

Ordinance 2012-2

All-Terrain Vehicle and Utility Terrain Vehicle Route Ordinance

STATE OF WISCONSIN

Town of Salem

Pierce County

SECTION I – TITLE AND PURPOSE

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

SECTION II – AUTHORITY

The Town Board of the Town of Salem, 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 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.

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

Operation shall be subject to all provisions of s.23.33, which is adopted as a part of this ordinance by reference, pursuant to [s.23.33\(11\)](#), Wis. Stats.

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 or 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. On paved roadways all-terrain vehicles and utility terrain vehicles must be operated on the paved portion of the roadway and not on the gravel shoulder or ditch.

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

All town roads are designated all-terrain vehicle and utility terrain vehicle routes in the Town of Salem.

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

Pursuant to s.23.33(8)(d), Wis. State., 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 sNR64.12(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 s23.33(11), Wis. Stats.
- C. A copy of this ordinance shall be sent by the town clerk to Pierce County Sheriff's Department and the DNR as Wisconsin Department of Natural Resources, PO Box 7921, Madison WI 53707.
- 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, UTV operators shall observe a speed limit of 40-mph or the posted roadway speed limit, whichever is lower.
 - 2. The allowed hours of operation shall be from 6:00 a.m. to sunset during Daylight Savings Time, and from 6:00 a.m. to 7:00 p.m. during Standard Time.
 - 3. All ATV operators age 12 or born on or after January 1, 1988 shall possess a valid state issued ATV Safety Certification.
 - 4. UTV operators must be 16 years old, and possess a valid state issued Safety Certificate, if born after January 1, 1988.
 - 5. All ATV operators ages 12 and under 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.

SECTION VI – ENFORCEMENT

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

SECTION VII – PENALTIES

The penalties in s.23.33 (13)(a), Wis. Stats., are adopted by reference.

SECTION VIII – SEVERABILITY

The provision of this ordinance shall be deemed severable and it is expressly declared that the Town would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons circumstances shall not be deemed affected.

SECTION IX – EFFECTIVE DATE

This ordinance becomes effective upon passage and publication.

Passed this 10th Day of July, 2012

TOWN OF SALEM

Chairman, Paul shingledecker

Clerk, Attest Lynette Traynor