

ORDINANCE 2016-1

TOWN OF DANIELS ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTE ORDINANCE

SECTION I – TITLE AND PURPOSE

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

SECTION II – AUTHORITY

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

SECTION IV – OPERATION OF ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLES

Pursuant To s. 3.33(4)(d)4., Wis. Stats., except as otherwise provided in s. 23.33(4), Wis. Stats., no person may operate an ATV or 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 and 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 ALL TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLE ROUTES

The following routes are designated ATV/UTV routes in the town:

- A. Waldora Road – in its entirety.
- B. Elbow Lake Road – in its entirety.
- C. Wood Creek Road beginning at Elbow Lake Road, north to State Highway 70.

- D. Wood Creek Road continued to Daniels 70. Route continues north on Swenson Road, then easterly on Spangberg Road to Daniel Johnson Road, north 1-1/2 miles easterly on Daniel Johnson Road to the Town of Siren line at Fish Lake Road.
- E. Daniels 70 – in its entirety.
- F. No. Mudhen Lake Rd. from Shearman Rd. east to Old Highway 35.
- G. No. Mudhen Lake Dr. in its entirety.
- H. Camp Rd. in its entirety.
- I. Old Highway 35 from County Rd. N to the cutoff to Daniels 70.

SECTION VI – CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE 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 resolution:

- A. Routes shall be marked with uniform all-terrain vehicle route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking town all-terrain vehicle routes:
 - 1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-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.
 - 2. Possess any uniform all-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 vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign of 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. A copy of this ordinance shall be sent by the town clerk to the Burnett County Sheriff’s Department and the Wisconsin Department of Natural Resources.
- D. All ATV/UTV operators shall ride single file.
- E. All ATV/UV operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling.
- F. All ATV/UTV operators shall observe posted route speed limits.

SECTION VII- ENFORCEMENT

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

SECTION VIII – PENALTIES

The penalties under 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 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 is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

SECTION XI – PREVIOUS ORDINANCE RESCINDED

Upon the effective date of this Ordinance, any prior ordinances to regulate ATV routes including 1-2009 All-Terrain Vehicle Route Regulations and 2-2010 Amendment Ordinance to 1-2009 are hereby rescinded and replaced by this ordinance.

Adopted this _____ day of March, 2016.

By the Town Board:

Attested by Town Clerk:

Mike Huber, Chairman

Liz Simonsen

Denis Simonsen, Supervisor

Published: _____

Lonny Pearson, Supervisor

Posted: _____