

CHAPTER 21
ALL-TERRAIN/UTILITY TERRAIN VEHICLE ROUTES WITHIN
THE TOWN OF BLACK CREEK, OUTAGAMIE COUNTY, WISCONSIN

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21.01 PURPOSE

The Town of Black Creek, Outagamie County, Wisconsin ("Town") hereby adopts the following all-terrain vehicle (ATV) and utility terrain vehicle (UTV) routes upon roadways listed in Section 21.03 below. Following due consideration of the recreational value to connect trail opportunities and weighed against possible dangers, public health, liability aspects, terrain involved, traffic density and automobile traffic volume, these routes have been created.

21.02 AUTHORITY

The routes are created pursuant to town authority as authorized by §23.33(8)(b) of the Wisconsin Statutes. The applicable provisions of §23.33 regulating ATV/UTV operations pursuant to routes are adopted by reference and are made part of this ordinance.

21.03 ROUTES

The Town of Black Creek reserves the right to close or modify routes at any time. Routes shall be subject to the following:

- (1) Any restrictions on authorized routes shall be designated by majority vote of the Town Board and shall be marked accordingly.
- (2) The Town or its designee shall maintain all route signs within the Town.
- (3) All authorized ATV/UTV routes should be signed in accordance with § 23.33(8)(e)2., 3., 4., and 6.
- (4) All Town roads-within the Town are hereby designated as ATV/UTV routes. All county roadways located in the Town are hereby declared as ATV/UTV routes only, if authorized by the County of Outagamie, and all state highways in the Town are declared as ATV/UTV routes only, if authorized by the State of Wisconsin.

21.04 CONDITIONS

All ATV/UTV operators on Town routes must comply with the following conditions:

- (1) ATV/UTV operators shall observe posted roadway speed limits
- (2) ATV/UTV operators shall ride single file, and cannot ride on the shoulder of the road.
- (3) ATV/UTV operators shall observe all laws of this state pertaining to the use of an ATV/UTV.

- (4) ATV/UTV operators must have a valid driver's license.
- (5) ATV/UTV operators under the age of 18 must wear a helmet.
- (6) ATV/UTV operators cannot ride on any route from midnight to 5 a.m., unless they are engaged in snow plowing.
- (7) ATV/UTV operators must have headlights and taillights on while operating on any Town route, and must operate with a muffler that falls within the legal decibel limits.

21.05 ENFORCEMENT

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

21.06 PENALTIES

Wisconsin state ATV/UTV penalties as found in §23.33(13(a) of the Wisconsin Statutes are adopted by reference and are made part of this ordinance.

21.07 PROVISIONS

The provisions 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 or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be deemed affected.

This ordinance becomes effective upon passage and publication/posting as required by law and when signage has been completed.

Adopted and passed this 12 day of Oct, 2020.

TOWN BOARD OF THE TOWN OF BLACK CREEK

BY: Dan Knutzen

Dan Knutzen, Chairman

BY: Daniel Rehder

DANIEL REHDER, Supervisor

BY: Tom Neibert

Tom Neibert, Supervisor

ATTEST:

Christy Stover
Christy Stover, Clerk