

# VILLAGE OF TWIN LAKES

## ORDINANCE NO. 2024-8-2

### An Ordinance to Create Chapter 10.45 of the Twin Lakes Code of Ordinances Pertaining to All-Terrain Vehicles and Utility-Terrain Vehicles

The President and the Trustees of the VILLAGE OF TWIN LAKES, Kenosha County, Wisconsin, do herewith ordain as follows, to wit:

#### SECTION I

That Chapter 10.45 of the Code of Ordinances for the Village of Twin Lakes, be, and hereby is created to read as follows:

#### “Chapter 10.45

#### ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE CODE

##### **10.45.010 Purpose.**

The purpose of this Chapter is to establish all-terrain vehicle (ATV) and utility-terrain vehicle (UTV) routes and to regulate the operation of ATVs and UTVs on such routes within the Village of Twin Lakes. Any ATV and UTV operation is at the operator’s own risk, and the Village of Twin Lakes makes no warranty, expressed or implied, that any routes, crossings, or trails are safe for the operation of such vehicles.

##### **10.45.020 Statutory Authority.**

The Village Board of the Village of Twin Lakes has the specific authority to adopt this Chapter pursuant to Wis. Stat. §§ 23.33(8)(b) and 23.33(11). Adoption of this Ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law, or order that pertains to the subject matter addressed under this Chapter.

##### **10.45.030 Definitions.**

For purposes of this Chapter, the statutory provisions establishing definitions and regulations with respect to vehicles, ATVs, and UTVs, as found in Wis. Stats. Chs. 23, 340 to 348, and 350 and Wis. Admin. Code Ch. NR 64, All-Terrain Vehicles, as well as any future amendments, revisions or modifications thereto, are adopted and incorporated herein by reference, including but not limited to, the definitions of ATV and UTV.

##### **10.45.040 Adoption of Statutory Provisions.**

This Chapter is created pursuant to Village authority under Wis. Stat. §§ 23.33(8)(b) and 23.33(11) and is intended to facilitate the implementation of Wis. Stat. § 23.33(8) and Wis. Stat. §23.33(11). To the extent necessary to accomplish this intent, Wis. Stat. § 23.33, Chapter 346, and NR 64, and any future amendments or revisions thereto, are hereby adopted by reference as part of this Chapter. In the event that any provision

of this Chapter is inconsistent or conflicts with state statute and/or administrative code, the statute and administrative code shall govern, not this Chapter. Any act required to be performed or prohibited by any regulation incorporated herein by reference is also required or prohibited by this Chapter.

**10.45.050 ATV/UTV Routes and Hours of Operation.**

This Chapter shall apply to all publicly-maintained highways in the Village of Twin Lakes, Kenosha County. Routes designated for ATV/UTV use shall be only as established and approved by the Village Board. All ATV/UTV routes may be reviewed annually by the Village Board in order to consider the continued value, efficacy, safety and need for the ATV/UTV routes, all pursuant to and in accordance with the intent of this Chapter. The routes designated as ATV /UTV routes by this Chapter shall be as follows:

All public highways over which the Village has jurisdiction and, pursuant to Wis. Stat. §23.33(11)(am)(4), all highways that are not part of the national system of interstate and defense highways that have a speed limit of 35 miles per hour or less and that are located within the Village of Twin Lakes. Operation of an ATV or UTV in or on any public park or property, or on public sidewalks or designated bike or pedestrian lanes, is prohibited, unless specifically designated and posted otherwise by the Village, except where motor vehicles are allowed.

The Village Board or the Village Police Department shall have the authority to modify or suspend ATV/UTV operation on any road, route or segment thereof for up to ninety (90) days due to hazard, construction, emergency conditions, road damage, or any other issue deemed appropriate for public safety. ATV/UTVs may operate year around, between the hours of 5:00 a.m. and 11:00 p.m.

**10.45.060 Route Signs.**

Signage shall be posted in accordance with Wisconsin Administrative Code section NR 64.12(7) and Wis. Stat. § 23.33(8)(e). No person may erect, obscure, deface, damage or remove any official designated route sign without written authorization from the Village of Twin Lakes Board.

**10.45.070 Requirements for Use of Routes.**

In addition to the provisions of Wis. Stat. § 23.33, the following limitations apply on all areas designated as an ATV/UTV route under this Chapter:

- a. ATVs/UTVs shall not be operated at a speed greater than 35 MPH, nor above any slower speed where posted at a lower limit.
- b. ATVs/UTVs shall be operated single file on the extreme right side of the roadway or paved surface, except that left turns shall be made from any portion of the road that is safe under the circumstances.
- c. ATVs/UTVs may be operated on paved surfaces only, unless yielding the right of way.
- d. ATVs/UTVs may not be operated on a designated ATV/UTV route without fully functional headlights, taillights, and brake lights.
- e. Operators and passengers of all ATVs / UTVs shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules related to the operation of ATVs/UTVs, including but not limited to, Section 23.33 and Chapter 346 of the Wisconsin Statutes and Wisconsin Administrative Code NR 64.

- f. No person may operate or be a passenger on an ATV or UTV without wearing protective headgear of the type required by 347.485(1)(a) and with the chin strap properly fastened unless the person is at least 18 years old, subject to the exceptions in § 23.33(3g).
- g. No person may leave or allow any ATV or UTV owned or operated by such person to remain unattended on any public highway or public property while the motor is running or with the starting key in the ignition.
- h. No ATV or UTV operator may engage in the practice of cruising on any designated route. Cruising is defined as riding all or a part of the length of a roadway multiple times per day, for any purpose other than departing or arriving at their residence or place of lodging, departing or arriving at a place of business, or departing or arriving at a specific recreational venue.
- i. A golf cart is not an ATV or UTV. Operation of golf carts on public roads is prohibited.
- j. Every person who operates an ATV/UTV on a Village-designated ATV/UTV route shall have in his or her immediate possession a valid safety certificate as required by Section 23.33(5)(b).
- k. Every person who operates an ATV/UTV on a Village-designated ATV/UTV route, and every ATV / UTV operated on a Village-designated ATV/UTV route, shall carry general liability insurance or other insurance with the same minimum liability coverage amounts for property damage and injury or death as are required by state law for the operation of a motor vehicle on a public highway, and shall also carry proof of such insurance.
- l. All ATV/UTV operators must be at least 16 years old to operate on any routes designated by this Chapter.
- m. Open intoxicants are prohibited while operating on any trail designated by this Chapter.
- n. Every operator of an ATV or UTV on any route designated by this Chapter must have a valid motor vehicle driver's license.

**10.45.080 Enforcement.**

The provisions of this Chapter shall be enforced by the Village of Twin Lakes Police Department or such other law enforcement officers as may be authorized by the Village of Twin Lakes, or as set forth in Wis. Stat. § 23.33(12), and such enforcement may include the issuance of a citation under Wis. Stat. § 66.0113.

**10.45.090 Penalties.**

All penalties found in Wis. Stat. 23.33(13)(a) are adopted by reference.

**10.45.100 Severability.**

The several sections of this Chapter are declared to be severable. If any section or provision thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such declaration shall apply only to the specific section(s) or portion(s) thereof directly specified in said declaration and shall not affect the validity of any other provisions, sections, or portions of the Chapter, which shall remain in full force and effect. Any other Chapters whose terms conflict with the provisions of this Chapter are hereby repealed as to those terms that conflict.

**10.45.110 Route Maintenance.**

The designation of any highway as an ATV/UTV route does not impose upon the Village or any other authority a greater duty of care or responsibility for maintenance of such highway. Operators of ATVs or

UTVs on public streets assume all risks of riding the vehicle. The Village accepts no liability for the operation of ATVs or UTVs on any route designated under this Chapter. In establishing ATV and UTV ordinances under this Chapter, the Village specifically intends to be acting under the immunity and liability protections afforded by Wis. Stat. § 895.52, however the Village does not waive any other liability exemption, immunity, or defense otherwise available to it.”

**SECTION II**

All ordinance or parts of ordinances contravening the terms and conditions of this ordinance are hereby to that extent repealed.


**SECTION III**

This ordinance shall take effect upon passage as provided by law, and the Village Clerk shall so amend the Village of Twin Lakes Code of Ordinances, and shall indicate the date and number of this creating ordinance herein.

Dated this 19 day of August, 2024.

ATTEST:

VILLAGE OF TWIN LAKES

  
\_\_\_\_\_  
Sabrina Waswo, Village Clerk

  
\_\_\_\_\_  
Howard Skinner, Village President

Members Voting:

- 6 Aye
- \_\_\_\_ Nay
- \_\_\_\_ Absent
- \_\_\_\_ Abstained