ORDINANCE DESIGNATING ALL-TERRAIN / UTILITY-TERRAIN VEHICLE ROUTES AND REGULATING THE OPERATION OF ALL-TERRAIN / UTILITY-TERRAIN VEHICLES

STATE OF WISCONSIN
Town of Lincoln
Wood County

SECTION I – INTENT

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

SECTION II – AUTHORITY

The Town Board of the Town of Lincoln, Wood County, Wisconsin, has the specific authority to adopt this All-Terrain / Utility-Terrain Vehicle Route Ordinance under s. 23.33 (8) (b) and (11), Wis. Stats.

SECTION III – ADOPTION OF ORDINANCE

The Town Board of the Town of Lincoln, Wood 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 of the town to designate ATV/UTV routes in the town and to regulate the use of those routes and ATVs/UTVs in the town.

The Town of Lincoln shall retain the right to close any town road to ATV/UTV operation for special events, unlawful use, and road construction/repair without advanced notice.

SECTION IV – OPERATION OF ALL-TERRAIN VEHICLES

Pursuant to s. 23.33 (4) (d) 4., Wis. Stats., except as otherwise provided in s. 23.33 (4), Wis. Stats., no person may operate an ATV or UTV on the roadway or shoulder of any highway in the town except on roadways that are designated as ATV/UTV routes by this ordinance. Operation of ATVs/UTVs on a roadway in the town that is an ATV/UTV 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 V – DESIGNATION OF ALL-TERRRAIN VEHICLE ROUTES

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

A. All Town roads once they are properly signed with appropriate signage.

SECTION VI – CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE ROUTES

Pursuant to s. 23.33 (8) (d), Wis, stats., the following restrictions are placed on the use of the town ATV/UTV routes designated by this resolution:

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 ATV/UTV 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 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 s. 23.33, Wis. Stats., which is adopted as a part of this ordnance by reference, pursuant to s. 23.33 (11), Wis. Stats.

C. A copy of this ordinance shall be sent by the town clerk to the DNR, the State Patrol, and the Wood County Sheriff's Department.

D. All ATV/UTV operators shall observe posted roadway speed limits. All ATV/UTV operators shall ride single file on the far-right lane of travel. All ATV/UTV operators shall slow the vehicle to 10-mph or less when operating within 150 feet of a dwelling.

E. The routes shall be open year-round.

The Town Board reserves the right to rescind this ordinance at any time at its discretion.

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 in s. 23.33 (13) (a), Wis. Stats., 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 application 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.

SECTION X – EFFECTIVE DATE

This ordinance is effective on publication or posting. The designated ATV/UTV routes shall be reviewed by the Town Board at their discretion.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

Amended/Adopted this 14th day of June 2022.

By the Town Board of the Town of Lincoln, Wood County:

_____

Town Chairperson, David Rogers

Attested by:

_____

Town Clerk, Kathleen Altmann-Drinka

Note: *Information on all-terrain vehicles generally, including registration requirements and applications, can be accessed on the Department of Natural Resources web site at the following address:*

https://dnr.wisconsin.gov/topic/atv