Intentional failure to comply with an assessment ordered under this paragraph constitutes contempt of court, punishable under ch. 785.

(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, or any uniform sign or standard for the operation of a utility terrain vehicle on an all-terrain vehicle route or trail, that the defendant removed, damaged, defaced, moved or obstructed.

**History:** 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15, 20, 67, 83; 2013 a. 165 s. 114; 2013 a. 173, 224, 316; 2015 a. 55, 89, 170, 210; 2017 a. 59, 87, 161, 193, 365; 2019 a. 11.

**Cross-reference:** See also ch. NR 64, Wis. adm. code.

The safety certificate requirement under sub. (5) is a creation of the legislature, and the legislature has specified who is required to comply with the requirement. When a person is not required to obtain a safety certificate, that person cannot be negligent for failing to do so. *Hardy v. Hoeffler*, 2007 WI App 264, 306 Wis. 2d 513, 743 N.W.2d 843, 06-2861.

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

Even if the primary purpose of designating short county highway segments as ATV routes is to allow a private organization to enhance its system of trails that benefit club members and their invitees, such designations will not violate the public purpose doctrine if no county resources are expended and no county expenditures occur as a result of those designations. OAG 3-11.

2017-18 Wisconsin Statutes updated through 2019 Wis. Act 18 and through all Supreme Court and Controlled Substances Board Orders filed before and in effect on August 19, 2019. Published and [certified](#) under s. 35.18. Changes effective after August 19, 2019, are designated by NOTES. (Published 8-19-19)



(Date)

Department of Natural Resources  
Attn: ATV Section  
P.O. Box 7921  
Madison, WI 53707

To Whom It May Concern,

The Town of Port Washington has enacted an ATV/UTV Ordinance in accordance with the Wisconsin State Statute 23.33.

Included documents:

- Copy of the All-Terrain Vehicle Route Ordinance
- Copy of the Town Roads Route Map

Thank you.

Sincerely,

---

Heather Krueger, Clerk  
Town of Port Washington

(Date)

Ozaukee County Sheriff  
Sheriff James Johnson  
1201 S. Spring Street  
Port Washington, WI 53074

Dear Sheriff James Johnson,

The Town of Port Washington has enacted an ATV/UTV Ordinance in accordance with the Wisconsin State Statute 23.33.

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- Copy of the Town Roads Route Map

Thank you.

Sincerely,

---

Heather Krueger, Clerk  
Town of Port Washington

(Date)

Wisconsin State Patrol, District 2  
2115 E. Moreland Blvd  
Waukesha, WI 53186

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Thank you.

Sincerely,

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Heather Krueger, Clerk  
Town of Port Washington

## Trail Ambassador Program - Promotes safe and responsible riding.



6

# THE TRAIL AMBASSADOR PROGRAM

Outdoor recreation is a vast resource that many American's participate in every year.

Access to the great outdoors can be done in various ways, however one of the major systems in place throughout the United States is that of recreational trails. These trails are generally maintained by the men and women volunteers of locally organized clubs.

The Trail Ambassador program is one tool these clubs can utilize in their toolbox to help protect and maintain the trails on which they ride (and in some cases, have responsibility for).

Often times a land managing agency such as a county, township or state agency will contract with the local clubs to maintain the trail as part of a usage agreement. The Trail Ambassador program brings credibility and accountability to these agreements.

Our training program can help club volunteers become better advocates for trail preservation and community outreach.

Our leadership structure ensures the current generation of dedicated volunteers have the tools to attract, train and help mold future generations of individuals.

The Trail Ambassador teaches these clubs and individuals responsible recreational practices. The skills learned from our training program allow the Trail Ambassador to perform such duties as:

- Report illegal activity
- Survey & report on trail maintenance issues
- Report invasive plant species
- Conduct community outreach programs
- Conduct safety courses for the general public
- Promote a positive image for their sport
- Collect survey data to further improve the sport



The Trail Ambassador program has worked on behalf of the Wisconsin ATV and UTV registration program for the last 15+ years.

With support from our partners, the Trail Ambassador program constantly analyzes the activities and policies of the program for ways to improve itself. The leadership of the Trail Ambassador program is always looking to upgrade our program to improve the various recreations the Trail Ambassador program are targeting.



A Trail Ambassador wearing a helmet and a high-visibility orange and yellow vest is riding a motorcycle on a dirt trail. The background shows a forest with trees and other riders in the distance.

# MAIN PROGRAM GOALS



## INCREASE CLUB PARTICIPATION

Local clubs are the heart of any outdoor recreation system. The Trail Ambassador program encourages participation in local clubs.



## BE A PRESENCE ON THE TRAILS

The Trail Ambassador program has a proud presence on the trail systems it serves. The presence of our volunteers reassure the general public there is a group watching over them and the trail system they enjoy using.



## INCREASE SAFETY FOR OTHER USERS

From reporting dangerous conditions on the trail system to talking with riders about how to enjoy their sport while taking the necessary precautions to protect themselves are one of many duties of a Trail Ambassador.



## ENGAGE IN COMMUNITY EVENTS

Outdoor recreation often involves community events. These events help raise funds to operate and often expand the current trail network. The Trail Ambassadors have the necessary tools to help at these important events.



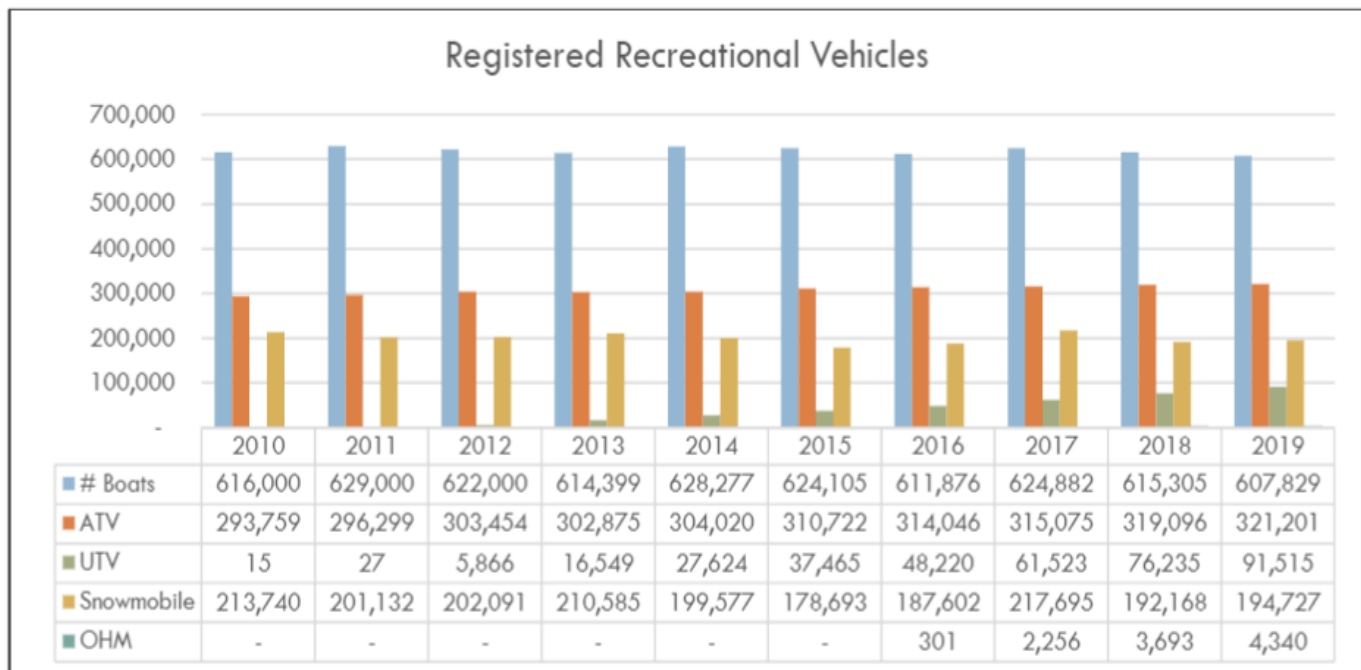
## Safety Education Requirements\*

All-terrain vehicle and utility terrain vehicle riding is a growing sport in Wisconsin. Along with the privilege of enjoying the sport comes the responsibility of making sure you are operating these vehicles safely and responsibly. ATV/UTV operators born on or after January 1, 1988, who are at least 12 years old for ATV (and at least 16 years old for UTV) must complete an ATV/UTV safety certification course in order to operate on public ATV/UTV trails and areas in Wisconsin. Operators must be in possession of this certificate while operating in areas open to the public such as trails, routes and frozen waterways and display it to a law enforcement officer upon request. Certified operators may transport other passengers. DNR Conservation Wardens recommend **all** ATV/UTV operators complete a safety course.

## 2019 Registered Recreational Vehicles\*

As the graph below shows, in the past 10 years in Wisconsin:

- the number of ATV/UTV's registered has *increased* by 119,000.
- the number of boats registered has *declined* by 8,000.
- the number of snowmobiles registered has *declined* by 19,000.



\*Facts from [https://dnr.wi.gov/files/pdf/pubs/le/LEB314\\_2019.pdf](https://dnr.wi.gov/files/pdf/pubs/le/LEB314_2019.pdf) and WATVA.

## Size Comparison – Interesting Facts

Did you know that a 2 seat Polaris RZR is actually LARGER than a Smart Car?  
A 4 seat version is even longer. UTVs also have seat belt requirements.



Did you know that an average ATV is much WIDER and just as tall as the average motorcycle?



## Public Outreach and Marketing

There is a trend in Wisconsin and the entire country toward opening more road routes to ATV/UTV use. Currently there are 35 states with laws that allow some type of road riding. Road routes are needed to connect local people to future trail systems in Southeast Wisconsin.



### Share the Road

Wisconsin law\* enables city, village or town officials to authorize ATV/UTV use on **any road posted 35 mph or less** within their territorial boundaries.

\*2017 Wisconsin Act 87

Watch for riders, and please always drive carefully.

REDWOOD GREEN VILLAGE: STREETS ARE ATV ROUTES UNLESS POSTED.

Visit [Wisconsin.gov](http://Wisconsin.gov) for more information.

Posted on WATVA's website:

### Motorists and ATV/UTV Riders Urged to Share the Road Safely

New Wisconsin law allows local communities to authorize ATV/UTV use on local roads with posted speed limits of 35 mph or less

Release date: May 22, 2018

Motorists could be sharing the road more frequently in some areas with all-terrain and utility-terrain vehicles (ATV/UTV) under a change in state law granting local authority to allow use on roads within territorial boundaries.

The state Departments of Transportation and Natural Resources urge motorists and ATV/UTV operators to stay cautious and be aware of these changes in the law:

- **2017 Wisconsin Act 87** enacted November 30, 2017, allows a town, village, or city to authorize the operation of ATVs/UTVs on roads within their territorial boundaries that have posted speed limits of 35 mph or less regardless of whether the municipality has jurisdiction on that road.
- **2017 Wisconsin Act 193** enacted April 3, 2018, allows a town, village, city or county to place a sign on each road that crosses its boundary alerting motorists that all roads under the municipality's jurisdiction have been designated as ATV routes.

"As the weather warms up, we're asking everyone – drivers and riders alike – to eliminate distractions and stay safe," said WisDOT Secretary Dave Ross. "Also, be mindful that motorists may see more ATVs on state and local roads than in the past and fewer signs indicating ATV routes."

WisDOT has published a [website with resources for riders and for local officials](#) who are interested in learning more about requirements to establish ATV routes within their jurisdiction. The website also contains a [downloadable flyer](#) for anyone who'd like to encourage motorists and riders to share the road. The DNR publishes [additional resources to assist ATV and UTV riders](#) with safety courses, vehicle registration and knowledge of the law.

"ATVs and UTVs are growing in popularity throughout Wisconsin and, in some areas, it can be a sure sign of spring and summer to have more four-wheelers out on roads and trails," said DNR Off-Highway Vehicle Administrator Gary Eddy. "Keep safety in the forefront of your thinking – no matter what you drive."

#### Safety tips for motorists:

- When you approach ATV/UTVs on the road, slow down and be patient for a safe opportunity to pass. As ATV/UTVs are much wider than bicycles or motorcycles, motorists will need to ensure they can achieve a wide berth that many times can extend into an oncoming traffic lane.
- Keep an eye out for ATV/UTV Route postings, and remember that the new law allows postings at territorial boundaries so motorists might not see additional signage along individual roads.
- Watch for riders. Always eliminate distractions, be patient and stay focused.

#### Safety tips for ATV/UTV riders:

- If riding on a road, stick to authorized areas. Most highways and roads statewide remain off limits. Check for posted signs or with local authorities to see if certain highways and roads are legally open.
- Travel at an appropriate speed and stay aware of your surroundings.
- Stay as visible as possible, as some drivers might not expect to be sharing the road with ATVs.
- Riders are required to operate headlight(s) when on or around roadways.
- Always remember the basics by wearing your helmet and protective gear. Most importantly, never consume alcohol or drugs before or during ATV operation.

For more information, contact:

WisDOT Office of Public Affairs  
(608) 266-3581, [opa.exec@dot.wi.gov](mailto:opa.exec@dot.wi.gov)

or

Joanne Haas  
Wisconsin Department of Natural Resources  
(608) 209-8147, [Joanne.Haas@Wisconsin.gov](mailto:Joanne.Haas@Wisconsin.gov)