

**Ordinance Number 6.02**  
**TOWN OF BRIGHAM**  
**ALL-TERRAIN and UTILITY TERRAIN VEHICLE ROUTE ORDINANCE**

**SECTION 1.0: INTRODUCTION**

1.1 NAME

This Ordinance shall be called the Town of Brigham All-Terrain and Utility-Terrain Vehicle Route Ordinance.

1.2 INTENT

Following due consideration of the recreational and economic value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created pursuant to Town Board authority under Wisconsin Statute. §§ 59.02, 23.33(4)(d)3.b., 23.33(11)(a) and (am), and 23.33(8)(b) as amended.

1.3 DEFINITIONS

- A. All-Terrain Vehicle ("ATV") has the meaning specified within Wisconsin Statute § 340.01 (2g).
- B. ATV/UTV Route shall mean Town Roads designated for use by all-terrain and utility-terrain vehicle operators by the Town Board having jurisdiction.
- C. Utility-Terrain Vehicle ("UTV") has the meaning specified within Wisconsin Statute § 23.33 (1), (ng).

1.4 SEVERABILITY

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town of Brigham 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 circumstance is held invalid, the remainder of this Ordinance and the application of such provisions to other persons and circumstances shall not be deemed affected.

1.5 SAVING CLAUSE

This Ordinance shall in no way be deemed to supplant or otherwise invalidate any provision of state statutes relating to the subject matter hereof. Any person entrusted with the enforcement of this Ordinance may, in the exercise of his or her discretion, proceed under applicable state statutes.

**SECTION 2.0: ATV/UTV ROUTES AND OPERATION**

2.1 DESIGNATION

All requests for new or revised ATV/UTV route designations shall first be submitted to the Town of Brigham for review at a regularly scheduled monthly board meeting. Town Roads designated as ATV/UTV routes shall be approved by the Town Board by amendment of Sec. 2.4 of this Ordinance.

A copy of ATV/UTV routes, along with a map showing their location, shall be kept on file at the Town of Brigham. The Town of Brigham shall file ATV/UTV routes adopted by this Ordinance to the Iowa County Sheriff Department and Wisconsin Department of Natural Resources, P.O. Box 7921, Madison, WI 53707.

The Town of Brigham Town Board shall have the authority to temporarily close or terminate any ATV/UTV route enacted by this Ordinance.

## 2.2 RULES OF OPERATION

- A. All ATV/UTVs shall operate only on the paved portion of the roadway. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way area is prohibited and illegal.
- B. No operator or passenger of an ATV/UTV will be allowed to have an open intoxicant while operating an ATV/UTV on any Town designated route(s).
- C. No ATV/UTV may be operated on any designated route between the hours of 1:00 AM and 5:00 AM daily.
- D. No ATV/UTV shall be operated at a speed greater than 30 miles per hour (MPH), or the posted speed limit, whichever is lower.
- E. All ATV/UTV operators shall ride in single file on the extreme righthand side of the paved portion of the highway except that left turns may be made from any part of the roadway which is safe given prevailing conditions.
- F. All ATV/UTV operators shall have their headlight and taillight illuminated, while operating on the Town Roads.
- G. Except as otherwise authorized by State law, all operators
  - a. of ATV's who are at least 12 years of age and who are born on or after January 1, 1988 shall possess a valid state-issued ATV Safety Certification.
  - b. of ATV's between the age of 12 and 15 must be accompanied by a parent or legal guardian or a person at least 18 years of age who is designated by the parent or guardian at all times when operating on a designated all-terrain route.
  - c. of UTV's must be 16 years of age or older.
  - d. of UTV's who are at least 16 years of age and who are born on or after January 1, 1988 must possess a valid state-issued Safety Certificate.
  - e. of ATV/UTV's and their passengers under 18 years old shall wear protective headgear while operating on a Town route-designated.
- H. ATV/UTV operation shall be subject to all provisions of Wisconsin Statute § 23.33, which is adopted as a part of this ordinance by reference.

## 2.3 SIGNAGE OF ATV ROUTES

- A. Routes shall be marked with uniform all-terrain vehicle route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking 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.
  - 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. All required designated route signs shall be paid for, installed & maintained by an ATV/UTV Club, with approval by the Town of Brigham.

- C. The quantity and location of signage shall be reviewed and approved by the Town of Brigham, where

appropriate, placed at the beginning of an all-terrain vehicle route within the Town and at such locations and intervals deemed necessary to enable the ATV/UTV operators to follow the route.

- D. No sign may be mounted on any existing Town sign post unless authorized by Town Board. Posts shall be suitably sized for mounting the necessary amount of signs at the location
- E. No person shall operate an ATV/UTV contrary to any authorized and official posted sign.
- F. All complaints regarding signage shall be addressed to the Town of Brigham. These complaints will be communicated to the Club within 48 hours. The Club has 48 hours to address the complaint.

#### 2.4 DESIGNATION OF ROUTES – SEE BELOW

### **SECTION 3.0: ENFORCEMENT AND PENALTIES**

This ordinance shall be enforced by any officer employed by the Iowa County Sheriff Department or any other law enforcement official as set forth in Wisconsin Statute § 23.33(12).

#### 3.1 PENALTIES

The penalties as found in Wisconsin Statute § 23.33 (13) (a) are adopted by reference.

### **SECTION 4.0: EFFECTIVE DATE**

The Town Clerk shall properly publish this ordinance as required under Wisconsin Statute § 60.80 will become effective upon passage & publication. Ordinance No. 6.02 was adopted by the Town of Brigham Town Board on October 4, 2017 and amended on May 2, 2018.

### **DESIGNATION OF ROUTE(S):**

All Town roads within Brigham are hereby designated ATV/UTV Routes for their entire length unless prohibited by state statute or county ordinance.

Passed this 2nd day of May, 2018 by the Brigham Town Board.

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Chairman

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Clerk

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Supervisor

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Supervisor