

**ORDINANCE 2022-1
TOWN OF CLYMAN
DODGE COUNTY, WISCONSIN**

**ORDINANCE DESIGNATING ALL-TERRAIN VEHICLE (ATV) AND UTILITY-TERRAIN
VEHICLE (UTV) ROUTES AND REGULATING THE OPERATION OF ALL-TERRAIN
VEHICLES (ATV) AND UTILITY TERRAIN VEHICLES (UTV)**

This Ordinance supersedes all other ATV/UTV Ordinances.

SECTION I – INTENT

The Town of Clyman, Dodge County adopts the following all-terrain vehicle (ATV) and utility-terrain vehicle (UTV) routes for the operation of all-terrain vehicles and utility-terrain vehicles upon the roadways listed in Section III.

Following due consideration of the recreation value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, these routes have been created.

SECTION II – STATUTORY AUTHORITY

This route is created pursuant to Town authority as authorized by 23.33(8)(b), Wis. Statutes. The applicable provision of 23.33 regulating ATV/UTV operation pursuant to routes are adopted.

SECTION III – ROUTES

The following roads are designated as routes in the Town of Clyman:

All official Town roads located within the Town of Clyman, but only if the road is signed in accordance with 23.33(8), Wis. Statutes. All Town roads that will be ATV/UTV accessible, will be posted.

SECTION IV – CONDITIONS

As a condition for the use of this route, the following conditions shall apply to all operators (and passengers):

- A. All ATV/UTV operators shall ride single file and ride on the right side of the paved portion of the highway, unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way is prohibited, unless yielding right-of-way.
- B. The ATV/UTV routes shall have a speed limit based on posted speed limits within the Township. No ATV/UTV shall be operated at a speed greater than that established by the highway committee for the route or the posted limit applicable to automobiles, whichever is lower.

- C. No ATV/UTV shall be allowed on any route between 11:59 pm and 5:00 am.
- D. No ATV/UTV may be operated on any route without fully functional headlights, tail lights, and brake lights.
- E. No person under the age of 16 may operate an ATV/UTV on any route and no person under the age of 18 may operate an ATV/UTV on any route unless wearing approved protective headgear.
- F. Every person who operates an ATV/UTV shall have in his/her possession a valid motor vehicle operator's license, and shall display the license document upon demand from any law enforcement officer.
- G. Routes must be signed in accordance with NR64.12 and NR64.12(7)(c), Wisconsin Administrative Code. Quad County Runners will be responsible for all costs of all ATV/UTV speed limit signs on all Town roads and all costs of the proper installation and further maintenance. No Town roads shall be signed unless Quad County Runners first obtains the written approval of the Town of Clyman Town Board.
- H. No person shall do any of the following in regard to signs marking town ATV/UTV routes.
 - a. Intentionally remove, damage, deface, move or obstruct any ATV/UTV route or trail signs or intentionally interfere with the effective operation of signs if the sign is legally placed by the state, municipality or any authorized individual.
 - b. Possess a uniform ATV/UTV route or trail sign of the type established for the warning, instruction of information to the public, unless he or she obtained the route or trail sign in a lawful manner. Possession of an ATV/UTV route or trail sign creates a rebuttable presumption of illegal possession.
- I. Operation shall be subject to all provisions of §23.33.
- J. A copy of this Ordinance shall be sent to the Department of Natural Resources, State of Wisconsin traffic patrol, and Dodge County Sheriff's Department.

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 states All-Terrain Vehicles and Utility-Terrain Vehicle penalties as found in §23.33(13)(a) Wisconsin Statutes, are adopted by reference.

SECTION VII – SEVERABILITY

The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific Section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, Sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

SECTION VIII – RESERVED AUTHORITY

The Town of Clyman Board reserves the right to repeal this Ordinance and prevent all use of ATVs and UTVs on Town of Clyman Roads, at any time with or without cause.


SECTION IX – REPEALER

The provisions of this Ordinance, to the extent that they are substantively the same as those of the Ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such Ordinances and not as new enactments, and the effectiveness of such provisions shall date of adoption of the prior ordinances. In addition, the adoption of this Ordinance shall not affect any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this Ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

SECTION X – EFFECTIVE DATE

This Ordinance becomes effective upon passage by the Town Board and posting and erection of the required signs.

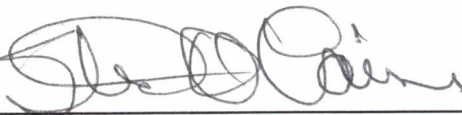
Passed this 14th day of November, 2022



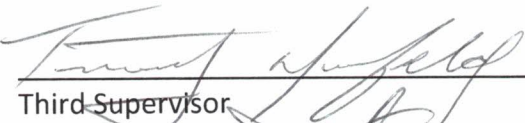
Town Chairman

Absent

Second Supervisor



First Supervisor

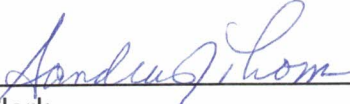


Third Supervisor



Fourth Supervisor

Attested to on this 14th day of November, 2022



Town Clerk