

## ORDINANCE NO. 43 AMENDED

- 1.) Purpose: This Chapter establishes All Terrain Vehicle and Utility Terrain Vehicle trails and routes within the boundaries of the Town of Germantown, regulates the operation of All-Terrain Vehicle and/or Utility Terrain Vehicle use and the flow of All-Terrain Vehicle and/or Utility Terrain Vehicle traffic, and mandates the designation of these routes as trails with the use of proper signage.
- 2.) Authority: This Chapter is adopted pursuant to the authority granted by Wis. Stat. 23.33(8) Wis. Stats., and 64.12 of the Department of Natural Resources Administrative Code.
- 3.) Statutory Compliance: In addition to the provisions set forth in the above listed statutes and administrative codes, the operator of an All-Terrain Vehicle and/or Utility Terrain Vehicle in the Town shall comply with and shall be subject to the statutory sections set forth in Section 346.02(11) of Wisconsin Statutes.
- 4.) Definitions: The definition found in Wis. Stat. 23.33 are herinafter incorporated by reference.
- 5.) Regulation:
  - a. General operations:
    - I. On All-Terrain Vehicle and/or Utility Terrain Vehicle routes, operators must only travel on the extreme right side of a roadway.
    - II. Operators must always yield the right of way according to State's Rules of Road.
    - III. Operators must always travel in a single file fashion.
    - IV. Operators must possess a valid driver's license.
  - b. Seasonal restrictions:
    - I. Operators shall be prohibited from traveling on all terrain vehicle routes during the nine day gun season.
  - c. Hours of operation:
    - I. No one under the age of 18 shall operate an all-terrain vehicle and/or Utility Vehicle after 9:00 p.m. unless accompanied by a parent or legal guardian.

- d. Speed: Operators shall observe and follow all posted roadway speed limit signs except:
    - I. Operators shall slow the vehicle to 10 m.p.h. or less when operating within 150 ft of a dwelling or 100 feet of a pedestrian or bicyclist.
    - II. Operators shall not exceed a speed of 35 m.p.h.
  - e. Private property: No one shall operate an All-Terrain Vehicle and /or Utility Terrain Vehicle on any private property not owned or controlled by the operator without the express permission of the property owner.
  - f. Lamps: Operators shall at all times display a lighted head lamp and tail lamp while operating an All-Terrain Vehicle and /or Utility Terrain Vehicle.
  - g. Unattended All Terrain Vehicles and/or Utility Terrain Vehicles prohibited: No person shall leave or allow an All Terrain Vehicle and/or Utility Terrain Vehicle owned or operated by him to remain unattended on any public property while the motor is running or with the starting key left in the ignition.
- 6.) Permitted routes and trails: No person shall operate an All-Terrain Vehicle and/or a Utility Terrain Vehicle upon any public highway, park, or any other public property in the town except as hereinafter designated:
- a. Routes:  
All Town Roads within the Town of Germantown are designated for use as All Terrain Vehicle and/or Utility Terrain Vehicle (ATV and UTV) route
  - b. Trails: none
- 7) Conditions of designation of routes and trails.
- a. All-terrain vehicles and/or Utility Terrain Vehicle routes and trails cannot be utilized until after the town board performs the following acts:
    - i. Submits a copy of this ordinance and the designated routes and trails to the Department of Natural Resources and to the Juneau County Sheriff's department.
  - b. The permitted routes and trails shall be placed upon a town map designated as the official Town of Germantown All-Terrain Vehicle and/or Utility Terrain Vehicle Route and Trail Map, which shall be made available for public inspection at the Town Hall.
  - c. Designated routes are to be renewed on an annual basis.
  - d. The Town Board may revoke any and all portions of a town road as an ATV and or UTV route upon receiving a complaint(s) regarding miss use or violation of Section 23.33, Wisc. Stats, or NR 64 and the Uniform Trail and Route Signing Handbook.. Any Town road, or portion thereof, that is discontinued as

part of the ATV routes will be posted, by Castle Rock Family ATV Club, Inc with signs reading NO ATVS PERMITTED.

- 8) Penalties: The penalties enumerated in 23.33(13) are hereinafter incorporated by reference.
- a. Generally: Except as provided in pars. (am) to (e ), any person who violates this section shall forfeit not more than \$250.
- (am) Penalty related to interference with signs and standards.  
Except as provided in par. (cg), a person who violates sub. (8) (f) and who, within the last 2 years prior to the arrest for the current violation, was 2 or more times previously convicted for violating a provision of this chapter shall forfeit not more than \$500.
- (ar) Penalty related to nonresident trail passes. Any person who violates sub (2) shall forfeit not more that \$1000.
- (b) Penalties related to intoxicated operation of an all-terrain vehicle and/or Utility Terrain Vehicle.
1. Except as provided under subs. 2. and 3., a person who violates sub (4c) (a) 1., 2., or 2m. or (4p) (e) shall forfeit not less that \$150 nor more than \$300.
  2. Except as provided under sub. 3, a person who violates sub. (4c) (a) 1., 2., or 2.m or (4p) (e) and who, within 5 years prior to the arrest for the current violation, was convicted previously under the intoxicated operation of an all-terrain vehicle law shall be fined not less than \$300. nor more than \$1,100. and shall be imprisoned not less than 5 days nor more than 6 months.
  3. A person who violates sub (4c) (a) 1., 2., 2m., or (4p) (e) and who, within 5 years prior to the arrest for the current violation, was convicted 2 or more times previously under the intoxicated operation of an all-terrain vehicle or refusal law shall be fined not less than \$600. nor more than \$2,000. and shall be imprisoned not less than 30 days nor more than one year in the county jail.
  4. A person who violates sub. (4c) (a) 3. or (4p) (e) and who has not attained the age of 19 shall forfeit not more than \$50.
- (br) Penalties related to intoxicated operation of all-terrain vehicle; enhancers:
1. If a person convicted under sub. (4c) (a) 1. 2. had an alcohol concentration of 0.17 to o.199 at the time of the offense, the minimum and maximum fines

specified under par. (b) 3. for the conviction are doubled.

2. If a person is convicted under sub (4c) (a) 1. or 2. had an alcohol concentration of 0.20 to .249 at the time of the offense, minimum and maximum fines specified under par (b) 3. for conviction are tripled.
  3. If a person convicted under sub. (4c) (a) 1. or 2. had an alcohol concentration of 0.25 or above at the time of the offense, the minimum and maximum fines under par. (b)3. for the conviction are quadrupled.
  4. The increase fines in this paragraph do not apply if the person is convicted under sub (4c) (a) 1. or 2. is subject to par. (bg).
- c) Penalties related to causing injury; intoxicants. A person who violates sub. (4c) (b) shall be fined not less than \$300 nor more than \$2,000,. and may be imprisoned not less than 30 days nor more than a year in the county jail.
- cg) Penalties related to causing death or injury; interference with signs and standards. A person who violates sub. (8)(f) 1. is guilty of a Class H Felony if the violation causes the death or injury, as defined in S. 30.67 (3)(b), of another person.
- (cm) Sentence of detention. The legislature intends that courts use the sentencing option under s. 973.03 (4) whenever appropriate for persons subject to par. (b) 2. or 3. or (c). The use of this option can result in significant cost savings for the state and local governments.
- (d) Calculation of previous convictions. In determining the number of previous convictions under par. (b) 2. and 3., convictions arising out of the same incident or occurrence shall be counted as one previous conviction.
- (dm) Reporting convictions to the department. Whenever a person is convicted of a violation of the intoxicated operation of an all-terrain vehicle and/or Utility Terrain Vehicle law, the clerk of the court in which the conviction occurred, or the justice, judge or magistrate for a court not having a clerk, shall forward the department records of such conviction. The record of conviction forwarded to the department shall state whether the offender was involved in an accident at the time of the offense.
- (e) Alcohol, controlled substances or controlled substance analogs; assessment. In addition to any other penalty or order, a person who violates sub (4c) (a) or (b) or (4p) (e) or who violates sec 940.09 or 940.25 if the violation involves the operation of an all-terrain vehicle, shall be ordered by the court to submit to and

comply with an assessment by a approved public treatment facility for and examination of the person's use pf alcohol, controlled substance or controlled analogs. The assessment order shall comply with s. 343.30 (1q) (c ) 1. a. to c. Intentional failure to comply with the assessment ordered under this paragraph constitutes contempt of court, punishable under chapter. 785.

- (f) Restoration or replacement of signs and standards. In addition to any other penalty, the court may order the defendant to restore or replace any uniform all-terrain and/or Utility Terrain Vehicle route or trail sign or standard that the defendant removed, damaged, defaced, moved or obstructed.

Adopted September 16, 2008  
Amended Adopted January 8, 2012  
**Amended by the Town Board of the Town of Germantown, Juneau County on this day, August 16, 2012**

\_\_\_\_\_  
Town Chairman

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Rosetta M. Boyle, Supervisor

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Dale G. Simonson, Supervisor

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James M. Collis, Supervisor

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Gregory W. Haunroth, Supervisor

Attest:\_\_\_\_\_

Marion L. Uphoff Clerk / Treasurer