

Town of Winchester

Ordinance 2020-02

All-Terrain/Utility-Terrain Vehicles and Routes

Town of Winchester, Winnebago County, Wisconsin

Section I - Intent

The Town of Winchester, Winnebago County adopts the following all-terrain vehicle (ATV) and Utility Terrain Vehicle (UTV) Route Ordinance upon the roadways listed in Section III. The purpose of this ordinance is to establish an ATV/UTV route and provide safe and enjoyable ATV/UTV recreation consistent with public rights and interests. The Town Board finds that the ATV/UTV route will provide recreational opportunities to members of the public and will provide economic opportunities for town businesses.

Section II – Statutory Authority

This ordinance is created pursuant to Town authority as authorized by 23.33(8)(b) and (11), Wis. Stats.

Section III - Routes

1. The Town of Winchester reserves the right to close or modify routes at any time.
2. The Town of Winchester, or its designee, shall maintain all route signs within the Town.
3. All ATV/UTV routes shall be signed in accordance with NR64.12 and NR64.12(7).
4. All township roads within the Town of Winchester are hereby designated as ATV/UTV routes. All county roadways located in the Town of Winchester are hereby declared ATV/UTV routes if authorized by the County of Winnebago.
5. The Town of Winchester Clerk shall maintain a route map.

Section IV – Definitions

1. “All-terrain vehicle” or “ATV” means the following, as defined in Wis. Stats. 23.33(1)(b) and any amendments thereto:
 - A commercially designed and manufactured motor driven device to which all of the following applies:
 - i. It has a weight, without fluids, of 900 pounds or less.
 - ii. It has a width of 50 inches or less.
 - iii. It is equipped with a seat designed to be straddled by the operator.
 - iv. It travels on 3 or more low-pressure tires or non-pneumatic tires.
2. “Utility-terrain vehicle” or “UTV” means any of the following, as defined in Wis. Stats. 23.33(1)(ng) and any amendments thereto:
 - a. A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that 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 that has, and was originally manufactured with, all of the following:
 - i. A weight, without fluids, of 2000 pounds or less.
 - ii. Four or more low-pressure tires or non-pneumatic tires.

- iii. A steering wheel.
 - iv. A tail light.
 - v. A brake light.
 - vi. Two headlights.
 - vii. A width of not more than 65 inches.
 - viii. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
 - ix. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.
- b. A commercially designed and manufactured motor driven device to which all of the following applies:
- i. It has a weight, without fluids, of more than 900 pounds but not more than 2,000 pounds.
 - ii. It has a width of 50 inches or less.
 - iii. It is equipped with a seat designed to be straddled by the operator.
 - iv. It travels on 3 or more low-pressure tires or non-pneumatic tires.
3. "ATV/UTV Route" means a roadway designated by Town ordinance for use by all-terrain vehicle operators or utility-terrain vehicle operators or as defined in Wis. Stats. 23.33(1)(c) and any amendments thereto.

Section V – Conditions

1. All ATV/UTV operators shall wear eye protection. A UTV full windshield is acceptable in lieu of separate eye protection.
2. All UTV operators and passengers shall wear a seat belt.
3. All ATV/UTV operators on routes shall observe posted roadway speed limits but shall not exceed 35 mph regardless whether a higher speed limit is posted.
 - a. All ATV/UTV operators on routes must slow ATV/UTV to 10 mph or less when riding within 100 feet of a person who is not on a motorized vehicle. This includes, but not limited to slowing for anglers, hikers, bicyclists, joggers, horses, etc. as well as for other ATV/UTV operators standing along the road.
4. All ATV/UTV operators shall ride single file.
5. No ATV/UTV may be operated on any designated route between the hours of 10:00PM and 6:00AM daily.
6. All ATV/UTV operators must have attained the age of 16 and must have a valid driver's license.
7. All ATV/UTV operators must abide by all traffic laws.
8. All ATV/UTV operators and passengers under the age of 18 are required to wear a minimum DOT standard ATV or motorcycle helmet. Bicycle helmets do not meet this requirement.
9. Operators of ATV/UTV shall observe all laws of the state of Wisconsin pertaining to the use of ATV/UTV.
10. All ATV/UTV operators shall ride on paved surfaces only.
11. Headlights must be on at all times.
12. No person may operate an ATV/UTV with a blood alcohol concentration (BAC) of .08% or more.
13. No person may operator an ATV/UTV with any detectable amount of a restricted controlled substance in their blood.

14. Town of Winchester ATV/UTV routes can be closed at any time by the Town Board when public safety is at risk.
15. ATV/UTV routes are intended for recreational travel to and from other ATV/UTV routes located outside the town, or places of business or other destinations along the town ATV/UTV routes. The town ATV/UTV routes are not intended for continuous circular travel on the routes.
16. Operators must use hand signals when turning if ATV/UTV is not equipped with turn signals.
17. Any ATV/UTV driven on Town of Winchester routes must be registered for Public Use with the State of Wisconsin.
18. Driver must carry vehicle registration and proof of insurance at all times.
19. There is no residential access allowance that permits you to ride on a roadway from a dwelling to the nearest trail or route. ATV/UTV must be trailered to the nearest legal access point.

Section VI – Route Signs

1. All required designated route signs shall be paid for and installed by an ATV/UTV club or association.
2. All signs posted shall be in compliance with the Federal manual on uniform traffic control devices.
3. No person may erect, remove, obscure, or deface any official designated route sign unless authorized by the Town of Winchester Town Board.
4. No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

Section VII – Enforcement

The Town Board authorizes the Winnebago County Sheriff to enforce this ordinance as well as any other law enforcement officer authorized to enforce the laws of the State of Wisconsin.

Section VIII – Penalties

Wisconsin state All-Terrain Vehicle penalties as found in 23.33(13) Wis. Stats., are adopted by reference.


Section IX – Severability


If any section, clause, provision or a portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected thereby.

Section X – Effective Date

This ordinance becomes effective upon passage, publication, and posting of signs. The clerk shall send a copy of the ordinance to the Winnebago County Sheriff, the State Traffic Patrol and the Department of Natural Resources.

Passed this 3rd day of FEBRUARY, 2020


Matthew J. Olson, Town Chairman

Attest: 
Holly Stevens, Town Clerk