

**TOWN OF PLYMOUTH
ORDINANCE NO. 2021-01**

AN ORDINANCE TO REPEAL ORDINANCE NO. 1992-2 AND TO DESIGNATE ALL-TERRAIN VEHICLE (ATV)/UTILITY TERRAIN VEHICLE (UTV) AND SNOWMOBILE ROUTES AND REGULATE ATV/UTV AND SNOWMOBILE OPERATION WITHIN THE TOWN OF PLYMOUTH, ROCK COUNTY, WISCONSIN.

SECTION 1: AUTHORITY AND PURPOSE

This Ordinance is adopted by the Town Board of the Town of Plymouth pursuant to Sections 23.33(8), 23.33(11)(a) and (am), and 350.18 of the Wisconsin Statutes. The purpose of this ordinance is to repeal Existing Ordinance No. 1992-2, an Ordinance Regulating the Use and Operation of Snowmobiles and All-Terrain Vehicles in the Town of Plymouth, and to establish all-terrain vehicle ("ATV"), utility terrain vehicle ("UTV"), and snowmobile routes in the Town of Plymouth, and to regulate the operation of ATV/UTVs and snowmobiles therein.

SECTION 2: TITLE AND EFFECTIVE DATE

This Ordinance shall hereafter be known, cited, and referred to as the *Town of Plymouth ATV/UTV and Snowmobile Route Ordinance* and shall be effective immediately upon publication of due notice of the adoption of the Ordinance.

SECTION 3: ADOPTION OF STATE LAW

Unless otherwise provided for in this Ordinance, the statutory provisions in Chapters 23, 340 to 348, and 350 of the Wisconsin Statutes, which establish definitions and regulations with respect to ATVs, UTVs, and snowmobiles, are hereby adopted and incorporated by reference as if fully set forth herein. Any future amendments, revisions or modifications of the statutes incorporated herein are made part of this Ordinance by reference to ensure uniform regulation of ATVs, UTVs, and snowmobiles within the State of Wisconsin.

SECTION 4: DESIGNATED ATV/UTV and SNOWMOBILE ROUTES

1. Pursuant to Sections 23.33(11)(a) and (b), all roads under the jurisdiction of the Town of Plymouth, and all county and state roadways within the territorial boundaries of the Town with a posted speed limit of 35 miles per hour or less, are designated ATV and UTV routes.
2. Pursuant to Section 350.18(3)(a), snowmobiles are only permitted on those Town Roads or marked corridors specifically designated each year for use by snowmobile operators, as a route or trail, by the Town of Plymouth.

SECTION 5: ROUTE SIGNAGE

1. Under the direction of the Town, route signage for ATV/UTV routes shall be marked and paid for by the Western Rock County ATV Club, or their successor, with uniform all-terrain vehicle route signs in accordance with Section NR64.12(7) of the Wisconsin Administrative Code.

ATV/UTV signage shall be inspected annually and shall be maintained by the Western Rock County ATV Club or their successors.

2. Under the direction of the Town, route signage specifically designating snowmobile routes and/or trails shall be marked and paid for by the Orfordville Country Riders Snowmobile Club, or their successor, with uniform snowmobile route or trail signs in accordance with Section 350.13 of the Wisconsin Statutes. Snowmobile signage shall be inspected annually and shall be maintained by the Orfordville Riders Snowmobile Club or their successors.
3. No person may do any of the following in regard to signs marking Town of Plymouth ATV/UTV and snowmobile routes:
 - a. Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV or snowmobile route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV or snowmobile route or trail sign or standard if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
 - b. Possess any uniform ATV/UTV or snowmobile route or trail sign or standard type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform ATV/UTV or snowmobile route or trail sign or standard in a lawful manner. Possession of an ATV/UTV or snowmobile route or trail sign or standard creates a rebuttable presumption of illegal possession.

SECTION 6: CONDITIONS

In addition to statutory and regulatory requirements, the following conditions and restrictions shall apply to designated ATV/UTV and/or snowmobile routes within the jurisdiction of the Town of Plymouth:

1. The Town of Plymouth, under its sole discretion, may close designated ATV/UTV and snowmobile routes or trails within the territorial boundaries of the Town at any time.
2. Closure of any designated route or trail shall be indicated by providing notice to the public and the placement of signage indicating route or trail closure.
3. ATV/UTV and snowmobile operators shall observe posted speed limits.
4. No person may operate a snowmobile on any street, boulevard, alley, sidewalk, public park, playground, athletic field, parking lot, or any other public land or roads under the jurisdiction of the Town of Plymouth unless the roadway or area has been specifically designated for the operation of a snowmobile.
5. ATV/UTV and snowmobile operators shall operate only on the far right side of a roadway designated as a route and/or trail.

6. ATV/UTVs shall have operating headlights, taillights, and brake lights, and shall operate with headlights and taillights on at all times. Operators of ATV/UTVs must use turn signals from dusk to dawn.
7. Snowmobiles operated during the hours of darkness or operated during daylight hours on any highway right-of-way shall display a lighted head lamp and tail lamp.
8. ATV/UTV and snowmobile operators shall yield the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway or shoulder.
9. No person may operate an ATV/UTV or snowmobile on the private property of another without the consent of the owner or lessee. Failure to post private property does not imply consent for ATV/UTV or snowmobile use.
10. All designated ATV/UTV and snowmobile routes shall be closed between the hours of 10:00 p.m. to 4:00 a.m. each and every day.

SECTION 7: ENFORCEMENT AND PENALTIES

This Ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin. Any person who violates any section of this Ordinance or the statutes adopted by reference shall be subject to the penalties set forth in Sections 23.33(13) and 350.11 of the Wisconsin Statutes.

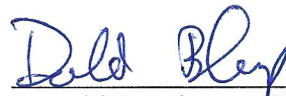
SECTION 8: NOTIFICATIONS

A copy of this ordinance shall be sent by the Town of Plymouth Clerk to the Rock County Sheriff's Department, Wisconsin State Patrol, and the Wisconsin Department of Natural Resources.


SECTION 9: SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

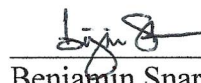
Dated this 11th day of May, 2021.



Donald Bomkamp, Town Board Chairperson



Shawn Mielke, Town Board Supervisor



Benjamin Snare, Town Board Supervisor