

# **ORDINANCE NO. 2023-01**

## **Town of Avon Rock County, Wisconsin**

### **“Town of Avon ATV/UTV Routes and Regulations”**

#### **SECTION 1 – TITLE & PURPOSE**

The title of this ordinance is the “Town of Avon ATV/UTV Routes and Regulations”. The purpose of this ordinance is to establish all-terrain vehicle and utility-terrain vehicle (“ATV”) routes in the Town of Avon (“Town”) and to regulate the operation of ATVs in the Town.

#### **SECTION 2 – STATUTORY AUTHORITY**

ATV routes are created pursuant to a town’s authority as authorized by s. 23.33(8)(b) and 23.33(11), Wis. Stats. The applicable provisions of s. 23.33 regulating ATV operation are adopted by reference.

#### **SECTION 3 – ADOPTION OF ORDINANCE**

This ordinance, adopted by a majority of the Town Board of the Town of Avon (Town Board) on a roll call vote with a quorum present and voting and proper notice having been given, provides the authority for the Town Board to designate its roads as an ATV route and regulate ATV operation on said roads.

#### **SECTION 4 – ROUTES**

- A. All Town roads are designated as an ATV route.
- B. The Town Board, by a majority vote, reserves the right at any time to close any portion of the route, or the route in its entirety, by amending or repealing this ordinance.

#### **SECTION 5 – CONDITIONS**

- A. Pursuant to s. 23.33, Wis. Stats., all regulations regarding ATV equipment, registration, rules of operation, intoxicated operation, noise limits, age restrictions and safety certificates are adopted by reference.
- B. The route shall not be open until all necessary signage is installed in compliance with s. 23.33(8)(e), NR 64.12(7), and the Wisconsin Manual of Uniform Traffic Control Devices (WMUTCD).
- C. The Town shall be responsible for the installation and maintenance of all route signage which shall maintain compliance with s. 23.33(8)(e), NR 64.12(7), and the Wisconsin Manual of Uniform Traffic Control Devices (WMUTCD).

## SECTION 6 – ENFORCEMENT

- A. Pursuant to s. 23.33(12)(a), Wis. Stats., an officer of the state traffic patrol under s. 110.07(1), inspector under s. 110.07(3), conservation warden appointed by the department (DNR) under s. 23.10, county sheriff, or municipal peace officer has the authority and jurisdiction to enforce this ordinance.
- B. Pursuant to s. 23.33(12)(b), Wis. Stats., no operator of an ATV may refuse to stop after being requested or signaled to do so by a law enforcement officer or a commission warden, as defined in s. 939.22 (5).
- C. Citations for ordinance violations may also be issued by the Town Constable as well as any member of the Town Board. The Town Board may also designate certain Town, Rock County, or other municipal officials, with their written approval, to issue citations.

## SECTION 7 – PENALTIES

The penalty provisions found in s. 23.33(13), Wis. Stats., are adopted by reference. Specific penalty amounts shall be identical to those outlined in the most current State of Wisconsin Uniform State Traffic Deposit Schedule.

## SECTION 8 – SEVERABILITY

The provisions of this ordinance shall be deemed severable. It is expressly declared that the Town 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 persons or circumstances shall not be deemed affected.

## SECTION 9 – EFFECTIVE DATE

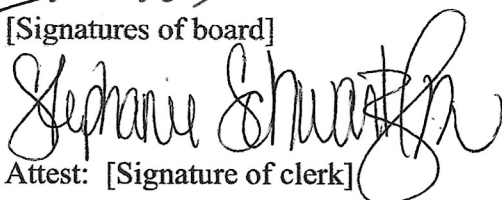
This ordinance is effective upon publication or posting. The Town Clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. Stats.

Additionally, pursuant to s. 23.33(11)(b), Wis. Stats., the Town Clerk shall immediately send a copy of the ordinance to the department (DNR), to the state traffic patrol, and to the office of any law enforcement agency of each county, town, city, or village having jurisdiction over any of the highways to which the ordinance applies.

Adopted this 7th day of February, 2023



[Signatures of board]



Attest: [Signature of clerk]