

ORDINANCE NO. 2016-05-01

TOWN OF ROCK CREEK
DUNN COUNTY, WISCONSIN

ORDINANCE ADOPTING DESIGNATION AND REGULATION OF
ALL-TERRAIN VEHICLE / UTILITY TERRAIN VEHICLE ROUTES

THE TOWN BOARD OF THE TOWN OF ROCK CREEK DOES HEREBY ORDAIN AS
FOLLOWS:

1.1 TITLE AND PURPOSE

The title of this ordinance is the Town of Rock Creek All-Terrain Vehicle / Utility 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.

1.2 AUTHORITY

The Town Board of the Town of Rock Creek, Dunn County, Wisconsin has the specific authority to adopt this All-Terrain Vehicle / Utility Terrain Vehicle Route Ordinance under Sections 23.33 (8) (b) and (l) Wis. Stats

1.3 OPERATION OF ALL-TERRAIN VEHICLES / UTILITY TERRAIN VEHICLES

Pursuant to Section 23.33 (4) (d) 4, Wis. Stats, except as otherwise provided in Section 23.22 (4) Wis. Stats, no person may operate an all-terrain vehicle / utility terrain vehicle on the roadway portion of any highway in the Town except on roadways that are designated as all terrain vehicle / utility terrain vehicle routes by this ordinance. Operation of all-terrain vehicles / utility terrain vehicle on a roadway in the Town that is an all-terrain vehicle / utility 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 roadway all-terrain vehicles / utility terrain vehicles must be operated on the paved portion of the roadway and not on the gravel shoulder.

1.4 DESIGNATION OF ALL-TERRAIN VEHICLE / UTILITY TERRAIN VEHICLE
ROUTES

The following routes are designated all-terrain vehicle / utility terrain vehicle routes in the Town:

10th Avenue from the west townline to CTH "T" and from the south townline to 1010th Street

50th Avenue from the west townline to 810th Street and from 968th Street to 1010th Street

90th Avenue from the west townline to 810th Street

110th Avenue from 810th Street to CTH "O" and from 1000th Street to 1010th Street

190th Avenue from STH 85 to 1000th Street

810th Street from 10th Avenue to 110th Avenue

968th Street from 10th Avenue to 50th Avenue

1000th Street from 110th Avenue to 190th Avenue

1010th Street from 10th Avenue to 110th Avenue

All of the above routes must be properly signed as all-terrain vehicle / utility terrain vehicle routes, excluding dead-ends and driveways. All other town roads are designated as ATV/UTV routes, but may be used only by Town residents and only to access the above signed designated routes.

Routes that border an adjacent town are authorized for use by ATV/UTV's only if so authorized by that adjacent town also.

All state and County roads are not all-terrain vehicle / utility terrain vehicle routes.

1.5 CONDITIONS TO ALL-TERRAIN VEHICLE / UTILITY TERRAIN VEHICLE ROUTES

Pursuant to Section 23.33 (8) (d), Wis. Stats, the following restrictions are placed on the use of the Town all-terrain vehicle / utility terrain vehicle routes designated by this ordinance.

- A. Routes shall be marked with uniform all-terrain vehicle / utility 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 all-terrain vehicle / utility terrain vehicle routes:
1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle / utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of a uniform all-terrain vehicle route or trail 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 / utility terrain vehicle or trail sign or standard of the types established by the WIS DNR for the warning, instruction or information of the public, unless he or she obtained the uniform all-terrain vehicle / utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle / utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
 3. All-terrain vehicles / utility terrain vehicles may begin using established routes once all-terrain vehicle / utility terrain vehicle signs are purchased by the local ATV clubs and installed by authorized personnel.

- B. Operation shall be subject to all provision of Section 23.33, Wis. Stats, which is adopted as a part of this ordinance by reference, pursuant to Section 23.33 (11), Wis. Stats.
- C. A copy of this ordinance shall be sent by the Town Clerk to the Dunn County Sheriff Department.
- D. In addition to the provisions of Section 23.33, Wis. Stats, the following restrictions are placed on the use of the Town all-terrain vehicle / utility terrain vehicle routes designated by this ordinance:
- (1) All all-terrain vehicle / utility terrain vehicle operators shall observe a 35 miles/hour speed limit.
 - (2) All all-terrain vehicle / utility terrain vehicle operators shall ride single file.
 - (3) The allowed hours of operation shall be from dawn to one hour after dusk year round.
 - (4) Anyone under the age of twelve (12) cannot operate an ATV/UTV on a road or route under any circumstances.
 - (5) Anyone between the age of 12 years and 16 years cannot operate an ATV on a roadway without a safety certification and must be accompanied by an adult parent or designated guardian within hailing distance. UTV operators must be licensed drivers.
 - (6) All all-terrain vehicle operators under the age of 18 must wear a helmet.
 - (7) Lights must be on at all times.
 - (8) Operators must follow all WIS DNR regulations pursuant to the Wisconsin all-terrain vehicle laws.

1.6 ENFORCEMENT

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

1.7 PENALITIES

The penalties under Section 23.33 (13) (a), Wis. Stats, are adopted by reference

1.8 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.

1.9 SUNSET PROVISION

This authorization shall terminate one year after the effective date, unless renewed by resolution of the town board prior to that date. New routes will be authorized only at that time.

2.0 EFFECTIVE DATE

This ordinance shall be effective upon passage and publication as provided by law.

Adopted this 19th day of May, 2016

Yes 3 No 0 Abstain Absent

TOWN OF Rock Creek

Chairman: Hayden Carlson
Supervisor: Bob Bauer
Supervisor: John H. Hutchinson
Attest: Susan M. Husted Town Clerk