

# TOWN OF ALDEN

## Polk County, Wisconsin

### ORDINANCE NUMBER 24-2013

#### ALL-TERRAIN AND UTILITY TASK VEHICLE ROUTE ORDINANCE

##### SECTION 1 – TITLE AND PURPOSE

The title of this ordinance is the Town of Alden All-Terrain and Utility Task Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain and utility task vehicle routes in the town and to regulate the operation of all-terrain and utility task vehicles in the town.

##### SECTION II – AUTHORITY

The Town Board of the Town of Alden, Polk County, Wisconsin, has the specific authority to adopt this All-Terrain and Utility Task Vehicle Route Ordinance under Wisconsin Statutes 23.33 (8) (b) and (11).

##### SECTION III – ADOPTION OF ORDINANCE

The Town Board of the Town of Alden, Polk County, Wisconsin, by 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 all-terrain/utility task vehicle routes in the town and to regulate the use of those routes and all-terrain/utility task vehicles in the town.

##### SECTION IV – DESIGNATION OF ALL ALDEN TOWN ROADS (UNLESS OTHERWISE POSTED) OPEN TO ALL-TERRAIN/UTILITY TASK VEHICLES

##### SECTION V – OPERATION OF ALL-TERRAIN VEHICLES

Pursuant to Wisconsin Statutes 23.33 (4) (d) 4, except as otherwise provided in Wisconsin Statutes 23.33 (4), no person may operate an all-terrain / utility task vehicle on the roadway portion of any highway in the town except on roadways that are designated as all-terrain/utility task vehicle routes by this ordinance. Operation of all-terrain / utility task vehicles on a roadway in the town that is an all-terrain/utility task 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. Except on roadways that are designated as all-terrain/utility task vehicle routes and except for authorized maintenance vehicles and snowmobiles, it shall be unlawful to operate any all-terrain/utility task vehicle on any Town road, or on any public lands and private lands or parking lots held open to the public. The operator shall at all times have written consent of the landowner before operation of such craft or vehicle on private lands.

## **SECTION VI – CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE ROUTES**

Pursuant to Wisconsin Statutes 23.33 (8) (d), the following restrictions are placed on the use of the town all-terrain / utility task vehicle routes designated by this resolution:

1. Routes shall be marked by the Apple River Riders ATV Club with uniform all-terrain/utility task vehicle route signs in accordance with s. NR 64.12 (7), Wisconsin Administrative Code. Signage will be inspected and maintained annually by the Apple River Riders ATV Club. No person may do any of the following in regard to signs marking town all-terrain/utility task vehicle routes:
  - a. Intentionally remove, damage deface, move, or obstruct any uniform all-terrain/utility task vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain/utility task vehicle route or trail sign or standards if the sign or standard is legally placed by the state, any municipality or any authorized individual.
  - b. Possess any uniform all-terrain/utility task 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/utility task vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain/utility task vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
2. Operation shall be subject to all provisions of Wisconsin Statutes 23.33, which is adopted as a part of this ordinance by reference, pursuant to Wisconsin Statutes 23.33.
3. A copy of this ordinance and map shall be sent by the town clerk to the Polk county Sheriff's Department and the Department of Natural Resources.
4. Other conditions to apply to all operators (and passengers where applicable):
  - a. No person shall operate any all-terrain/utility task vehicle within the Town of Alden at a speed in excess of thirty five (35) miles per hour.
  - b. Must be at least 16 years of age and possess a driver's license or an ATV / UTV Safety Certificate.
  - c. All ATV / UTV operators shall ride single file and to the extreme right hand side of the road except when making a left hand turn.
  - d. Allowable hours of operation of designated ATV/UTV routes shall be from six (6:00) a.m. to ten (10:00) p.m.
  - e. All ATV / UTV operators shall remain on roadway surfaces.

## **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 Wisconsin Statutes 23.33 (13) (a) 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 the 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 upon publication or posting.

The town clerk shall properly publish or post this ordinance and attached map as required under s.60.80, Wis. Stats.

Adopted this 11<sup>th</sup> Day of May, 2017

Amended this 18<sup>th</sup> Day of May, 2017

By the Town Board of the Town of Alden

|                 |            |
|-----------------|------------|
| ROLL CALL VOTE: |            |
| <u>  5  </u>    | Ayes       |
| <u>  0  </u>    | Nays       |
| <u>  0  </u>    | Abstain    |
| <u>  0  </u>    | Not voting |

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Keith Karpenski, Chairman

**ATTEST:**

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Wanda Heffron, Clerk