

TOWN OF FREEDOM
ORDINANCE NO. 19- 01

AN ORDINANCE AUTHORIZING ALL-TERRAIN/UTILITY TERRAIN
VEHICLE TRAILS AND ROUTES WITHIN THE TOWN OF FREEDOM,
OUTAGAMIE COUNTY, WISCONSIN

The Town Board of the Town of Freedom does ordain as follows:

Section 1: Section 5.17 of the Town of Freedom Code of Ordinances is deleted in its entirety and the following inserted in its place:

5.17 (1) Purpose. The Town of Freedom, Outagamie County, Wisconsin ("Town") hereby adopts the following all-terrain vehicle (ATV) and utility terrain vehicle (UTV) routes upon roadways listed in Section 3. 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.

5.17(2) 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 and trails are adopted.

5.17(3) Routes and Trails. The Town of Freedom reserves the right to close or modify routes and trails at any time. Routes and trails shall be subject to the following:

(a) Any restriction of trails and routes shall be designated by majority vote of the Town Board and shall be marked accordingly.

(b) The Town or its designee shall maintain all route and trail signs within the Town.

(c) All ATV/UTV routes and trails should be signed in accordance with NR 64.12, and NR 64.12(7)(c).

(d) All Town roads, sidewalks, alleyways and transportation marked corridors within the Town are hereby designated as ATV/UTV routes. Authorized private lands subject to public easement or leases are designated trails. All county roadways located in the Town are hereby declared as ATV/UTV routes, if authorized by the County of Outagamie, and all state highways in the Town are declared as ATV/UTV routes, if authorized by the State of Wisconsin.

(e) The Town shall maintain a route and trail map.

5.17(4) Conditions. All ATV/UTV operators on Town routes must comply with the following condition:

(a) ATV/UTV operators shall observe posted roadway speed limits.

(b) ATV/UTV operators shall ride single file, and cannot ride on the shoulder of the road.

(c) ATV/UTV operators shall observe all laws of this state pertaining to the use of an ATV/UTV.

(d) ATV/UTV operators must have a valid driver's license.

- (e) ATV/UTV operators under the age of 18 must wear a helmet.
- (f) ATV/UTV operators cannot ride on any route or trail from midnight to 5 a.m., unless they are engaged in snow plowing.
- (g) ATV/UTV operators must have headlights and taillights on while operating on any Town route or trail, and must operate with a muffler that falls within the legal decibel limits.

5.17(5) Enforcement. This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

5.17(6) Penalties. Wisconsin state ATV/UTV penalties as found in §23.33(13)(a) of the Wisconsin Statutes are adopted by reference.

Section 2: 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.

Section 3: This ordinance becomes effective upon passage and publication/posting as required by law.

Passed this 3 day of September, 2019

TOWN OF FREEDOM

By: Chad Kramer
Charles Kramer, Town Chairman

Attested: Barbara M. Seegers
Barbara M. Seegers, Town Clerk

Adopted: 9-3-2019

Published/Posted: 9-9-2019 on Town website & 2 Boards

Effective: when signage has been completed