

Ordinance 2008-4
Town of Ellsworth
Pierce County
All-Terrain Vehicle Route Ordinance
as adopted on April 14, 2008, amended on August 4, 2008 and
amended November 10, 2008

SECTION I - TITLE AND PURPOSE

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

SECTION II- AUTHORITY

The Town Board of the Town of Ellsworth, Pierce County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle Route Ordinance under WI Stats. 23.33 (8)(b) and (11).

SECTION III - ADOPTION OF ORDINANCE

The Town Board of the Town of Ellsworth, Pierce 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 vehicle routes in the town and to regulate the use of those routes and all-terrain vehicles in the town.

SECTION IV- OPERATION OF ALL-TERRAIN VEHICLES

Pursuant to WI Stats. 23.33 (4)(d)(4), except as otherwise provided in WI Stats. 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. On paved roadways all-terrain vehicles must be operated on the paved portion of the roadway and not on the gravel shoulder.

SECTION V - DESIGNATION OF ALL-TERRAIN VEHICLE ROUTES

All town roads in the Town of Ellsworth shall be designated ATV routes in the Town of Ellsworth and shall be identified as such per Section VI, A. However, the majority of property owners on a "Dead End" road may petition the board to close their "Dead End" road to ATV travel and the board will consider their request.

SECTION VI - CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE ROUTES

Pursuant to WI Stats. 23.33 (8)(d), the following restrictions are placed on the use of the town all-terrain vehicle routes designated by this ordinance:

- 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 or standard creates a rebuttable presumption of illegal possession.
- B. Operation shall be subject to all provisions of WI Stats. 23.33, which is adopted as a part of this ordinance by reference, pursuant to WI Stats. 23.33 (11).
- C. A copy of this ordinance shall be sent by the town clerk to the Pierce County Sheriffs Department and DNR.
- D. In addition to the provisions of WI Stats. 23.33, the following restrictions are placed on the use of the town all-terrain vehicle routes designated by this ordinance:
 1. All ATV operators shall observe a speed limit of 40-mph or the posted route speed limit,

whichever is lower.

2. All ATV operators shall ride single file.
3. The allowed hours of operation shall be from 6:00a.m. to 8:00p.m. during Daylight Saving Time and from 6:00a.m. to 7:00p.m. during Standard Time.
4. ATV operators born on or after January 1, 1988 shall possess a valid state- issued ATV Safety Certification.
5. ATV operators ages 12 to 15 must be under the direct supervision of a parent or legal guardian at all times when operating on a designated all-terrain vehicle route.

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 WI Stats 23.33(13)(a), are adopted by reference.

SECTION IX - SEVERABILITY

If any section, subsection, sentence, clause, phrase or word of this Ordinance or its application to any person or circumstance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.

SECTION X- EFFECTIVE DATE

This ordinance is effective on publication or posting, for a probationary period of two years after effective date. The town clerk shall properly publish this ordinance as required under WI Stats 60.80.

Ordinance originally adopted the 14th day of April, 2008.

Published: May 7, 2008

Ordinance amended August 4, 2008 to include all town roads in the Town of Ellsworth as designated ATV routes except those posted as "Dead End" roads AND Section VI, D4 amended to read: ATV operators born on or after January 1, 1988 shall possess a valid state-issued ATV Safety Certification. Notice of Amended ATV Ordinance published in the August 13, 2008 issue of the Pierce County Herald and effective upon publication. Amended ATV Ordinance posted in three places and on town web site August 8, 2008.

Ordinance amended November 10, 2008 to include all town roads in the Town of Ellsworth as designated ATV routes. However, the majority of property owners along a "Dead End" road may petition the board to close their "Dead End" road to ATV travel and the board will consider their request. Notice of Amended ATV Ordinance published in the November 26, 2008 issue of the Pierce County Herald and effective upon publication. Amended ATV Ordinance posted in three places and on town web site November 19, 2008.

Barry J Foy, Town Chair

Phyllis J Beastrom, Clerk