Draft 7/21/26

Town of Perry
Dane County, WI

All-Terrain Vehicle and Utility Terrain Vehicle (ATV/UTV) Routes and Regulations Ordinance

1.01 PURPOSE

The intent of this ordinance is to establish routes and provide for the safe operation of ATVs and UTVs on all town roads within the Town of Perry. Following due consideration of the recreational value to connect opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density, and excessive noise, these routes have been created.

1.02 JURISDICTION

Jurisdiction of these regulations shall include all town roads within the Town of Perry.

1.03 AUTHORITY

The Town Board of the Town of Perry, Dane County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle and Utility Terrain Vehicle Ordinance under s. 23.33(8)(b) and (11), Wis. Stats.

1.03 DEFINITIONS

(1) All-terrain vehicle (ATV) – a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of not more than 50 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation, is equipped with a seat designed to be straddled by the operator, and travels on three or more tires.

(2) Utility terrain vehicle (UTV) – a commercially-designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effector 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:

- A weight, without fluids, of 3000 pounds or less
- Four or more tires
- A steering wheel

- A taillight, a brake light, two headlights
- A width of not more than 65 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation
- A system of seatbelts, or a similar system, for restraining each occupant of the device in the event of an accident
- 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.

(3) ATV/UTV Route – shall have the meaning specified within Wis. Admin code NR 64.02 (2) which states: a highway or sidewalk designated for use by ATV and/or UTV operators by the governmental agency having jurisdiction.

1.04 DESIGNATION AND REGULATION OF ATV AND UTV ROUTES

(1) Adoption of State ATV and UTV Laws and Definitions:

State ATV and UTV laws and definitions found in Wisconsin State Statutes 23.33 and Wisconsin Administrative Code NR 64 are adopted by reference and fully incorporated herein by reference, pursuant to Wisconsin State Statutes 23.33 (11)(a).

(2) Routes:

a. Any paved Town road that is signed in accordance with NR 64.12 and NR 64.12(7)(c), as those sections may hereafter be amended, may be used by ATVs and UTVs in accordance with such signage and as provided by the applicable portions of s. 23.33 Wis. Stats. and this ordinance.

b. The following roads within the limit of the Town of Perry cannot be used by ATVs or UTVs:

- All lettered County Highways (JG, H, A, Z) unless Dane County opens portions or all County highways.

- State Highway 78.

(3) General Age and Safety Certification Requirements under Wisconsin State Statute 23:

a. No person under 16 may operate a UTV.

b. No person under 12 may operate an ATV.

- All ATV operators at least age 12 and born on or after January 1, 1988, must possess a

valid ATV safety certificate issued by this state or any other state or province. Operators must be in possession of this certificate while operating.

- All ATV safety certified operators aged 12-15 must also be accompanied by an adult (subject to continuous direction or control, but not necessarily on same machine), while operating on a designated ATV route.

- All ATV/UTV operators and passengers under the age of 18 are required to wear a minimum DOT standard ATV or motorcycle helmet with the chin strap properly fastened.

(4) Local Regulation:

All ATV/UTV operators shall obey all State of Wisconsin laws regarding the operation of ATVs/UTVs and the following conditions:

a. All ATV/UTV operators shall operate only on the roadway portion of any town road in the town unless it has been designated and properly signed, in accordance with Wisconsin Natural Resources Administrative Code NR 64.12(7)(c) as an ATV and/or UTV route, by this ordinance.

b. No ATV/UTV may be operated on any designated route between the hours of 1:00 AM to 5:00 AM.

c. All ATV/UTV operators shall ride on the extreme right side of the pavement except that left turns may be made from any part of the roadway, which is safe given prevailing conditions, but shall not operate on the shoulders or in the ditch.

d. All ATV and UTV operators on any portion of a designated route shall not exceed 35 miles per hour, nor above any lesser speed where posted at a lower limit.

e. All ATV/UTV operators on any portion of a designated route shall be single file in a line of ATVs and/or UTVs arranged one behind another.

f. All ATV/UTV operators on any portion of an established designated ATV or UTV route shall always display lighted headlights and taillights conforming to Wisconsin State Statute 23.33 equipment requirements.

g. All ATV/UTV machines operating on Town of Perry routes must be registered through WI DNR and display registered deals and plates.

- NOTE (Dual Registration requirement): ***Agricultural purpose registration*** *is defined as "a purpose related to the transportation of farm implements, equipment, supplies, or products on a farm or between farms. This form of registration is valid during operation*

on public roads for agricultural purposes, but is not valid for operation on public, frozen waterways, or public lands otherwise open to ATVs/UTVs. If an owner wishes to use their ATV or UTV recreationally as well, the owner may dually register it for public use.

h. No ATV/UTV may be operated on any designed route unless such ATV/UTV meets all applicable State noise standards.

- Section 23.33(6)(e), Wis. Stats, requires every ATV to be equipped with a functioning muffler to prevent excessive or unusual noise and with a functioning spark arrester of a type of approved by the U.S. Forest Service.

- Section 23.33(6m)(a), Wis. Stats., was created by Act 251 and prohibits emitting noise above 96 decibels when tested according to rules promulgated by the department.

- NR 64.085 Refusal to allow testing. No operator or owner of any all-terrain vehicle may deny inspection or may refuse to operate his or her all-terrain vehicle in a manner prescribed by the law enforcement officer who reasonably suspects a violation of all-terrain equipment requirements found in s. 23.33, Wis. Stats.

1.05 SIGNAGE OF ATV/UTV ROUTES

Routes shall be marked with uniform all-terrain vehicle route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code.

(1) All required designated route signs shall be paid for and maintained by any ATV/UTV club or donations, approved under the direction of the Town of Perry Board.

(2) The quantity and location of signage shall be reviewed and approved by the Town of Perry Board, where appropriate, placed at the beginning of an ATV/UTV route within the Town and such locations and intervals are deemed necessary to enable the ATV/UTV operators to follow the route.

(3) No person may intentionally remove, damage, deface, move or obstruct any uniform ATV/UTV route sign.

1.06 ENFORCEMENT

This ordinance shall be enforced by any law enforcement officer with jurisdictional authority to enforce the laws of the State of Wisconsin, within the Town of Perry, Dane County.

1.07 PENALTIES

(1) Any person who violates this ordinance shall forfeit $150.00-$2000.00, plus court costs.

(2) Nothing in this ordinance is intended to foreclose the enforcement of the provisions of state law regarding ATV and UTV operation, specifically including Wisconsin State Statute 23.33 in a court of competent jurisdiction.

(3) The provision of this ordinance shall be deemed severable, and it is expressly declared that the Town would have passed the other provisions of this ordinance irrespective of whether one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to the other person's circumstances shall not be deemed affected.

(4) The Town Clerk shall immediately send a copy of the ordinance to the Wisconsin Department of Natural Resources (WDNR), the state traffic patrol, and to the Dane County Sheriff's Department per Wisconsin Statute 23.33(11)(b).

1.08 EFFECTIVE DATE

This ordinance shall become effective upon its passage and publication according to law and upon the installation of appropriate route signage as stipulated in 23.33(8)(e) and NR 64.12 and NR 64.12(7)(c).

Adopted at a Town of Perry Board meeting this _____ day of _____, 2026.

_____ Roger Kittleson, Town Chair

_____ Ken Hefty, Supervisor

_____ Mick Klein Kennedy, Supervisor

Attest: _____ Stephanie Zwettler, Town Clerk/Treasurer