

Place Holder – Official Map

23.33 (8) * All-terrain vehicle routes ordinance.

STATE OF WISCONSIN
Town of Pound
Marinette County

SECTION I - TITLE AND PURPOSE

The title of this ordinance is the Town of Pound 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 Pound, Marinette 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 provides for the regulation of the use of those routes and of 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.

SECTION V - DESIGNATION OF ALL-TERRAIN VEHICLE ROUTES

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

Whereas the Town of Pound has agreed to approve or disapprove ATV travel on specified town roads by vote at its regular monthly meetings upon request of land owners who reside on such roads,

And whereas, the Town of Pound has agreed to post approved roads open to ATV travel upon payment for requisite signage.

Therefore, upon request of any Town of Pound resident or landowner of said road for ATV travel, the Town Board shall (given at least one week's notice) at the next monthly meeting, listen to reasons for the request and consider the point of view of any other resident or land owner of said road and then, at the following monthly meeting vote to approve or disapprove this request. The town clerk shall convey this decision and the cost of implementation to the requestor. The Town of Pound upon receipt of said fees will install requisite signs, and the town clerk will notify the Marinette County Sheriff's Department as to the new location.

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 resolution:

- 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 Marinette County Sheriff's Department.

D. *[List additional restrictions and applicable time periods, if any, for example:*

All ATV operators shall observe posted roadway speed limits.

All ATV operators shall ride single file.

All ATV operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling.]

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 _____ day of _____, 20__.

Jerry Heroux

Attest: _____

Tammy Kasal, Town Clerk