

Ordinance # 3-12-2020
All-Terrain Vehicle Routes
Town of Cross, Buffalo County, WI

The purpose of this ordinance is to establish All-Terrain Vehicle (ATV) and Utility Terrain Vehicle (UTV) routes and to regulate the operation of all-terrain and utility terrain vehicles.

Section I - Intent

The Town of Cross adopts the following ATV/UTV ordinance / routes for the operation of All-Terrain Vehicles (ATV) and Utility Terrain Vehicles (UTV) upon the roadways listed in Section III.

Following due consideration of the recreational value, to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created.

Section II - Statutory Authority

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

The applicable provisions of Wisconsin Statute §23.33 regulating ATV and UTV operations pursuant to routes are adopted by reference.

Section III – Routes

The following roads are designated as routes:

All roads under the jurisdiction of the Town of Cross are designated all-terrain vehicle and utility terrain vehicle routes. This designation excludes all county and state highways and all private roads.

Said routes are further described and identified by the attached map.

Section IV - Conditions

As a condition for the use of this route, the following conditions shall apply to all operators (and passengers where applicable):

- A. All ATV/UTV operators must carry liability insurance coverage.
- B. All ATVs/UTVs must be properly registered with the Department of Natural Resources prior to operating on any routes.
- C. All ATV/UTV operators shall observe posted speed limits.
- D. All ATV/UTV operators shall operate on paved portions of the roadway only. Operation on gravel shoulders, grassy in-slopes, ditches, or other highway right-of-ways is prohibited.
- E. All ATV/UTV operators shall ride in single file on the right hand side of the paved portion of the highway.
- F. All ATV/UTV operators shall have their headlight(s) and taillight(s) illuminated while operating on a highway and have a working brake light(s).
- G. ATV/UTV operators who are born after January 1, 1988 and operating on a highway are required to have an ATV Safety Certificate provided by the Department of Natural Resources.
- H. ATV/UTV operators under 18 years of age shall wear protective headgear of the type required by Wisconsin Statute §347.485(1)(a).

The following conditions are applicable to ATV/UTV Routes:

ATV/UTV routes shall be marked with uniform ATV/UTV 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 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.

A copy of this ordinance shall be sent, by the town clerk, to the Department of Natural Resources, the Buffalo County Sheriff's Department and any other law enforcement agency serving the Town of Cross's jurisdiction.

Section V - Enforcement

This ordinance shall be enforced by any law enforcement officer of the Buffalo County Sheriff's Department, or any other law enforcement official, as set forth in Wisconsin Statute §23.33 (12).

Section VI - Penalties

The Wisconsin state All-Terrain Vehicle penalties, as found in §23.33 (13) (a) Wis. Stats., are adopted by reference.

Section VII - Severability

The provision of this ordinance shall be deemed severable and it is expressly declared that the Town of Cross would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.

Section VIII - Effective Date

This ordinance becomes effective upon passage and publication (pending placement of signage).

Passed this 12th Day of March, 2020

Leonid S. Slobin, Chairman

John W. Wipke, Supervisor

[Signature], Supervisor

Carinne Venn-Adams, Clerk