

STATE OF WISCONSIN  
Town of Martell  
Pierce County

ORDINANCE  
2010-3

## SECTION I - TITLE AND PURPOSE

The title of this ordinance is the Town of Martell 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 Martell , 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

The Town Board of the Town of Martell 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 roads are designated all-terrain vehicle routes in the town after ATV routes signs are installed, all town roads except dead ends and driveways.

## 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 and Department of Natural Resources Attn: ATV Section Box 7921 Madison, WI. 53707.
- 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 6:00am to sunset during daylight saving time and from 6:00 am to 7:00 pm during standard time.
  - 4. All ATV operators at least 12 year old and born on or after January 1, 1988 shall possess a valid state-issued ATV Safety Certificate.
  - 5. All ATV operators ages 12 and under 16 must be under the direct supervision 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 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 July day of 13 2010

Ruby Linder

James Swann