

All-Terrain Vehicle Route Ordinance

Town of El Paso
Pierce County, Wisconsin

Ordinance No. 2010-01 Amendment Revision September 2012

Amending Town of El Paso Ordinance No. 2010-01, entitled, All-Terrain Vehicle Route Ordinance.

The Town Board of the Town of El Paso pursuant to its authority under Sections 23.33 (8) (b) and (11) Wis. Stats. does hereby amend the Town of El Paso, All-Terrain Vehicle Route Ordinance 2010-01 and does ordain as follows:

1. All Sections are hereby repealed and recreated as follows:

SECTION I - TITLE AND PURPOSE

The title of this ordinance is the All-Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain (ATV) and utility terrain (UTV) routes in the town and to regulate the operation of all-terrain vehicles in the town. All references to all-terrain vehicles in this ordinance also apply to utility terrain vehicles. All-terrain vehicle routes in this ordinance may be used by operators of utility terrain vehicles per WI Stats 23.33(1m)(b)(1).

SECTION II - AUTHORITY

The Town Board of the Town of El Paso, Pierce County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle Route 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 routes in the town and to regulate the use of those routes and all-terrain vehicles in the town.

SECTION IV - OPERATION OF ALL-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 on the roadway portion of any highway in the town except on roadways that are designated as all-terrain vehicle routes by this ordinance. Operation of all-terrain vehicles on a roadway in the town that is an all-terrain vehicle route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions. On paved roadways all-terrain vehicles must be operated on the paved portion of the roadway and not the gravel shoulder.

SECTION V - DESIGNATION OF ALL-TERRAIN VEHICLE ROUTES

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

All town roads in the Town of El Paso.

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SECTION VI - CONDITIONS APPLICABLE TO ALL-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 routes designated by this ordinance:

- A. Routes shall be marked with uniform all-terrain vehicle route signs in accordance with s. NR 64.12 (7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking town all-terrain vehicle routes:
 - 1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-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 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 route or trail sign or standard in a lawful manner. Possession of a uniform all-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 Pierce County Sheriff's Department.
- D. In addition to the provisions of s. 23.33, Wis. stats., the following restrictions are placed on the use of the town all-terrain vehicle routes designated by this ordinance:
 - 1. All ATV operators shall observe a speed limit of 40-mph or the posted roadway speed limit, whichever is lower.
 - 2. All ATV operators shall ride single file.
 - 3. The allowed hours of operation shall be from 6:00 am to sunset during Daylight Savings Time and from 6:00 am to 7:00 pm during Standard Time.
 - 4. All ATV operators born on or after January 1, 1988 shall possess a valid state-issued ATV Safety Certification.
 - 5. All ATV operators ages 12 to 15 must be under the direct supervision of a parent or legal guardian at all times when operating on a designated all-terrain vehicle route.
 - 6. UTV operators must be 16 years old and possess a valid safety certificate if born on or after January 1, 1988.

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) (a), 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

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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. This ordinance shall remain in effect until the town board votes it out.

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

Adopted this 10th day of September 2012.

Town of El Paso Town Board

Chairperson: Ronald Kannel

Supervisor: Daniel Fischer

Supervisor: Ron Foley

I, Melanie J. Schoepp, clerk of the Town of El Paso, Pierce County, Wisconsin, certify that the foregoing is a true, correct and complete copy of an ordinance adopted by the town board of the Town of El Paso on September 10, 2012.

Clerk

Published: Pierce County Herald, September 26, 2012