

STATE OF WISCONSIN
Town of Gilman
Pierce County

SECTION I – TITLE AND PURPOSE

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

SECTION II – AUTHORITY

The Town Board of the Town of Gilman, Pierce County, Wisconsin, by 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 on the gravel shoulder.

SECTION V – DESIGNATION OF ALL-TERRAIN VEHICLE ROUTES

The following route is a designated all-terrain vehicle route in the town:

Starting on 690th Avenue at Olivet, west to 410th St., north to 750th Ave, west to 760th Ave, to 770th Ave. then west to Martell Township.

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.NR64.12(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 provision 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 a.m. to 8:00 p.m. during Daylight Savings Time and from 6:00 a.m. to 7:00 p.m. during Standard Time.
4. All ATV operators age 12 or 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, within 100 feet, of a parent or legal guardian at all times when operating on a designated all-terrain vehicle route.

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 in 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 circumstances if held invalid, the invalidity does not affect other provision or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provision of this ordinance are severable.

VOTE; Yes – 3, No – 0, Abstain – 0, Absent – 0

SECTION X – EFFECTIVE DATE

This ordinance is effective on publication or posting and completion of signage, for a probationary period from June 1, 2008 through September 30, 2008 or which ever comes latest.

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

Adopted this 14th day of May, 2008.

TOWN OF GILMAN

signed
Lorne Hanson, Chairman

signed
Sue Thompson, Clerk, Attest