

Town of Elk Mound

All-Terrain Vehicle/Utility-Terrain Vehicle Route Ordinance

AN ORDINANCE DESIGNATING ALL-TERRAIN VEHICLE/UTILITY-TERRAIN VEHICLE ROUTES AND REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES/UTILITY-TERRAIN VEHICLES

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Elk Mound All-Terrain Vehicle/Utility-Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle/utility-terrain vehicle (ATV/UTV) routes in the town and to regulate the operation of ATV/UTV vehicles in town.

Following due consideration of the recreational value to connect trail opportunities and weighed against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created.

SECTION II – STATUTORY AUTHORITY

The Town Board of Elk Mound, Dunn County, Wisconsin has the specific authority to adopt this All-Terrain Vehicle/Utility-Terrain Vehicle Route Ordinance under s. 23.33 (8)(b) and (11) Wis. Stats. The applicable provisions of 23.33 regulating all ATVs/UTVs pursuant to routes are adopted.

SECTION III – ADOPTION OF ORDINANCE

The Town Board of Elk Mound, Dunn County, Wisconsin, by this ordinance, adopted on proper notice with a quorum and roll call vote by a majority vote of the Town Board present and voting, provided the authority for the town to designate ATV/UTV vehicle routes in the town and to regulate the use of those routes.

SECTION IV – OPERATION OF ALL-TERRAIN/UTILITY-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 ATV/UTV on the roadway portion of any highway in the town except on roadways that are designated as ATV/UTV routes by this ordinance. Operation of ATVs/UTVs on roadway in the town that is an ATV/UTV 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 roadway ATVs/UTVs must be operated on the paved portion of the roadway and not on the gravel shoulder.

SECTION V – DESIGNATION OF ALL-TERRAIN VEHICLE/UTILITY-TERRAIN VEHICLE ROUTES

The following routes are designated ATV/UTV routes in the town: **All Town of Elk Mound Roads**

SECTION VI – CONDITIONS TO ALL-TERRAIN VEHICLE/UTILITY-TERRAIN VEHICLE ROUTES

Pursuant to s. 23.33 (8)(d), Wis. Stats, the following restrictions are placed on the use of the town ATV/UTV routes designated by this ordinance:

- A. Routes shall be marked with uniform ATV/UTV 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 ATV/UTV routes:
1. Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of a uniform ATV/UTV route or trail or standard if the sign or standard is legally placed by the state, any municipality or any authorized individual.
 2. Possess any uniform ATV/UTV route or trail sign or standard of the types established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform ATV/UTV route or trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV 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 forwarded to the Dunn County Sheriff Department.
- D. In addition to the provisions of s. 23.33, Wis. Stats, the following restrictions are placed on the use of the town ATV/UTV routes designated by this ordinance:
1. All ATV/UTV operators shall observe the speed of 35 MHP on all designated routes. Operator's shall reduce speed whenever the posted limit is less or is required by Wisconsin statutes.
 2. All ATV/UTV operators shall ride single file.
 3. Anyone under the age of twelve (12) cannot operate an ATV/UTV on a road or route under any circumstances.
 4. Anyone born after January 1, 1988 cannot operate an ATV/UTV without a safety certification.
 5. Any operator between the ages of 12 and 15 must be accompanied by an adult.
 6. Any operator must be age 16 or older to operate a UTV.
 7. All ATV/UTV operators and passengers under the age of 18 must wear a helmet.
 8. Operators must have headlamps and taillamps on at all times.
 9. The allowed hours of operation shall be 24 hours.
 10. Operation will have no seasonal restrictions.

SECTION VII – SPECIAL PROVISIONS

All signs, posts and similar material associated with the approved ATV/UTV trails, roads and streets in the Town of Elk Mound will be installed and maintained by the ATV/UTV Club or Organization through an agreement with the Township. The said agreement will be reviewed annually at the Town Board to ensure compliance with all provisions of this ordinance.

SECTION VIII – ENFORCEMENT

Any law enforcement officer authorized to enforce the laws of the State of Wisconsin may enforce this ordinance.

SECTION IX – PENALTIES

The penalties under s. 23.33 (13)(a) Wis. Stas are adopted by reference.

SECTION X – SEVERABILITY

The provisions of this ordinance shall be deemed severable and it is expressly declared the Town of Elk Mound would have passed the 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 circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.

SECTION XI – EFFECTIVE DATE

This ordinance shall become effective upon passage and publications and when ATV/UTV route signs are posted by the ATV/UTV Club or Organization, but can be discontinued at any time by the decision of the Town of Elk Mound Board.

The Town Clerk shall properly post and publish notice this ordinance as required under s. 60.80, Wisconsin Statutes.

Adopted this 8th day of October 2020

Tony R Christopheron
Chairman

Myron M. [Signature]
Supervisor 1

Supervisor 2

Supervisor 3

Supervisor 4

Attest:

Carroll Lucchese 10/8/2020

Clerk

SECTION VIII - ENFORCEMENT

Any law enforcement officer authorized to enforce the laws of the State of Wisconsin may enforce this ordinance.

SECTION IX - PENALTIES

The penalties under s. 33.33 (3)(a) Wis. Stat are hereby incorporated by reference.

SECTION X - SEVERABILITY

The provisions of this ordinance shall be deemed severable and if it is expressly declared the Town of Elk Mound would have passed the 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 circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be deemed affected.

SECTION XI - EFFECTIVE DATE

The ordinance shall become effective upon passage and publication and when ATV/UTV route signs are posted by the ATV/UTV Club or Organization, but can be discontinued at any time by the decision of the Town of Elk Mound Board.
The Town Clerk shall promptly post and publish notice of this ordinance as required under s. 10.80 Wisconsin Statutes.

Adopted this 8th day of October 2020

Chairman

Supervisor 1

Supervisor 2

Supervisor 3