

## **ORDINANCE NO O-01-2013**

### **AMENDED JULY 2019, AMENDED SEPTEMBER 2020 ORDINANCE ESTABLISHING DESIGNATION AND REGULATION OF ALL-TERRAIN VEHICLE ROUTES TOWN OF SHERMAN, DUNN COUNTY, WISCONSIN**

#### **SECTION 1 TITLE AND PURPOSE**

The title of this ordinance is the Town of Sherman Designation and Regulation of All-Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle routes in the town and to regulate the operation of all-terrain vehicles in the town. The Town of Sherman adopts the following all-terrain vehicle route for the operation of the ATV/UTV's upon the Town roads listed. Following due consideration of the recreational value to connect trail opportunities and weighed against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, these routes have been created.

#### **SECTION 2 AUTHORITY**

The Town Board of the Town of Sherman, Dunn County, Wisconsin has the specific authority to adopt this All-Terrain Vehicle Route Ordinance under s. 23.33 (8)(b) and (11) Wisconsin Statutes and the provisions of Wisconsin Administrative Code NR 64 regulating ATV operations.

#### **SECTION 3 ADOPTION OF ORDINANCE**

The Town Board of the Town of Sherman, Dunn County, Wisconsin, by this ordinance, adopted on proper notice with a quorum and roll call vote by a majority vote of the Town Board present and voting, provided 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 4 OPERATION OF ALL-TERRAIN VEHICLES**

Pursuant to s. 23.33 (4)(d) 4, Wisconsin Statutes, except as otherwise provided in s. 23.22 (4) Wisconsin Statutes, 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 roadway all-terrain vehicles must be operated on the paved portion of the roadway and not on the gravel shoulder.

## **SECTION 5 DESIGNATION OF ALL-TERRAIN VEHICLE ROUTES**

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

All Town of Sherman Roads

## **SECTION 6 ANNUAL REVIEW OF ATV/UTV ROUTES**

All ATV/UTV routes established pursuant to this ordinance shall be reviewed annually by the Town of Sherman Board or a designated member of the Board to consider the continued value, efficacy or need for the ATV/UTV routes or the inclusion of additional ATV/UTV routes, all pursuant to the intent of this ordinance.

## **SECTION 7 CONDITIONS TO ALL-TERRAIN VEHICLE ROUTES**

Pursuant to s. 23.33 (8)(d), Wisconsin Statutes, 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 Administration Code by the appropriate party or ATV Club requesting the designation of the route at the expense of the requesting party. No person may do any of the following in regard to signs marking all-terrain vehicle routes.
  1. Intentionally remove, damage, deface, move or obstruct any uniform all-terrain all-vehicle route or trail sign or standard or intentionally interfere with the effective operation of a uniform all-terrain vehicle route or trail or standards if the sign or standard is legally place by the state, any municipality or any authorized individual.
  2. Possess any uniform all-terrain vehicle route or trail sign or standard of the types established by the department for 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 of trail sign or standard creates a rebuttable presumption of illegal possession.
- B. Abnormal damages that occur to the roadway and are determined to be caused by the use and operation of the designated all-terrain route shall be repaired by the Town of Sherman and all expenses associated with the repair shall be billed to the party or ATV/UTV club requesting the route.

- C. Operation shall be subject to all provisions of s. 23.33, Wisconsin Statutes, which is adopted as part of this ordinance by reference, pursuant to s. 23.33 (11), Wisconsin Statutes.
- D. A copy of this ordinance shall be sent by the town clerk to the Dunn County Sheriff's Department.
- E. In addition to the provisions of s. 23.33, Wisconsin Statutes, the following restrictions are placed on the use of the town all-terrain vehicle routes designated by this ordinance.
- All ATV/UTV operators shall observe the posted roadway speed.
  - All ATV/UTV operators shall ride single file.
  - Anyone under the age of twelve (12) cannot operate an ATV/UTV on a road or route under any circumstances.
  - Anyone born after January 1, 1989 cannot operate an ATV/UTV on a roadway without a safety certification.
  - All ATV/UTV operators and passengers under the age of 18 must wear a helmet.
  - Lights must be on at all times.
  - All designated All-Terrain routes will be open 24 hours per day.
  - All designated All-Terrain routes will be open all year round.

## **SECTION 8 OPERATION OF UTILITY TERRAIN VEHICLES**

Pursuant to s. 23.33(11p)(d), Wisconsin Statutes, this ordinance shall apply to the operation of a utility terrain vehicle (UTV). Any route designated above in Section 5 shall be designated for the operation of a utility terrain vehicle.

## **SECTION 9 ENFORCEMENT**

Any law enforcement officer authorized to enforce the laws of the State of Wisconsin may enforce this ordinance.

## **SECTION 10 PENALTIES**

The penalties under s. 23.33 (13)(a), Wisconsin Statutes are adopted by reference.

## **SECTION 11 SEVERABILITY**

The provisions of this ordinance shall be deemed severable and it is expressly declared the Town of Sherman would have passed the 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 person's circumstances shall not be deemed affected.

## SECTION 12 EFFECTIVE DATE

This ordinance shall take effect upon publication, posting and when all-terrain vehicle route signs are posted by the local ATV clubs and goes for a probationary period from July 1, 2013 through July 1, 2014, but can be discontinued at any time by the decision of the Sherman Town Board.

The town clerk shall properly post and publish notice this ordinance as required under s. 60.80, Wisconsin Statutes.

Adopted this 1st day of July, 2013

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Daniel J. Fedderly, Chairman

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Charles Maves, Supervisor 1


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David Fruit, Supervisor 2


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Paul Wathke, Supervisor 3

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Kevin Bird, Supervisor 4

Attest: \_\_\_\_\_  
Julie A. Wathke, Clerk/Treasurer

Amended this 16<sup>th</sup> Day of September, 2020

  
Chase Potter, Chairman

  
Paul Heifner, Supervisor 1

  
Amanda Klöstermann, Supervisor 2

  
Lynn Smith, Supervisor 3

Kelley Krause, Supervisor 4

Attest:   
Ashley Scott, Clerk/Treasurer