

Town of Schley

Ordinance: O-2012-6.21-R

All-Terrain Vehicle Routes

Town of Schley, Lincoln County Wisconsin

SECTION I - TITLE AND PURPOSE

The title of this ordinance is the Town of Schley 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.

SECTION II - AUTHORITY

The Town Board of the Town of Schley, Lincoln County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle Route 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 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 s. 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 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 routes are designated all-terrain vehicle routes in the town:

- A) Robinson Drive in its entirety.
- B) Schielke Road in its entirety.
- C) Moser Road in its entirety.
- D) Town Hall Road in its entirety.
- E) Jane Spur Road in its entirety.
- F) Burgner Road in its entirety.
- G) Heineman Road in its entirety.
- H) Vascheau Road in its entirety.
- I) County Line Road in its entirety.

SECTION VI - CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE ROUTES

Pursuant to s. 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 signs in accordance with s. NR 64.12 (7), Wisconsin Administrative Code.

(b) Signs: the Town of Schley in cooperation with the department of transportation, shall establish uniform all-terrain vehicle route and trail signs and standards and uniform signs and standards for the operation of utility terrain vehicles on all-terrain vehicle routes and trails. The standards may not require that any additional signs be placed on all-terrain vehicle routes concerning the operation of all-terrain vehicles or utility terrain vehicles with snow removal devices attached.

1. No person may intentionally remove, damage, deface, move, obstruct, or interfere with the effective operation of any uniform all-terrain vehicle route or trail sign or standard or any uniform sign or standard for the operation of a utility terrain vehicle on an all-terrain vehicle route or trail if the sign or standard is legally placed by the state, any municipality or any authorized individual.

2. No person may possess any uniform all-terrain vehicle route or trail sign or standard, or any uniform sign or standard for the operation of a utility terrain vehicle on an all-terrain vehicle route or trail, of the type established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform sign or standard in a lawful

manner. Possession of a uniform all-terrain vehicle route or trail sign or standard or uniform sign or standard for the operation of a utility terrain vehicle on an all-terrain vehicle route or trail creates a rebuttable presumption of illegal possession.

(c) 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.

(d) A copy of this ordinance shall be sent by the town clerk to the County Sheriff's Department and the Wisconsin Department of Natural Resources pursuant to s. 350.47 Wis. Stats.

(e) Restrictions. The designating authority may specify effective periods for the use of all-terrain vehicle routes and trails and may restrict or prohibit the operation of an all-terrain vehicle or utility terrain vehicle during certain periods of the year.

All ATV operators shall observe posted roadway speed limits.

All ATV operators shall ride single file.

All ATV operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling.

SECTION VII - ENFORCEMENT

(a) The Town of Schley may utilize moneys received under sub. (2) for all-terrain vehicle and utility terrain vehicle registration aids administration and for the purposes specified under s. 20.370 (3) (as) and (5) (er) including costs associated with enforcement, safety education, accident reports and analysis, law enforcement aids to counties, and other similar costs in administering and enforcing this section.

(b) All-terrain vehicle projects. Any of the following all-terrain vehicle projects are eligible for funding as a state all-terrain vehicle project from the appropriation account under s. 20.370 (1) (ms) or for aid as a nonstate all-terrain vehicle project from the appropriation accounts under s. 20.370 (5) (ct) and (cu):

1. Acquisition of an easement or land in fee simple.
2. An all-terrain vehicle facility such as a parking area, riding area, shelter, toilets or other improvement.
3. Development of all-terrain vehicle routes or all-terrain vehicle trails.
4. Development or maintenance of a snowmobile route or trail or an off-the-road motorcycle trail or facility if the route, trail or facility is open for use by all-terrain vehicles.
5. Maintenance of all-terrain vehicle routes or all-terrain vehicle trails.
6. Purchase of liability insurance.

(bg) Projects for utility terrain vehicles. A project to improve or maintain all-terrain vehicle trails for use by utility terrain vehicles is eligible for funding as a state utility terrain vehicle project from the appropriation account under s. 20.370 (1) (mr) or for aid as a nonstate utility vehicle project from the appropriation accounts under s. 20.370 (5) (eu) and (gr). The maximum amount allowed for aid under this paragraph is \$100 per mile for all-terrain vehicle trails that are maintained not less than 3 months per year including the months of June, July, and August. If the requests for aid for projects under this paragraph exceed the funds available, the department shall distribute available funds to qualified applicants on a proportional basis.

NOTE: Par. (bg) is created eff. 7-1-13 by 2011 Wis. Act 208.

SECTION VIII - PENALTIES

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

SECTION IX - SEVERABILITY

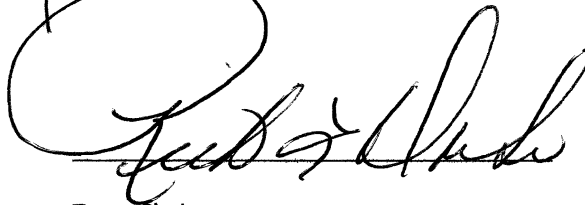
If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

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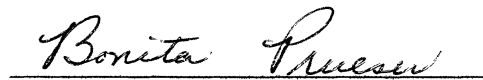
SECTION X - EFFECTIVE DATE

This ordinance is effective on publication or posting.
The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats,

Adopted this 3rd day of July, 2012 by the Town Board of supervisors of the Town of Schley, Lincoln County Wisconsin.



Town Chairman



Town Supervisor



Town Supervisor

Date Ordinance Offered July 3rd, 2012

Motion Made By Gerald Plamann

(Board Member)

Motion Seconded By Rick Dorn

(Board Member)

Voting "AYE" Rick Dorn

(Board Members)

Town Clerk

~~Barbara Petrygates, Clerk~~

Date ordinance filed

~~July 18, 2012~~

(Board Members)

Voting "NAY"

~~Charles Plamann~~

~~Bonita Plamann~~