

ATV/UTV Ordinance for Town of Stark

Ordinance Number 1-2017

Town of Stark (COUNTY OF VERNON, STATE OF WISCONSIN)

ALL-TERRAIN AND/OR UTILITY-TERRAIN VEHICLES (ATVs/UTVs)

ROUTES AND REGULATIONS FOR OPERATION ORDINANCE

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1. Title and Purpose

This ordinance is entitled the "Town of Stark All-Terrain Vehicle/Utility-Terrain Vehicle (ATV/UTV) Route and Regulation Ordinance."

The purpose of the ordinance is to establish all-terrain/utility-terrain vehicle routes in the Town and to regulate the operation of all-terrain vehicles (ATV) and utility terrain vehicles (UTV) in the Town.

2. Authority

The Town Board of the Town of Stark, Vernon County, State of Wisconsin, adopts this ordinance by authority of Wis. Stats. §23.33.

3. Operation

Pursuant to Wis. Stats. §23.33 (4) (d) 4, except as otherwise provided in Wis. Stats. §23.33 (4), no person may operate an ATV [defined in § 340.01 (2g)] and or UTV [defined in § 23.33 (1) (ng) 1] on the roadway portion of any Town of Stark highway except portions designated as ATV/UTV routes under this ordinance. Operation of ATVs/UTVs on Town of Stark highways that are designated as ATV/UTV routes is authorized only for the extreme right side of the roadway, not the shoulders, not ditches, except that left turns may be made from any part of the roadway that is safe given prevailing conditions.

4. Routes

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

All Town roads in the Town of Stark

5. Requirements and Conditions

Pursuant to Wis. Stats. § 23.33 (8), the following requirements and conditions are placed upon all operators and passengers for the use of ATV/UTV routes within the Town of Stark

- A. The Town of Stark, Vernon County, State of Wisconsin hereby adopts applicable provisions of Wis. Stats. § 23.33 regulating ATV/UTV operations, pursuant to Wis. Stats. § 23.33 (11).
- B. Routes shall be marked with uniform all-terrain vehicle route signs. No person may do any of the following:
 - a. Intentionally remove, damage, deface, move, alter or obstruct any uniform ATV/UTV route sign or standard if it is legally placed by the state, any county or municipality, Town of Stark or any unauthorized individual.
 - b. Possess any uniform ATV/UTV route sign or standard of the type established by the state, county, any municipality or Town of Stark for the warning, instruction or notice of the public, unless he or she obtained the uniform ATV/UTV route sign or standard in a lawful manner. Possession of a uniform ATV/UTV route sign or standard creates a rebuttable presumption of illegal possession.
- C. The Town of Stark reserves the right to limit, close, open, designate, or terminate the use of any or all ATV/UTV routes within the town.
- D. In addition to the provisions of Wis. Stats. § 23.33, the following restrictions are in place for operators and passengers on town ATV/UTV routes.
 - a. Operators must recognize it is a privilege to use ATV/UTV routes and be aware of the potential intrusion to the peace and quiet they may impose upon the town's rural life style.
 - b. All ATV/UTV operators shall observe a speed limit of not more than 35 MPH or the posted roadway speed limit, whichever is lower.
 - i. Operators shall further drive at speeds that are reasonable and prudent for all prevailing roadway conditions present.
 - ii. Operators shall not drive carelessly or recklessly in any manner likely to result in property damage, injury or endanger the safety of any property, thing or person.
 - c. All ATV/UTV operators and occupants shall obey all regulatory signs, including stop signs, yield signs, speed limit signs, etc.
 - d. All ATV/UTV operators and occupants shall use occupant restraint devices, including seat belts.
 - e. All ATV/UTV operators shall ride single file on the right-hand side and must slow to 10 MPH or less whenever operating within 150 feet of any dwelling
 - f. Allowed hours of operation shall be 45 minutes before sunrise and 45 minutes after sundown.
 - g. Access to routes shall only be by roadway intersections or at established driveways.
 - h. ATV/UTV operators and occupants under 18 year of age shall wear DOT approved helmets.
 - i. Vehicle head, tail and side lights must be illuminated at all times.
 - j. Vehicle exhaust muffling systems with spark arrestor must be fully functioning at all times.
 - k. Operators must be at least 16 years of age with a valid driver's license.

- l. Operators shall have proof of liability insurance and produce it upon demand of any law enforcement officer.
- m. Operators shall yield the right-of-way to other vehicular traffic, horse and pedestrian activity.
- n. Parking is prohibited on town roads.

6. Definitions

For the purpose of this ordinance the following definitions shall be used:

- a. All-terrain Vehicle Route - means a roadway designated for use by all-terrain vehicle operator and occupants by the Town of Stark.
- b. All-terrain Vehicle Trail – a marked corridor on public property or on private lands subject to public easement or lease designated for use by all-terrain vehicle operators by the government agency having jurisdiction, and excluding roadways of highways.
- c. Dwelling – A structure or building dedicated to human occupancy
- d. Highway – The entire width between the boundaries of every way open to use by the public for vehicular travel [defined in Wis. Stat. § 340.01 (22)]. See also subsection G.
- e. Established Driveway- The portion of an improved driveway that passes through the public right-of-way to the town roadway.
- f. Roadway – The portion of the highway improved, designed or ordinarily used for vehicular travel. [defined in Wis. Stat. § 340.01 (54)]
- g. Town Road Right-of-Way – Town roads in the Town of Stark are presumed to be four rods in width.

7. Enforcement

This ordinance shall be enforced by any law enforcement officer authorized to enforce laws of the State of Wisconsin.

8. Penalties

The penalties in Wis. Stat. § 23.33 (13) (a) are hereby adopted by reference.

9. Severability

In any portion or provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

10. Effective Date

This ordinance shall take effect after posting as required by law and signage by the town.

Copies of this ordinance shall be sent to the Wisconsin Department of Transportation, the Vernon County Sheriff's Office, the Vernon County Highway Commission and the Wisconsin Department of Natural Resources. This ordinance will be posted by the Town Clerk located at the Town Hall, S3802 Corps Rd, La Farge, WI 54639.

Adopted: March 28, 2017