

Village of Francis Creek
Manitowoc County, Wisconsin
CHAPTER 464

An ordinance regarding establishing all-terrain vehicle and utility terrain vehicle routes and to regulate the operation of these vehicles in the village.

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Village of Francis Creek ATV/UTV Route Ordinance. The purpose of this ordinance is to establish ATV/UTV routes in the Village and to regulate the operation of ATV/UTVs in the Village.

SECTION II – AUTHORITY

The Village Board of the Village of Francis Creek, Manitowoc County, Wisconsin, has the specific authority to adopt this ATV/UTV Ordinance under s. 23.33 (8) (b) and (11), Wis. stats.

SECTION III – ADOPTION OF ORDINANCE

This ordinance adopted on proper notice with a quorum and roll call vote by a majority of the Village board present and voting, provides the authority for the Village to designate ATV/UTV routes in the Village and to regulate the use of those routes and ATV/UTVs in the Village, designates ATV/UTV routes in the Village and provides for the regulation of the use of those routes and of ATV/UTVs in the Village.

SECTION IV – OPERATION OF ATV/UTVs

Pursuant to s. 23.33 (4) (d) 4., Wis. stats., except as otherwise provided in s. 23.33 (4), Wis. stats., no person may operate an ATV/UTV on the roadway portion of any highway in the Village except on roadways that are designated as ATV/UTV routes by this ordinance. Operation of ATV/UTVs on a roadway in the Village that is an ATV/UTV route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.

SECTION V – DESIGNATION OF ATV/UTV ROUTES

All Village of Francis Creek roads are designated ATV/UTV routes. County highways and state highways in the Village are not ATV/UTV routes where the posted speed limit is over 35 miles per hour.

SECTION VI – CONDITIONS APPLICABLE TO ATV/UTV ROUTES

Pursuant to s. 23.33 (8) (d), Wis. stats., the following restrictions are placed on the use of the Village ATV/UTV routes designated by this resolution:

- A. Routes shall be marked with uniform ATV/UTV route signs in accordance with s. 23.33 (8) (e), Wis. stats., and s. NR 64.12 (7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking Village 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 or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
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. Operation shall be subject to all provisions of s. 23.336, Wis. stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33 (11), Wis. stats.
 - C. A copy of this ordinance shall be sent by the Village clerk to the Department of Natural Resources, the Manitowoc County Sheriff's Department and any other law enforcement agency serving the Village of Francis Creek's jurisdiction.
 - D. Any operator or passenger shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including Wisconsin Administrative Code NR 64.

Operators shall operate on the extreme right side of the roadway with the flow of traffic (usually a paved surface), not on the shoulders or in the ditches or other portions of the Village's right-of-way.

Operators shall ride in single file.

Operators shall observe a speed limit of 35 miles per hour or the posted speed limit, whichever is less.

Operators shall observe all posted regulatory signs.

Operators shall yield the right of way to pedestrians and other vehicles.

ATV/UTVs shall only operate during the hours, 5AM – Midnight

Operators shall be at least 16 years old.

Operators shall wear required safety gear pursuant to s. 23.33.

No ATV/UTV shall be left unattended on a Village roadway.

Conform to all State Statutes and Administrative Codes regarding registration, noise, and equipment requirements.

SECTION VII – 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 Village's citation authority ordinance adopted per s. 66.0113]

SECTION VIII – PENALTIES

The penalties under s. 23.33 (13), Wis. stats., are adopted by reference.

SECTION IX – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION X – EFFECTIVE DATE

This ordinance is effective on publication or posting and placement of the necessary ATV/UTV signage.

The Village clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 1st day of November, 2021.

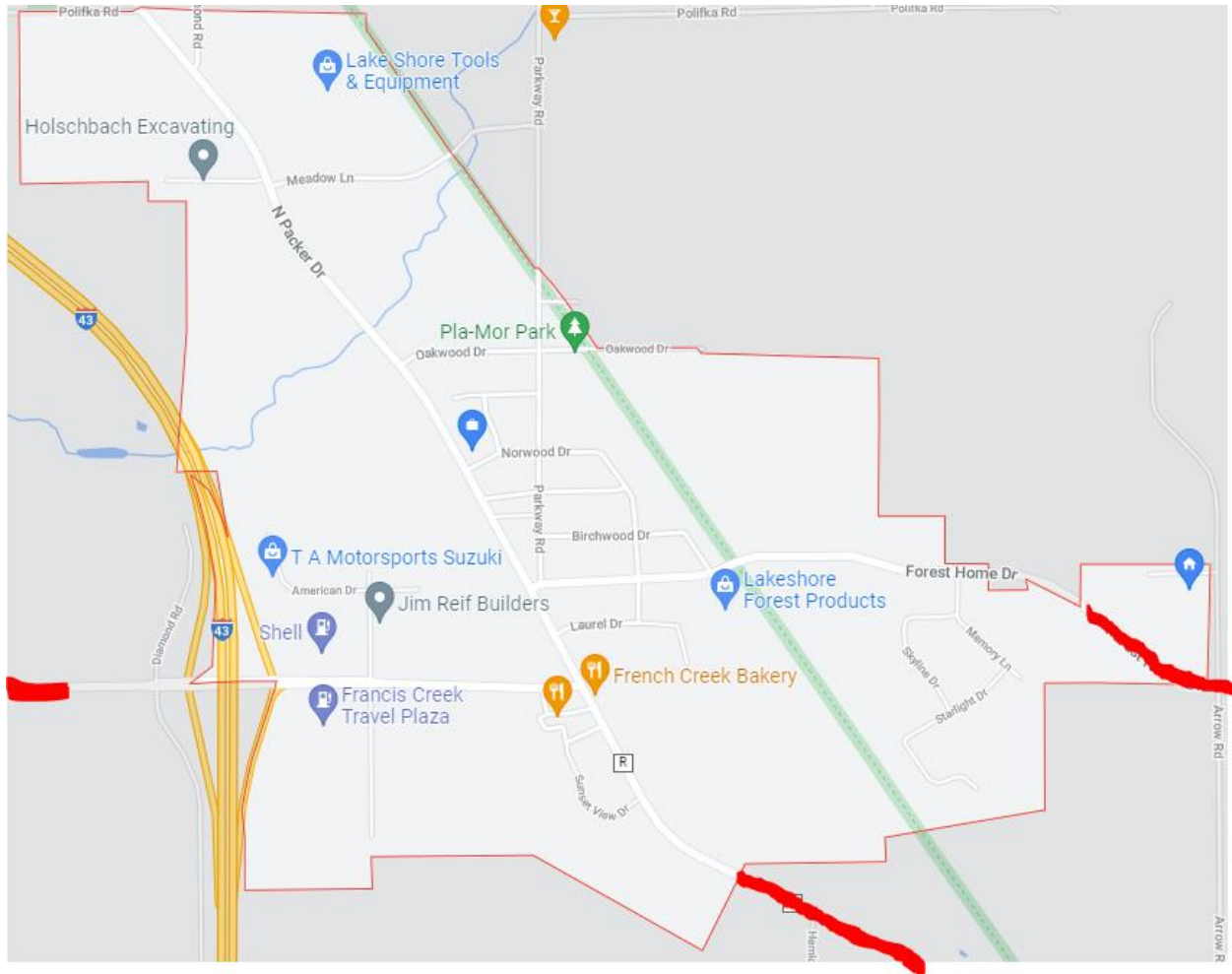
Village of Francis Creek

By: _____

Matt Payette, Village President

Attest:

Margaret Peroutka, Village Clerk



*cannot drive on county highways where the posted speed limit is over 35mph