

**ALL-TERRAIN VEHICLES ORDINANCE**

- I. **PURPOSE.** The Purpose of this Ordinance is to promote the safety, health and general welfare of the residents by regulating the use of All-Terrain and Utility-Terrain Vehicles on Town Roads in the Town of Shelby.
  
- II. **APPLICABILITY OF RULES OF THE ROAD TO ATVs.** Any individual operating an ATV upon a roadway shall, in addition to the provisions of Wis. Stat. §23.33\*, be subject to the rules of the road as provided in Wis. Stat. §346.02(11).
  
- III. **DEFINITIONS.**
  - a. All-Terrain Vehicle (ATV) means a commercially designed and manufactured engine-driven device which weighs a maximum of nine hundred (900) pounds, has a maximum width of fifty (50) inches, is equipped with a seat designed to be straddled by the operator and travels on three (3) or more low-pressure tires or non-pneumatic tires.
  - b. Utility Terrain Vehicle (UTV) means a commercially designed and manufactured engine-driven device primarily intended for off-highway use, which weighs a maximum of three thousand (3,000) pounds, has a maximum width of sixty-five (65) inches, travels on four (4) or more tires, and is equipped with a steering wheel, taillights, brake lights, and two headlights. These vehicles have a roll bar or similar structure and seatbelts.
  
- IV. **STATE ALL-TERRAIN/UTILITY-TERRAIN LAWS ADOPTED.** For purposes of this ordinance, all references to all-terrain vehicles (ATV) shall include utility-terrain vehicles (UTV) as defined by statute. Except as otherwise specifically provided in this Chapter, the statutory provisions in Wis. Stat.(s) §23.33, 340 to 348, and 350, describing and defining regulations with respect to ATVs, exclusive of any provisions therein for which the statutory penalty is a fine or term of imprisonment, are hereby adopted by reference and made part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required by this section.
  
- V. **OPERATION ON COUNTY OR TOWN-OWNED PROPERTY.** No person shall operate an ATV on land owned by the Town of Shelby or La Crosse County except where use is authorized by posted notice, local ordinance or permission from the Town Board or La Crosse County.

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**VI. ATV ROUTES.** As authorized by Wis. Stat. §23.33(8)(b)\*, and following due consideration of the liability aspects, terrain involved, traffic density and history of automobile traffic. Wis. Stat. §23.33(11)(am)(4), a city, village, or town may enact an ordinance to authorize the operation of all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) on a highway that is not part of the national system of interstate and defense highways, that has a speed limit of 35 miles per hour or less, and that is located within the territorial boundaries of the city, village, or town regardless of whether the city, village, or town has jurisdiction over the highway, the following ATV routes have been created:

**a.** The following Town Roads shall be designated for ATV/UTV routes in the Town of Shelby:

- i.** Carla Court
- ii.** Cotton Wood Drive
- iii.** Eddie Avenue
- iv.** H Werner Road
- v.** Janisch Road
- vi.** Johnson Road
- vii.** Lisa Lane
- viii.** Little Ave
- ix.** N Chipmunk Road
- x.** Old Highway 35
- xi.** R Herold Road
- xii.** Rochelt Road
- xiii.** Rosewood Lane
- xiv.** Sinniger Lane
- xv.** Vanity Drive
- xvi.** W Werner Road

**b.** The Town of Shelby authorizes the operation of ATVs/UTVs on County Road K from the Vernon County Line to State Road 35.

**VII. CONDITIONS.** As a condition for the use of these routes, the following conditions shall apply to all operators and passengers:

- a.** All ATV/UTV operators shall obey and not exceed posted roadway speed limits.
- b.** All ATV/UTV operators shall ride single file.
- c.** All ATVs/UTVs shall operate only on the extreme right side of the paved portion of the roadway. Operation of an ATV/UTV on the shoulder, ditch, or right-of-way is prohibited and illegal.

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- d. No open containers of alcoholic beverages are allowed while the machine is in motion.
- e. Headlights and taillights must be turned on at all times. Brake lights are required.
- f. All operators must be registered with the DNR and display the proper decals.
- g. All operators must follow the DNR regulations for safety certificates.
- h. All people under the age of 18 operating or riding an ATV must wear a DOT-approved helmet.
- i. No tire chains or studs are allowed on ATV/UTV wheels or tires.
- j. ATVs/UTVs may only be operated on Town and County Routes between the hours of 5:00 a.m. and 10:00 p.m.
- k. Routes must be signed in accordance with NR 64.12 and NR 64.12(7)(c).

- VIII. EXEMPTIONS.** The following exemptions to this ordinance will be allowed and must maintain compliance with DNR registration and operational regulations:
- a. Private Use – Agricultural Only
  - b. Private Use – On private lands owned by the individual or immediate family member(s) only
  - c. Municipal and Government Use
  - d. Commercial ATV/UTV Dealer Use
- IX. ENFORCEMENT.** This Ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.
- X. PENALTIES.** The Wisconsin ATV penalties as found in Wis. Stat. §23.33(13) are adopted by reference.
- XI. CLOSURES.** The Town of Shelby Board or its designee retains the right to close any Town Road to ATV/UTV operation for any reason without cause or advance notice.
- XII. LIABILITY.** The Town of Shelby neither accepts nor assumes liability for the operation of ATV/UTVs on any approved route.
- XIII. SEVERABILITY.** The provisions of this Ordinance shall be deemed severable, and it is expressly declared that the Town Board would have passed the provisions of the ordinance irrespective of whether one or more provisions may be declared invalid, and if any provision of the Ordinance of the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and

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application of such provision to other persons, or circumstances shall not be affected thereby.

The provisions of this Ordinance shall prevail over any previous Ordinance of the Town of Shelby that conflicts with any provision of this Ordinance.

**XIV. EFFECTIVE DATE AND TERM.** This Ordinance shall take effect upon passage and posting set forth in Wis. Stat. §60.80.

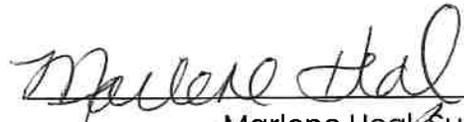
Unless renewed by action of the Town Board, this Ordinance shall remain in effect until eighteen (18) months after the date of passage, at which time it shall be automatically repealed without further action. Any actions, approvals, permits, or enforcement activities lawfully taken under this Ordinance prior to its expiration shall remain valid.

**XV. PASSED AND ADOPTED** by the Town Board of the Town of Shelby, La Crosse County, Wisconsin this the 3rd day or March, 2026.

  
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Tim Candahl, Town Board Chairperson

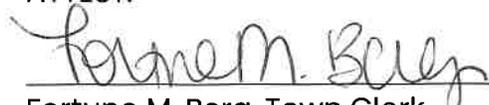
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Renee Knutson, Supervisor

  
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Tim Padesky, Supervisor

  
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Marlene Heal, Supervisor

  
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Tim Ehler, Supervisor

ATTEST:

  
\_\_\_\_\_  
Fortune M. Berg, Town Clerk

**Wisconsin Statutes References**

**\*23.33(8)** Routes and trails.

**(a) Department authority.** The department shall encourage and supervise a system of all-terrain vehicle routes and trails. The department may establish standards and procedures for certifying the designation of all-terrain vehicle routes and trails.

**(b) Routes.**

**1.** Subject to subd. 3., a town, village, city, or county may designate highways as all-terrain vehicle routes.

**2.** Subject to subd. 3., a town, village, city, or county may designate all highways under its jurisdiction as all-terrain vehicle routes.

**3.** No state trunk highway or connecting highway may be designated as an all-terrain vehicle route unless the department of transportation approves the designation.

**(c) Trails.** A town, village, city, county or the department may designate corridors through land which it owns or controls, or for which it obtains leases, easements or permission, for use as all-terrain vehicle trails.

**(d) Restrictions.** The designating authority may specify effective periods for the use of all-terrain vehicle routes and trails and may restrict or prohibit the operation of an all-terrain vehicle or utility terrain vehicle during certain periods of the year.

**(e) Signs.**

**1.** The department, in cooperation with the department of transportation, shall establish uniform all-terrain vehicle route and trail signs and standards and uniform signs and standards for the operation of utility terrain vehicles on all-terrain vehicle routes and trails. The standards may not require that any additional signs be placed on all-terrain vehicle routes concerning the operation of all-terrain vehicles or utility terrain vehicles with snow removal devices attached.

**2.** Except as provided in subd. 3, if a town, village, city, or county designates specific highways under its jurisdiction as all-terrain vehicle routes under par. (b) 2., the town, village, city, or county shall do one of the following:

**a.** Erect a sign at each point on a highway where the all-terrain vehicle route begins and at each point where the all-terrain vehicle route intersects an all-terrain vehicle trail or a highway that is not designated as an all-terrain vehicle route. The town, village, city, or county is not required to erect a sign under this subdivision at a point that is not more than one-half mile from a sign marking the same all-terrain vehicle route on the same highway.

**b.** Erect a sign on each highway under its jurisdiction that crosses its territorial boundary in a position to be viewed by motorists as they enter the town, village, city, or county. The signs shall alert motorists that all highways within the town, village,

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city, or county have been designated as all-terrain vehicle routes, except where otherwise indicated. The town, village, city, or county shall erect signs as appropriate to indicate highways that are not designated as an all-terrain vehicle route.

**3.** If a town, village, city, or county designates all highways under its jurisdiction as all-terrain vehicle routes under par. (b) 2., the town, village, city, or county may erect a sign on each highway that crosses its territorial boundary in a position to be viewed by motorists as they enter the town, village, city, or county. The signs shall alert motorists that all highways under the jurisdiction of the town, village, city, or county have been designated as all-terrain vehicle routes.

**4.** If a town, village, city, or county designates all highways under its jurisdiction as all-terrain vehicle routes under par. (b) 2., the town, village, city, or county may erect a sign on each highway under its jurisdiction at the point where that highway crosses its territorial boundary and enters another town, village, city, or county that does not designate the highway as an all-terrain vehicle route. The signs shall be in a position to be viewed by motorists and all-terrain vehicle operators as they leave the town, village, city, or county and shall alert motorists and all-terrain vehicle operators that the all-terrain vehicle route designation has ended.

**5.** If a town, village, city or county designates highways under its jurisdiction as all-terrain vehicle routes under par. (b) 2., the town, village, city, or county may designate a preferred route and erect signs marking the route.

**6.** If a town, village, city, or county erects and maintains signs under subd. 3., the department may not require the town, village, city, or county to erect any additional signs marking the all-terrain vehicle routes within the town, village, city, or county.

**(f) Interference with signs and standards prohibited.**

**1.** No person may intentionally remove, damage, deface, move, obstruct, or interfere with the effective operation of any uniform all-terrain vehicle route or trail sign or standard or any uniform sign or standard for the operation of a utility terrain vehicle on an all-terrain vehicle route or trail if the sign or standard is legally placed by the state, any municipality or any authorized individual.

**2.** No person may possess any uniform all-terrain vehicle route or trail sign or standard, or any uniform sign or standard for the operation of a utility terrain vehicle on an all-terrain vehicle route or trail, of the type established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign or standard or uniform sign or standard for the operation of a utility terrain vehicle on an all-terrain vehicle route or trail creates a rebuttable presumption of illegal possession.

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**23.33(11)(am)(4)** A city, village, or town may enact an ordinance to authorize the operation of all-terrain vehicles and utility terrain vehicles on a highway that is not part of the national system of interstate and defense highways, that has a speed limit of 35 miles per hour or less, and that is located within the territorial boundaries of the city, village, or town regardless of whether the city, village, or town has jurisdiction over the highway.

**346.02(11)** Applicability to all-terrain vehicles and utility terrain vehicles. The operator of an all-terrain vehicle or a utility terrain vehicle on a roadway is subject to ss. 346.04, 346.06, 346.075 (1), 346.11, 346.14 (1m), 346.18, 346.19, 346.20, 346.21, 346.215 (3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.67, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94 (1) and (9) but is not subject to any other provision of this chapter.