**Ordinance 1-2019**

**(Replacing Ordinance 1-2018)**

**All Terrain Vehicle and Utility Terrain Vehicle Route**

THE TOWN BOARD OF THE TOWN OF STANFOLD, BARRON COUNTY, DOES HEREBY ORDAIN AS FOLLOWS:

That the following Ordinance be adapted:

**Section 1:** **Title and Purpose**

The title of the ordinance is the Town of Stanfold, Barron County, Wisconsin, All-Terrain Vehicle and Utility Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish a All-Terrain Vehicle and Utility Terrain Vehicle route in the Town and to regulate the operation of All-Terrain Vehicles and Utility Terrain Vehicles in the Town.

**Section 2:**  **Authority**

The Town Board of the Town of Stanfold, Barron County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle and Utility Terrain Vehicle Ordinance under SS23.33(8)(b) and (11) and 60.10(2)(c) Wis. Stats.

**Section 3: Operation of All-Terrain Vehicles and Utility Terrain Vehicles**

Pursuant to SS23.33(4)(d)4 Wis. Stats., except as otherwise provided in SS23.33(4) Wis. Stats., no person may operate an All-Terrain Vehicle or Utility Terrain Vehicle on the roadway portion of any highway in the Town except on the roadway that is designated as the All-Terrain Vehicle and Utility Terrain Vehicle route by this ordinance. Operation of All-Terrain and Utility Terrain Vehicles on a roadway in the Town that is an All-Terrain Vehicle and Utility 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.

**Section 4: Designation of All-Terrain Vehicle and Utility Terrain Vehicle Route**

The following route is designated as the All-Terrain Vehicle and Utility Terrain Vehicle route in the Town: ***18th Street, from 18th Avenue to 23rd Avenue. The one mile of 18th St. from 23rd Ave to 24th Ave belongs to the Town of Rice Lake . 18th Street is the only road in the township that is open to ATV/UTV use.***

The Town Board reserves the right to modify the designation of routes, from time to time, by amending this ordinance. Prior to amending the ordinance in this manner, the Town Board shall hold a public hearing as to proposed route changes.

**Section 5: Procedures for Deleting Town Highways as Routes**

Town highway and highway segments may be deleted as All-Terrain Vehicle and Utility Vehicle routes through the following process:

1. A property owner or resident within the Town must petition the Town to delete a highway or highway segment. Petitioners must obtain petition forms from the Town Clerk. The petitioner must secure a majority of signatures of all the property owners/residents on the highways.
2. The Town Board shall, within 30 days of receipt of the petition, review the petition and make a determination as to whether the highway or highway segment in question is appropriate for use as permitted under this ordinance.
3. The Town Board shall hold a public hearing on the petition. This public hearing shall be held in conjunction with a regularly scheduled Town Board Meeting. The testimony at the public hearing shall be considered before route changes are adopted. The Board shall make reasonable efforts to ensure residents on affected highways are given notice of the public hearing.
4. Following the public hearing the Town Board shall discuss the proposed change, but it shall not modify routes until matter is brought up for consideration at the next regularly scheduled meeting of the Board.

**Section 6: Conditions Applicable to All-Terrain and Utility Terrain Vehicle Routes**

Pursuant to SS23.33(8)(d), Wis. Stats., the following restrictions are placed on the use of the Town All-Terrain Vehicle and Utility Terrain Vehicle route designated by this resolution:

1. Routes shall be marked with uniform All-Terrain Vehicle and Utility Terrain Vehicle routes signs in accordance with Sec. NR 64.12(7), Wis. Adm. Code. No person may do any of the following in regard to signs making Town All-Terrain Vehicle and Utility Terrain Vehicle routes:
2. Intentionally remove, damage, deface, move or obstruct any uniform All-Terrain Vehicle and Utility Terrain Vehicle route or trail sign or standard or intentionally interfere with effective operation of any uniform All-Terrain Vehicle and Utility 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.
3. Possess any uniform All-Terrain Vehicle and Utility 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 and Utility Terrain Vehicle route or trail sign or standard in a lawful manner. Possession of a uniform All-Terrain Vehicle and Utility Terrain Vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
4. Operation shall be subject to all provisions of SS23.33, Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to SS23.33(11), Wis. Stats.
5. A copy of this ordinance shall be sent by the Town Clerk to the Department of Natural Resources and the Barron County Sheriff’s Department.
6. Additional restrictions:
7. All All-Terrain Vehicle and Utility Terrain Vehicle operators shall proceed single file.
8. All All-Terrain and Utility Terrain Vehicles shall travel at a speed of 45 mph on this designated route.

**Section 7: Age Restrictions; Certification**

No person shall operate either an ATV/UTV on the designated route, 18th Street in the Town of Stanfold, who fails to meet all the following conditions:

1. Each operator shall hold a valid driver’s license.
2. Each operator shall hold a valid safety certificate as defined in SS23.33(5)(b) Wis. Stats.

**Section 8: Signing of ATV/UTV Designated Route**

It shall be the responsibility of the Rice Lake Snow & Dirt Club to place, maintain, and repair appropriate signs marking and regulating use of the designated routes. Signs shall be installed that meet the criteria of Wis. Adm. Code Ch. SSNR64.12(7). Although in accord with SS NR 64.12(7)(d) the Town is responsible for signing designated routes, the Rice Lake Snow & Dirt Club shall indemnify and all required or recommended signs under SSNR 64.12(7) and to this extent shall be solely responsible for placing, replacing, repairing, and restoring any damaged, defective, stolen or missing signs. To this extent, but subject to approval of the Town Highway Supervisor, Brent Knutson, is permitted to place ATV/UTV signs on designated routes in the Town.

**Section 9: Enforcement**

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

**Section 10: Applicability of SS 23.33 Wis. Stats.**

The use of the designated routes in the Town and operation of ATVs/UTVs upon said route shall be subject to compliance with all provisions of SS 23.33 Wis. Stats., not expressly altered by this ordinance.

**Section 11: Penalties**

State forfeitures as established at SS23.33(13)(a) Wis. Stats., are adopted herein by reference.

**Section 12: Severability**

The provision of the ordinance shall be deemed severable. 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 13: Definitions**

“All-Terrain Vehicles”, aka “ATV” has the meaning set forth in SS23.33(1)(b) Wis. Stats., which incorporates the definition at SS340.01(2g) Wis. Stats.

“Designated Route” means a Town highway authorized for use by ATVs/UTVs under Section 4.a., above

“Operator” has the same meaning as is set forth in SS23.33(1)(iw) Wis. Stats., and shall further be defined as meaning a person who “operates” an ATV/UTV as the term “operate” is defined at SS23.33(1)(ir) Wis. Stats.

“Roadway” means the traveled portion of any Town highway

“Town Board” means the Town Board of the Town of Stanfold

“Town Clerk” means the Clerk of the Town of Stanfold

“Town Highway” means all public ways and throughout fares approved by the Town of Stanfold

“Utility Terrain Vehicle” aka “UTV” has the meaning set forth at SS23.33(1)(ng) Wis. Stats.

**Section 14: Effective Date**

This ordinance becomes effective upon adoption and publication as required by law.

Dated this 14th day of July, 2020

**Town of Stanfold Board**

**Chairman: Charles Nelson**

**Supervisor: Brent Knutson**

**Supervisor: John Nelsen**

ATTESTED:

By: Kristen Foust, Town Clerk

Approved: July 14, 2020 Board Meeting

Published: Stanfold.org website, posted at Town Hall and Clerks Home

Adopted: August 4th, 2020