

TITLE 2 – COMMUNITY PROTECTION
DIVISION 1 – LAW ENFORCEMENT
CHAPTER 2 – VEHICLES AND TRAFFIC
ARTICLE 7 – ALL TERRAIN VEHICLES (ATVs) AND UTILITY VEHICLES (UTVs)

2.1-20705 PURPOSE The purpose of this Article is to designate the following all-terrain / utility terrain vehicle routes identified in Section 2.1-20730 of this Article and regulate the operation of such all-terrain / utility terrain vehicles on such routes within the limits of the Town of Seymour. The enactment of this Article is deemed to be in the best interests of the health, safety, and welfare of the general public after due consideration of the recreational opportunities as weighted against public dangers, public health, liability aspects, terrain involved, traffic density, and history of automobile traffic.

2.1-20710 STATUTORY AUTHORITY This Article is adopted pursuant to the authority vested in the Town of Seymour pursuant to 23.33 Wisconsin State Statutes. It is also enacted pursuant to the granting of Town powers to the Town Board by the electors of the town which authorizes the enactment of ordinances under 61.34 Wisconsin State Statutes.

2.1-20715 DEFINITIONS IN THIS CHAPTER

- A. “All terrain vehicle” means an engine driven device as defined by current Wisconsin Statutes Chapter 23.33 and Wisconsin Administrative Code NR 64. For purposes of this ordinance, and “All-terrain vehicle” shall be referred to as an ATV.
- B. “Utility terrain vehicle” means a commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012; this is not a golf cart, low speed vehicle, dune buggy, mini-truck or tracked vehicle; that is designed to be used primarily off of a highway and is defined by current Wisconsin Statutes Chapter 23.33 and Wisconsin Administrative Code NR 64. For purposes of this Article, a “Utility terrain vehicle” shall be referred to as a UTV.
- C. “All-terrain vehicle route” means a highway designated for use by ATV/UTV operators by the Town of Seymour. For purposes of this ordinance an “All-terrain vehicle route” shall be referred to as a route.
- D. “Operate” means to exercise physical control over the speed or direction of an ATV/UTV to physically manipulate or activate any of the controls of an ATV/UTV to put it in motion.
- E. “Operation” means the exercise of physical control over the speed or direction of an ATV/UTV or to physically manipulate or activate any of the controls of an ATV/UTV necessary to put it in motion.
- F. “Operator” means a person who operates an ATV/UTV, who is responsible for the operation of an ATV/UTV or who is supervising the operations of an ATV/UTV.
- G. “Town Road” is a road located within the Town of Seymour and maintained by the Town of Seymour. Town roads are identified by a street name. ex. Burnell Drive.

H. "County Highway" is a highway located in the Town of Seymour and maintained by the Eau Claire County Highway Department. County Highways are identified by a letter. ex. County Highway Q.

2.1-20720 Regulations of ATV/UTV Designated Route(s)

The Town of Seymour, as authorized by §23.33(11)(a) Wis. Stats, and Chapter NR 64, Wisconsin Administrative Code, which are adopted as part of this ordinance by reference, regulates the operation of ATV/UTVs on designated route(s) as follows:

- A. All rules and regulations in Wis Stats 23.33 and Wisconsin Administrative Code NR 64 are adopted.
- B. All ATV/UTV owners shall carry liability insurance coverage.
- C. Vehicle parking on Town roads if for the purpose of unloading or parking while riding the routes is prohibited.
- D. The use of off-road motorcycles and motocross is prohibited on approved routes.
- E. All ATV / UTV operators shall operate at road speeds as posted unless otherwise posted for ATV / UTV use.

2.1-20725 Responsibility of Approving and Signing Route(s)

The Town of Seymour shall maintain the supervisory responsibility of ensuring that the ATV/UTV routes identified in Section 6.6 are signed in compliance with the standard requirements and regulation established by federal, state and local governments and their respective departments and agencies, including but not limited to, the Wisconsin Department of Natural Resources. The installation and maintenance of signage is hereby delegated to the See-More ATV Club. The See-More ATV Club shall also be responsible for the purchase of, and associated costs related to, the necessary signage for the routes. All signage and signage materials shall be submitted for approval by the town board prior to installation.

Sign Placement: All routes shall be signed in accordance with NR 64.12 Wisconsin Administrative Code, the DNR Trail Signing Handbook and the Uniform Traffic Control Devices Manual.

No person may do any of the following in regard to signs marking town ATV/UTV route(s):

- A. Intentionally remove, damage, deface, move or obstruct any uniform ATV/UTV route sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV route sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
- B. Possess any uniform ATV/UTV route 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 sign or standard in a lawful manner. Possession of a uniform ATV/UTV route sign or standard creates a rebuttal of presumption of illegal possession.

2.1-20730 Routes

- A. All town roads are designated as all-terrain/utility terrain routes in their entirety within the Town of Seymour, Eau Claire County, Wisconsin as authorized by sec. 23.33 (8) (b) Wis. Stats.
- B. A town road may be removed from the approved route(s) at the discretion of the board at anytime deemed necessary if:
 - 1. The Town Board determines a safety reason exists to warrant the closure of the road.
 - 2. The Town Board determines the route is being misused by ATV/UTV users and the Club or law enforcement officials are unable to properly solve the issue with the offenders.
 - 3. The Town Board determines unnecessary damage is being caused to the road due to ATV/UTV users.
- C. The Town will assist the Club with the required application process when applying for connecting routes on Eau Claire County highways. Any application fees or sign expenses will be the responsibility of the Club.
- D. Route(s) are not considered open until the Town Board has approved by ordinance the section(s) of road to be opened and the required signage on the route. Furthermore, route(s) are not considered open until all approved signage is installed.
- E. A current map and listing of open roads shall be maintained on the Town of Seymour website and posted at the Town Hall.

2.1-20735 See-More ATV Club Responsibilities

- A. The See-More ATV Club will be responsible for the purchase, installation and maintenance of all ATV signage.
- B. The See-More ATV Club will provide the town board with a Designated Volunteer Liaison. This volunteer liaison will serve as the focal contact for the town board and residents concerning ATV/UTV route requests and problems. The liaison will provide a monthly report to the Town Chairman.
- C. The See-More ATV Club will annually provide the name and contact number of the Club President to be published in the Seymour Chronicle.

2.1-20740 Notification of Proper Authorities

A copy of this ordinance shall be sent by the town clerk to the Department of Natural Resources, the Eau Claire County Sheriff's Department and any other law enforcement agency serving the Town of Seymour jurisdiction.

2.1-20745 Enforcement

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin and additionally as stated in the Town's citation authority ordinance.

2.1-20750 Penalties

The penalties under §23.33(13), Wisconsin Statutes and the applicable sections of the Wisconsin Uniform Bond Schedule are adopted by reference. Any person violating the provisions of this ordinance shall forfeit a sum of not less than \$50.00 nor more than \$250.00 for each offense together with the costs of prosecution. Each day that a violation occurs shall constitute a separate offense.

2.1-20755 Severability and Interpretation

- A. Should any section, clause, provision or portion of this ordinance be adjudged unconstitutional or invalid, unlawful or unenforceable by a final order of a court of competent jurisdiction, including all applicable appeals, the remainder of this ordinance shall remain in full force and effect.
- B. The provisions of this ordinance shall be liberally construed in favor of the Town and shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town.
- C. All other ordinances or parts of other ordinances in conflict with this ordinance are hereby repealed insofar as they conflict with this ordinance.

2.1-20760 No Liability for Damages

This ordinance shall not be construed as an assumption of liability by the Town of Seymour for damages because of injuries sustained or property destroyed by any person's failure to comply with the requirements set forth herein.

2.1-20765 Effective date.

This ordinance shall take effect upon passage and publication as required by law. Routes will be effective upon publication or posting and signage being installed. This ordinance may be reviewed on an annual basis by December 31 or at any time deemed appropriate by the town board.

Passed on this 10th day of April, 2023

Town Board, Town of Seymour

Jessica Janssen, Jessica Janssen, Town Chair

Ken Schick, Ken Schick, Town Supervisor

Sheila Running, Sheila Running, Town Supervisor

Attested Amy Wagener, Amy Wagener, Town Clerk