

AN ORDINANCE ESTABLISHING CHAPTER 17
ALL-TERRAIN VEHICLE ROUTES AND REGULATIONS
IN THE TOWN OF GREENBUSH, SHEBOYGAN COUNTY, WISCONSIN

WHEREAS, pursuant to Wis. Stat. § 23.33, the Town may designate certain roads/highways within its jurisdiction as all-terrain vehicle or utility terrain vehicle (ATV/UTV) routes;

WHEREAS, the Town Board upon consideration of the recreational value to connect ATV/UTV routes with routes established in adjacent municipalities, was weighed against possible danger, public health, liability, traffic density, and history of automobile traffic and as authorized by Wis. Stat. § 23.33(8)(b); and

WHEREAS, the Town Board has determined that it is in the public interest to designate portions of certain Town roads/highways as all-terrain vehicle routes as connectors between town, city, and village roads designated for ATV/UTV routes.

NOW, THEREFORE, the Town Board of the Town of Greenbush, Sheboygan County, Wisconsin, does ordain as follows:

Section 1. **Creating Code**. Chapter 17 entitled All-Terrain Vehicle Routes and Regulations of the Town of Greenbush Municipal Code is hereby created to read as follows:

"17.01 All-Terrain Vehicle Routes and Regulation.

(1) Routes.

Within the municipal limits of the Town of Greenbush, All Town roads will be open to all-terrain vehicle/utility terrain vehicle (ATV/UTV) operation unless otherwise posted.

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

The Town Chairperson or his or her designee and the Sheboygan County Transportation Director shall have authority to suspend operation on designated routes due to hazard, construction, or emergency conditions.

(2) Conditions.

The following conditions shall apply to all operators and passengers operating ATV/UTVs on Town highways:

- (a) All ATV/UTV operators shall observe posted speed limits or maximum speed of 35 miles per hour, whichever is less.

- (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. Stat. § 347.485(1)(a) and with the chin strap properly fastened except as specifically exempted under Wis. Stat. §§ 23.33(3g)(b),(c), and (d).
- (c) 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.
- (d) Approved hand signals are required whenever the operator intends to change direction if vehicle is not equipped with turn signals.
- (e) All ATV/UTV operators shall ride single file.
- (f) The operator of an ATV/UTV shall obey all traffic laws, local ordinances, and Department of Natural Resources regulations.
- (g) The operator of an ATV/UTV shall display a lighted headlamp, tail lamps, and brake lights on the ATV/UTV and display the registration or license plate at all times.
- (h) ATV/UTV operation is at the risk of the operator. The Town of Greenbush 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.
- (i) The operator of an ATV/UTV shall operate an ATV/UTV only on such highways approved for ATV/UTV operation. All roads must be signed in accordance with NR 64.12 and NR 64.12 (7). On roads with a shared jurisdiction, the most restrictive ordinance shall apply.
- (k) Except as otherwise allowed by Wis. Stat. § 23.33(5), no person under age 16 may operate an ATV/UTV on a designated route unless accompanied by his or her parent or guardian or person who is at least 18 years of age.
- (l) The Town of Greenbush reserve the right to open and close routes as it deems necessary.

(3) Penalties.

Wisconsin ATV and UTV penalties as found in Wis. Stat. § 23.33(13) are adopted by reference, and any law enforcement officer may issue citations for violation of this Chapter 17 as authorized by Chapter 90 of the Sheboygan County Code of Ordinances. Issuance of the citation and

payment does not preclude compliance with the terms and conditions of this Ordinance."

Section 2. **Sheboygan County Code Adopted.** The Town of Greenbush hereby adopts by reference Sheboygan County Code of Ordinances Section 26.07 entitled All-Terrain Vehicle Routes and Regulation, including any amendments hereto, as if fully incorporated herein.

Section 3. **Severability.** 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 4. **Effective Date.** The herein Ordinance shall take effect upon enactment and publication.

Enacted this 28th day of March, 2022.

TOWN OF GREENBUSH

By Mike Limberg
MIKE LIMBERG, Chairperson

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Greenbush on the 28th day of March, 2022.

Jon J. Miller
JON J. MILLER, Clerk/Treasurer

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