

TOWN OF BIG BEND
ORDINANCE NO. ~~02~~-1999

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An ordinance to regulate the usage of all-terrain vehicles, to designate all-terrain vehicle routes and trails, and to provide penalties for violation of the ordinance adopted in accordance with Section 23.33, Wisconsin Statutes.

(1) **Preamble.** It is the intent of this ordinance to create all-terrain vehicle routes for the convenience of Town residents and visitors to the Town of Big Bend and to regulate all-terrain vehicle operation in accordance with Wisconsin Statutes and Administrative Code provisions.

(2) **Authority.** The Town Board of the Town of Big Bend has the specific authority, powers, and duties pursuant to the statutory provisions noted in this ordinance under Sections 60.10 and 23.33, Wisconsin Statutes, to regulate, control, prevent and enforce against in the Town of Big Bend certain uses, activities, and operations by persons that may affect all-terrain use and traffic in the Town of Big Bend, and has the power to designate all-terrain routes and trails by Section 23.33, Wisconsin Statutes.

The provisions of this ordinance shall apply to all of the roadways in the Town of Big Bend, Rusk County, within the jurisdiction of the Town Board. The provisions of this ordinance shall be enforced by the Rusk County Sheriff's Department and such other officers as may be authorized by law.

(3) **State All-Terrain Vehicle Laws Adopted.** Except as specifically noted otherwise in this ordinance, Section 23.33, Wisconsin Statutes, describing and defining regulations with respect to all-terrain vehicles and all-terrain vehicle traffic for which the penalty is a forfeiture, including penalties to be imposed and procedures for prosecution, are hereby adopted and incorporated by reference by the Town of Big Bend and made a part of this ordinance as if fully set forth herein. Any future amendments, modifications, revisions, additions, or deletions of the above noted statutory chapter shall be incorporated herein and made a part of this ordinance in order to secure uniform State regulation of all-terrain use and traffic on the public highways, roads, all-terrain vehicle routes, all-terrain vehicle trails, streets, and alleys of the State of Wisconsin.

(4) **Applicability of Rules of the Road to All-Terrain Vehicles.** The operator of an all-terrain vehicle upon a roadway shall in addition to the provisions of Section 23.33, Wisconsin Statutes, be subject to Sections 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1) and (9), Wisconsin Statutes.

(5) **Speed Restriction.** The Town of Big Bend has specifically adopted the Wisconsin Statutes, including the provisions set forth at Section 23.33(3)(i), which indicates that no person may operate an all-terrain vehicle: (i) in a manner which violates rules promulgated by the Department. The Town of Big Bend specifically adopts Wisconsin Administrative Code Section NR64.07, as it may be amended from time to time, including the provisions of NR64.07(c), which provides that no person may operate an all-terrain vehicle: (c) at a rate that is unreasonable or improper under the circumstances.

The Town Board further finds and determines that the all-terrain vehicle routes and trails as adopted in this ordinance are unsuitable for travel of all-terrain vehicles at speeds in excess of 40 miles per hour.

(6) **Age Restrictions.** While the Town Board recognizes that restrictions with respect to operator's age in Wisconsin Statutes may not be varied by Town ordinance, the Town of Big Bend Town Board hereby determines and suggests to the public that Town all-terrain vehicle trails and all-terrain vehicle routes not be used by any individuals who do not hold a valid drivers license unless such persons are accompanied by a parent or adult person.

(7) **All-Terrain Vehicle Routes.**

(A) All Town roadways, subject to the jurisdiction of the Town of Big Bend are designated as all-terrain vehicle routes and are open to use when signed in accordance with Section 23.33, Wisconsin Statutes, and NR64.12, except such roadways as are exempted by Town Board Resolution, and which may be revised from time to time.

(8) **Penalties.**

(A) Forfeitures for violation of this ordinance as set forth in Section 23.33(13), Wisconsin Statutes, are adopted by reference, exclusive of any penalty for imprisonment.

(B) The State of Wisconsin Bond Schedule for the statutory counterparts are adopted herein, as it may be amended from time to time, is adopted as the Deposit Schedule for violations of this ordinance.

(C) Citation procedure as set forth in Section 23.53 and Section 23.54, Wisconsin Statutes, is adopted as the enforcement procedure for this ordinance as expressed in Section 23.53, Wisconsin Statutes.

(9) **Filing.** This ordinance and revisions thereof shall be filed with the Department of Natural Resources in the office of the law enforcement agency of this Township having jurisdiction over the streets and highways in accordance with

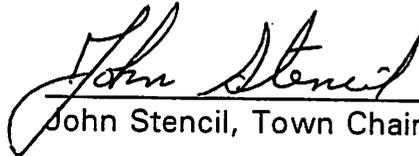
Section 22.23, Wisconsin Statutes.

(10) **Severability.** The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed 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 affected.

This ordinance shall effective upon passage and publication as provided by law.

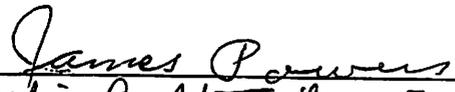
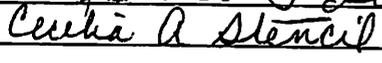
Dated at New Auburn Wisconsin this 3 day of Nov, 1999.

BY ORDER OF THE TOWN BOARD, TOWN OF
BIG BEND, RUSK COUNTY, WI.



John Stencil, Town Chairman

ATTEST:

Cecilia A. Stencil, Town Clerk

Adopted: 11/3/99

Published: _____