

**TOWN OF WILSON
ALL-TERRAIN VEHICLE ROUTE ORDINANCE
Ordinance # 2-2011**

Section I: Purpose.

The purpose of this ordinance is to establish all-terrain vehicle routes in the Town of Wilson and to regulate the operation of all-terrain vehicles in the Town of Wilson.

Section II: Authority.

The Town Board of the Town of Wilson, Eau Claire County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle Ordinance under sec. 23.33 (8) (b) and (11) Wis. Stats.

Section III: Adoption of Ordinance.

The Town Board of the Town of Wilson, Eau Claire 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 of the town to designate all-terrain vehicle routes in the town and to regulate the use of those routes and 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 sec. 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 the 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 are designated as all-terrain vehicle routes as authorized by sec. 23.33 (8) (b), Wis. Stats.

- A. All town highways in their entirety within the Town of Wilson
 Eau Claire, County, Wisconsin.

Section VI: Conditions Applicable to All-Terrain Vehicles Routes.

Pursuant to sec. 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 signed in accordance with sec. NR64.12 (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 standard if 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 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 sec. 23.33 Wis. Stats., which is adopted as apart of this ordinance by reference, pursuant to sec. 23.33 (11), Wis. Stats.

C. A copy of this ordinance shall be sent by the town clerk to the Eau Claire County Sheriff's Department.

Section VII: Regulation of all-Terrain Vehicles on Designated Routes.

The Town of Wilson, as authorized by sec. 23.33 (11) (a), Wis. Stats., regulates the operation of all-terrain vehicles on designated routes as follows:

- A. All all-terrain vehicle operators shall ride single file;
- B. All all-terrain vehicle operators shall slow the all-terrain vehicle to 10 mph or less when operating within one hundred fifty (150) feet of a residence;
- C. All all-terrain vehicle operators shall have there headlights turned on at all times;
- D. All all-terrain vehicle operators and riders under the age of 18 must wear a helmet;
- E. All all-terrain vehicle operators under the age of 16, and all all-terrain vehicle operators born on or after 1-1-1988, are required to have safety certificates;

Section VIII: Signage Designating Routes.

- A. The Town of Wilson shall maintain the supervisory responsibility of ensuring that all-terrain vehicle routes identified in Section V are signed in compliance with the standards, requirements, and regulations established by the federal, state, and local governments and their respective departments and agencies, including but not limited to, the Wisconsin Department of Natural Resources. The actual installation and maintenance of signage is hereby delegated to and now becomes the responsibility of the All-Terrain Vehicle Club known as the "Wilson Wheelers". The Wilson Wheelers shall also be responsible for the purchase of, and associated costs related to, the necessary signage for the routes. All signage and signage materials shall be subject to approval by the town board prior to installation.

B. The Wilson Wheelers will provide the Town Board with a Designated Volunteer Liaison. This volunteer liaison will serve as the focal contact for the Wilson Town Board and residents concerning ATV route requests and problems. The liaison

will provide a monthly report to the Town Chairman.

C. The Town of Wilson, any one who signed the ordinance, or any club members accepts no liability for any ATVer using these ATV routes.

D. This ordinance or individual routes may be rescinded if problems persist or routes are not kept up to town board approval.

Section IX: Enforcement.

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

Section X: Penalties.

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

Section XI: Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not effect other provisions or applications of this ordinance that can be given effect without the invalid provision, and to this end, the provisions of this ordinance are severable.

Section XII: Effective Date.

This ordinance is effective on publication or posting and routes properly signed.

The town clerk shall properly publish this ordinance as required under sec. 60.80, Wis. Stats.

Adopted this 9th day of Nov. 2011.

Dean Eslinger, Dean Eslinger, Town Chairman

Richard Selzler, Richard Selzler, Town Supervisor

Bill Perrotti, Bill Perrotti, Town Supervisor

Cindi Haag, Attest: Cindi Haag, Clerk

Adopted: 11/9/11

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