

Ordinance No. 2022-03
An Ordinance Repealing Ordinance Nos. 2011-09, 2013-02, 2015-02, and 2021-01; and Recreating Town of Dakota
All-Terrain Vehicle (ATV)/Utility Terrain Vehicle (UTV) Route Ordinance

Section I – Title and Purpose

The title of this ordinance is the Town of Dakota All-Terrain Vehicle (ATV)/Utility Terrain Vehicle (UTV) Route Ordinance. The purpose of this ordinance is to establish ATV/UTV routes in the town and to regulate the operation of ATVs/UTVs in the town.

Section II – Authority

The Town Board of the Town of Dakota, Waushara County, Wisconsin, has the specific authority to adopt this ATV/UTV 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 ATV/UTV routes in the town and to regulate the use of those routes and ATVs/UTVs in the town, designates ATV/UTV routes in the town, and provides for the regulation of the use of those routes and of ATVs/UTVs in the town.

Section IV – Operation of ATVs/UTVs

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 a 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.

Section V – Designation of ATV/UTV Routes

- A. 1. The following routes are designated ATV/UTV routes in the town:
All town roads.

Section VI – Conditions Applicable to ATV/UTV 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. 23.33 (8) (e), Wis. stats., and 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 any uniform ATV/UTV 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 ATV/UTV 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 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. All ATV/UTV operators shall:
1. Observe posted roadway speed limits
 2. Ride single file
 3. Only ride on paved surface of roadways
- D. Routes will be open for public ATV/UTV usage daily between 5 a.m. and 12 a.m. (midnight).

Section VII – Enforcement

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin, including the Waushara County Sheriff's Department, as stated in Ordinance No. 2007-01, the town's citation authority ordinance.

Section VIII – Penalties

The penalties under s. 23.33 (13), 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 shall become effective upon its publication and/or posting in the manner set forth in s. 60.80, Wis. stats.

The town clerk shall also send a copy of this ordinance to the Department of Natural Resources, the Waushara County Sheriff's Department, and any other law enforcement agency serving the Town of Dakota's jurisdiction.

Ordinance No. 2022-03

Ayes: 3 Nays: 0 Abstain: 0 Absent: 0 { } Voice Vote

☒ Approved and enacted this 12th day of September 2022.


☐ Denied this 12th day of September 2022.

Signed:

Attest:



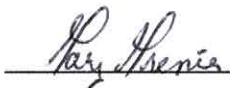
Bobby Bandt, Chair



Melanie R. Stake, Clerk



Jeremy Kubasta, Supervisor #1



Gary Grenier, Supervisor #2