

**ORDINANCE NO. 14-01
TOWN OF MILLTOWN
POLK COUNTY, WISCONSIN**

**ORDINANCE ADOPTING DESIGNATION AND REGULATION OF
ALL-TERRAIN VEHICLE ROUTES**

14-01

THE TOWN BOARD OF THE TOWN OF MILLTOWN DOES HEREBY ORDAIN AS FOLLOWS:

1.1 TITLE AND PURPOSE

The title of this ordinance is the Town of Milltown 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.

1.2 AUTHORITY

The Town Board of the Town of Milltown, Polk County, Wisconsin has the specific authority to adopt this All-Terrain Vehicle Route Ordinance under Sections 23.33 (8) (b) and (11) Wis. Stats.

1.3 OPERATION OF ALL-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 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 roadway all-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 ROUTES

All township roads are open to ATV use. If a majority of property owners along a particular township road submit an approved petition form to open and/or close a dead end road to ATV traffic, then the township board shall determine where the closure begins on the proposed designated change to the road.

In the event a road is closed to ATV usage, a property owner on the closed road will be allowed to use the road to access roads open to ATV usage.

Any damage to any township road by an ATV operator will be punishable by a \$125 fine. In addition, the operator must pay for any and all road repair expense.

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

1.5 CONDITIONS TO ALL-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 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 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 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 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 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.
 3. All-terrain vehicles may begin using established routes once all-terrain vehicle signs are posted by the local ATV clubs.
- 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 Polk 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 routes designated by this ordinance:
- (1) All all-terrain vehicle operators shall observe a speed limit of not more than 35 mph or the posted roadway speed limit, whichever is lower. The speed limit on dirt/gravel roads will be 25 mph.
 - (2) All all-terrain vehicle operators shall ride single file.
 - (3) All all-terrain vehicle operators under the age of 18 must wear a helmet.
 - (4) Lights must be on at all times.
 - (5) Operators must follow all WIS DNR regulations pursuant to the Wisconsin all-terrain vehicle laws.
 - (6) Minor riders must be age 16 with a valid driver's license and an ATV safety certificate.

1.6 ANNUAL REVIEW OF ORDINANCE

This ordinance shall appear on the Town Board agenda at the regular June meeting of the Town Board each year in order for the Town Board to review comments or complaints regarding the operation of ATVs on Town roads and whether there should be modifications to the route or otherwise. The failure of the Town Board to have such an item on the agenda as described in this Section XI shall in no way impair or affect the validity or enforcement of the ordinance.

1.7 ENFORCEMENT

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

1.8 PENALITIES

The penalties under Section 23.33 (13) (a), Wis. Stats, are adopted by reference. Also see Section 1.4 of this ordinance for penalties for damage to Township roads.

1.9 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.

2.0 EFFECTIVE DATE

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

Adopted this 17th day of November, 2014.

Yes 2 No 1 Abstain Absent

TOWN OF MILLTOWN

By: Harlan Hegdal
Harlan Hegdal, Town Chairman

Attest: Virgil Hansen
Virgil Hansen, Town Clerk