

ORDINANCE No 2021-001 All-terrain vehicle and utility terrain vehicle route ordinance.

STATE OF WISCONSIN

Town of Underhill

Oconto County

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Underhill All-Terrain Vehicle and Utility Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle and utility terrain vehicle routes in the town and to regulate the operation of all-terrain vehicles and utility terrain vehicles in the town.

SECTION II – AUTHORITY

The Town Board of the Town of Underhill, Oconto County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle and Utility Terrain Vehicle Ordinance under s. 23.33 (8) (b) and (11), Wis. stats.

SECTION III – ADOPTION OF ORDINANCE

This ordinance adopted on proper notice with a quorum and roll call vote by a majority of the town board present and voting, provides the authority for the town to designate all-terrain vehicle and utility terrain vehicle routes in the town and to regulate the use of those routes and all-terrain vehicles and utility terrain vehicles in the town, designates all-terrain vehicle and utility terrain vehicle routes in the town and provides for the regulation of the use of those routes and of all-terrain vehicles and utility terrain vehicles in the town.

SECTION IV – OPERATION OF ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES

Pursuant to s. 23.33 (4) (d) 4., Wis. stats., except as otherwise provided in s. 23.33 (4), Wis. stats., no person may operate an all-terrain vehicle and utility terrain vehicle on the roadway portion of any highway in the town except on roadways that are designated as all-terrain vehicle and utility terrain vehicle routes by this ordinance. Operation of all-terrain vehicles and utility terrain vehicles on a roadway in the town that is an all-terrain vehicle and utility terrain vehicle route is authorized only for the extreme right side of the roadway pavement except that left turns may be made from any part of the roadway pavement that is safe given prevailing conditions.

SECTION V – DESIGNATION OF ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES

The following routes are designated all-terrain and utility terrain vehicle routes in the town:

- All town roads
- County Highway Vv from Deerhill Road to Menominee Line Road.

SECTION VI – CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES

Pursuant to s. 23.33 (8) (d), Wis. stats., the following restrictions are placed on the use of the town all-terrain vehicle and utility terrain vehicle routes designated by this resolution:

- A. Routes shall be marked with uniform all-terrain vehicle and utility terrain vehicle route signs in accordance with s. 23.33 (8) (e), Wis. stats., and s. NR 64.12 (7), Wisconsin Administrative Code. No

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person may do any of the following in regard to signs marking town all-terrain vehicle [and utility terrain vehicle] routes:

1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
 2. Possess any uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
- B. Operation shall be subject to all provisions of s. 23.33, Wis. stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33 (11), Wis. stats.
- C. A copy of this ordinance shall be sent by the town clerk to the Department of Natural Resources, the Oconto County Sheriff's Department and any other law enforcement agency serving the Town of Underhill's jurisdiction.
- D. List additional restrictions and applicable time periods, if any, for example:
All all-terrain vehicle and utility terrain vehicle operators shall observe posted 25 mph speed limits.
All all-terrain vehicle and utility terrain vehicle operators shall ride single file.
All all-terrain vehicle and utility terrain vehicle operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling.
- E. All all-terrain vehicles and utility terrain vehicles operating on town roads in the Town of Underhill shall have liability insurance coverage pursuant to 632.32, Wis, Stats.

SECTION VII - ENFORCEMENT

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

SECTION VIII - PENALTIES

The penalties under s. 23.33 (13), Wis. stats., are adopted by reference.

SECTION IX – 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.

SECTION X – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 2nd day of March, 2021.

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Aspell
Town Chair

Patrick Ryan
Town Supervisor

Rubio / Molero
Town Supervisor

Attest: Troy A Winkler
Town Clerk