

**TOWN OF DARIEN, WISCONSIN
AMEND ORDINANCE NO. 2021-4**

AN ORDINANCE DESIGNATING ALL-TERRAIN VEHICLE ROUTES

The Town Board of the Town of Darien, Wisconsin (the “Town”) hereby ordains as follows:

Section 1. Intent. The Town of Darien adopts the following all-terrain vehicle ordinance/route for the operation of all-terrain vehicles upon the roadways listed in Section 3. 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 2. Statutory Authority. This route is created pursuant to the Town of Darien's authority under Section 1.02 of the Town of Darien Ordinances and as authorized by Wis. Stat. § 23.33(8)(b).

Section 3. Routes. The following roads are designated as All -Terrain Vehicle Routes:

A. Roads that been properly posted within the town which are property of the town and maintained by town personnel.

Section 4. Operation of All-Terrain Vehicles

A. 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 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 5. Conditions. As a condition for the use of this route, the following conditions shall apply to all operators (and passengers where applicable):

A. Pursuant to § 22.22 (8)(d), Wis. Stat., the following restrictions are placed on the use the town all-terrain vehicle routes designated by this resolution.

B. Routes shall be marked with uniform all-terrain vehicle route signs in accordance with § Wis Stat 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 standers 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 or standard creates a rebuttable presumption of illegal possession.

C. Operation shall be subject to all provisions § 23.33, Wis stats., which is adopted as a part of this ordinance my reference, pursuant to § 23.33(11), Wis stats.

D. All ATV operators shall observe posted roadway speed limits.

E. All ATV operators shall ride single file.

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

Section 6. Enforcement. This Ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

Section 7. Penalties. Wisconsin state All-Terrain Vehicle penalties as found in Wis. Stat. § 23.33(13)(a), are adopted by reference.

Section 8. Severability. The provision of this Ordinance shall be deemed severable and it is expressly declared that the Town of Darien 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 circumstances shall not be deemed affected.

Section 9. Effective Date. That this Ordinance shall become effective upon adoption and publication or posting as provided by law.

Adopted by the Town Board of Darien, Wisconsin, this 1st. day of March, 2022.

TOWN OF DARIEN

By: _____
Cecil R. Logterman
Town Board Chairman

Attest: _____
Marilyn Larson
Town Board Clerk

Amend March 1, 2022