

**STATE OF WISCONSIN
TOWN OF FRANKFORT
PEPIN COUNTY**

SECTION 4.6 ALL-TERRAIN/ UTILITY TASK VEHICLES USE ON TOWN ROADS

4.601. STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authority of Wisconsin Statutes sections 23.33(11) and 59.02, as amended. In addition, the provisions of Wisconsin Statutes section 23.33, and the provisions of Wisconsin Administrative Code NR 64 regulating All-Terrain Vehicles and Utility Terrain Vehicles (ATV/UTV) operations are hereby incorporated by reference.

4.602. PURPOSE AND INTENT. The Town of Frankfort enacts this ordinance to authorize operation of ATV/UTVs upon town roads designated for such use in paragraph 3 of this ordinance. Pepin County has adopted its Ordinance 7.07 which authorizes recreational use of ATV/UTVs on designated routes within the County, some of which are located in the Town of Frankfort. After considering the recreational value of ATV/UTV use to the Town of Frankfort and the potential impacts to the public's health, safety and welfare, this Ordinance is enacted. A copy of a map showing the location of ATV/UTV routes shall be kept on file at the Pepin County Highway Department.

4.603. AUTHORIZED ROUTES. The following town roads are designated as ATV/UTV routes:

- A. Plummer Road from the township line with Waterville Township to County Road SS,
- B. Maple Lane from 170th Avenue to Gates Hill Road.
- C. Gates Hill Road from Maple Lane to County Road SS,
- D. Elk Creek Road from County Road SS to the intersection with Beaver Slide Road,
- E. Beaver Slide Road from the intersection with Elk Creek Road to Boyd Spring Road,
- F. Boyd Spring Road from County Road D to County Road N,
- G. All of Plum Valley Road within the Town, and
- H. Byington Road from County Road N to the Town line with Pepin Township.

4.604. CONDITIONS. Operation of ATVs and UTVs on any Frankfort Township Town Road designated as an ATV/UTV route shall be subject to the following conditions:

- A. All provisions of Wisconsin Statutes section 23.33 are incorporated into this ordinance by reference pursuant to authorization of Wisconsin Statutes section 23.33(11),
- B. All ATV/UTV operators shall observe a speed limit of not more than 35 miles per hour or the posted roadway speed limit whichever is lower,

C. All ATV/UTV operators shall ride single file on the extreme right hand portion of the road, not in the ditch,

D. All ATV/UTV operators shall maintain liability insurance for their ATV/UTV use on town roads in the amount established by the State of Wisconsin for motor vehicle operation,

E. All ATVs and UTVs must be equipped with functioning brake lights and headlights and tail lamps must be illuminated at all times during operation,

F. All ATV/UTV operators born on or after January 1, 1988 must possess a valid DNR issued ATV safety certificate,

G. All ATV/UTV operators shall not operate the vehicles on town roads during the period starting one hour after sunset and ending one hour before sunrise,

H. ATV/UTV routes under this ordinance shall open for use from April 1 to December 1 each year,

I. No person under the age of 12 years may operate an ATV/UTV under this ordinance,

J. A person who is at least 12 years old but not yet 16 may operate an ATV on routes designated by this ordinance only if he or she is under the direct supervision of a parent or legal guardian,

K. No person under the age of 16 may operate a UTV under this ordinance,

L. All ATV/UTV operators who are under the age of 18 must wear a helmet as required by Wisconsin Statutes section 23.33.

4.604. SIGNAGE. The Town of Frankfort is required to post signs on designated ATV/UTV routes in accordance with Wisconsin Statutes section 23.33 (8)(e), The Town will follow its usual procedure to have the Pepin County Highway Department erect and maintain signs required by the statute on the designated routes. The Pepin County ATV/UTV Club has agreed to purchase or reimburse the Town for signs required by statute on designated routes and pay for installation and maintenance of required signs as necessary for them to continue to conform to statutory requirements.

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

4.606. REVIEW. This ordinance or any route designated by it may be canceled at any time by act of the Town Board. The Town Board will annually review the use of routes designated in this ordinance to determine the continued need and value of the routes. This review will be completed each year on or before the anniversary of the effective date of this ordinance. The Town Board may add or delete authorized routes by action that conforms to the requirements of Wisconsin Statutes section 23.33 and all public notice required by law for Town Board action.

4.607. PENALTIES. The penalties set forth in Wisconsin Statutes section 23.33(13)(a) are incorporated by reference.

4.608. SEVERABILITY. 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 circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons' circumstances shall not be deemed affected.

EFFECTIVE DATE. This ordinance becomes effective on the passage by the Town Board and publication by the Town Clerk as required by Wisconsin Statutes section 59.14.

Actual use of Town Roads under this ordinance may begin only after the Pepin County Highway Department certifies to the Chair of the Frankfort Town Board that signage required by this ordinance is in place on the routes authorized in section 3. The Town Board will consider the value of this ordinance allowing use of ATVs and UTVs at its regularly scheduled meeting in the 13th month following the date on which the Pepin County Highway Department certifies to the Chair of the Frankfort Town Board that signage required by this ordinance is in place on the routes authorized in section 3.. If the Board does not vote to continue this ordinance, the ordinance will cease to have effect on the last day of that month.

Adopted this 16th day of April 2019.

Date published: April 25, 2019

Date signage certified: _____

/s/ Bryce Black

Town Chair

/s/ Richard McDermott

Supervisor #1

/s/ Curt Stine

Supervisor #2

/s/ Donna Juleff

Supervisor #3

/s/ Joshua Manor

Supervisor #4

Attest: /s/ Maureen Manore, Town Clerk