

ORDINANCE 05.2022

ALL-TERRAIN AND UTILITY-TERRAIN VEHICLE ROUTE ORDINANCE TOWN OF POLK, WASHINGTON COUNTY

Section 1. Purpose.

The purpose of this ordinance is to establish all-terrain and utility terrain vehicle routes in the Town of Polk and to regulate the operation of all-terrain and utility terrain vehicles in the 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 automobile traffic volume, this route has been created.

Section 2. Authority.

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

Section 3. 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 all-terrain vehicle and utility terrain vehicle routes in the Town and to regulate the use of those routes and all-terrain vehicles and utility terrain vehicles in the Town.

Section 4. Definitions.

For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The words "shall," "will," and "must" are always mandatory. The words "may" and "should" are discretionary terms. The masculine shall include the feminine. Terms not defined in this Section, shall be interpreted based on common usage.

- (a) "All-Terrain Vehicle (ATV)" shall have the meaning set forth in Wis. Stat., § 23.33(1)(b).
- (b) "Town" means the Town of Polk, the Town Board or any other Town of Polk official(s) authorized by the Town Board to act on behalf of the Town of Polk.
- (c) "Utility Terrain Vehicle (UTV)" shall have the meaning set forth in Wis. Stat., § 23.33(1)(ng)l.

Section 5. Operation of All-Terrain and Utility Terrain Vehicles.

Pursuant to Wis. Stat. § 23.33(4)(d)4, except as otherwise provided in Wis. Stat. § 23.33(4), no person may operate an all-terrain or utility terrain vehicle on the roadway portion of any highway in the Town except on roadways that are designated as all-terrain and utility terrain vehicle routes by this ordinance.

Section 6. Designation of All-Terrain and Utility Terrain Vehicle Routes.

The Town of Polk hereby designates the following Town roads as all-terrain vehicle and utility terrain vehicle routes: by resolution, and only after the proper signage is posted by the Kettle Moraine ATV Association or other relevant association or group.

Section 7. Conditions Applicable to All-Terrain and Utility Terrain Vehicle Routes.

- (a) Pursuant to Wis. Stat. § 23.33(8)(d), the following restrictions are placed on the use of the Town all-terrain and utility terrain vehicle routes designated by this resolution:
 - (1) Routes shall be marked with uniform all-terrain and utility terrain vehicle route signs in accordance with NR 64.12 (7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking Town all-terrain and utility terrain vehicle routes:
 - (2) Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain and utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain and utility terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the State, any municipality, or any authorized individual.
 - (3) Possess any uniform all-terrain and utility 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 and utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain and utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
- (b) Operation shall be subject to all provisions of Wis. Stat. § 23.33, which is adopted as a part of this ordinance by reference, pursuant to Wis. Stat. § 23.33(11).
- (c) Operators must abide by all traffic laws unless further restricted by this Ordinance.
- (d) All ATV/UTV operators on routes shall observe posted roadway speed limits.
- (e) ATV/UTV designated routes are closed for operation of an ATV/UTV between the hours of 10:00 P.M. to 6:00 A.M, except that operations may occur until 11:00 P.M. on Saturdays.

- (f) A person operating an ATV/UTV within the Township must be at least 16 years of age and have been issued a valid state driver's license. During time of operation the operator/owner shall have in their possession a valid motor vehicle operator's license.
- (g) No ATV/UTV may be operated on any designated route without fully functional headlights, tail-lights and brake lights.
- (h) When making directional turns all operators must use signal lights or hand signals.
- (i) Operation of an ATV/UTV is limited to the paved portion of the Town road. Operation of an ATV/UTV upon Town road shoulders, ditches or other road right-of-ways is prohibited.
- (k) No person under the age of eighteen (18) may operate an ATV/UTV on any designated route unless wearing approved protective head gear.

Section 8. Enforcement.

This ordinance may be enforced by the Town Board or law enforcement officer authorized to enforce the laws of the state of Wisconsin.

Section 9. Penalties.

The penalties under Wis. Stat. § 23.33(13), are adopted by reference.

Section 10. Maintenance.

Designation of segments of the Town road system as ATV/UTV routes does not impose upon the Town a greater duty of care or responsibility for maintenance of those segments than for any other segment of Town road. Operators of ATV/UTV's on Town roads assume all the usual and normal risks of ATV/UTV operation.

Section 11. 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 12. Effective Date.

This Ordinance is only effective during periods designated by the Town of Polk Town Board by resolution, and only after the proper signage is posted by the Kettle Moraine ATV Association or other relevant association or group. The association or group is also responsible for removal of said signage within 24 hours following the conclusion of the event

ADOPTED by a vote of 3 for and ____ against on this 16th day of ^{August}~~April~~, 2022.
TOWN OF POLK

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By: Albert J. Schulteis
Albert Schulteis, Town Chairman

Attest:
Alison Pecha
Alison Pecha Clerk