

TOWN OF SENECA

All-Terrain Vehicle (ATV) and Utility Task Vehicle (UTV) Routes Ordinance 2018-1

STATE OF WISCONSIN
TOWN OF SENECA
WOOD COUNTY

SECTION I – TITLE AND PURPOSE

The title of this ordinance is All-Terrain Vehicle (ATV) and Utility Task Vehicle (UTV) Routes Ordinance 2018-1. The purpose of this ordinance is to establish an ATV and UTV routes in the town and to regulate the operation of ATV/UTVs in the town.

SECTION II – AUTHORITY

The Town Board of the Town of Seneca, Wood County, Wisconsin, has the specific authority to adopt this ATV and UTV Route Ordinance under s. 23.33 (8)(b) and (11), Wis. Stats. The Town of Seneca will retain the right to close any Town road to ATV/UTV operation for any reason, including but not limited to special events unlawful use, and road construction repair. Said closures of Town roads to ATV/UTV operation may occur without notice. The Town of Seneca accepts no liability for the operation of ATV/UTV on any town road under the provisions of this ordinance. Operation of ATV/UTVs is at the operators own risk. UTV/ATVs that operate on the aforementioned routes shall abide by all state laws regulating ATV/UTV operation.

SECTION III – ADOPTION OF ORDINANCE

The Town Board of the Town of Seneca, 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 for the town to designate ATV/UTV vehicle routes in the town and to regulate the use of those routes and ATV/UTVs in the town.

SECTION IV – Designation of ATV/UTVs Routes

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/UTV on the roadway portion of any highway in the town except on roadways that are designated as ATV/UTV routes by this ordinance. Operation of ATV/UTVs on a roadway in the town that is 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.

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

- All town roads that are designated with appropriate signage

Routes shall be marked with uniform ATV/UTV route signs in accordance with s. NR 64.12 (7), Wisconsin Administrative Code.

SECTION V – Operation of ATV/UTVs

Operation of ATV/UTVs on a road in the Town that is a designated route is subject to the following rules of operation in accordance to all rules promulgated under Wis. Stat. 23.33 (3):

- i. All ATV/UTV operators shall observe posted roadway speed limits.
- ii. All ATV/UTV operators shall ride single-file.
- iii. All ATV/UTV operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling.
- iv. All ATV/UTV operators shall travel only on 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 VI – CONDITIONS APPLICABLE TO ATV/UTV 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. ATV/UTV Signs will be purchased and maintained by the local ATV/UTV club.
- B. 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 ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV 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 ATV/UTV 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 ATV/UTV route or trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession
- C. The ATV/UTV route sign shall have a reflectorized white symbol, border, message on a reflectorized green background.
 - a. The standard and minimum size of this sign shall be 24"x18".
 - b. The sign including the stylized ATV/UTV symbol and the word message "ATV/UTV Route" shall conform to the standard design on file in the Department of Transportation.
 - c. The directional arrow marker (M7 series) shall have a reflectorized white arrow and border on a reflectorized green background. The standard and minimum size of a directional arrow shall be 12"x9".
- D. An ATV/UTV route sign with directional arrow, where appropriate, shall be placed at the beginning of an ATV/UTV route and at such locations and intervals as necessary to enable ATV/UTV to follow the route.
 - . Approximate number of route signs needed: 74
 - a. Approximate number of directional signs: As needed to show routes
 - b. Approximate number of "Closed to ATV/UTV" travel signs: 1
- E. All signs shall be erected six feet from the driven portion of roadway to the edge of sign. Signs shall also be placed approximately 200' from intersection as to not cause obstructed view of oncoming traffic.
- F. No person may do any of the following in regard to signs marking town ATV/UTV routes:
 - . Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
 - a. Possess any uniform ATV/UTV 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 ATV/UTV route or trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.
- G. Operation shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33(11), Wis. Stats.
- H. A copy of this ordinance shall be sent by the town clerk to the Wood County Sheriff's Department.

Following list of rules:

- a. All ATV/UTV operators shall observe posted roadway speed limits .
- b. All ATV/UTV operators shall ride single file in the lane of travel.
- c. All ATV/UTV operators shall **not** ride in the ditch or town right-of-ways.
- d. All ATV/UTV operators shall **not** deviate from the designated routes, unless entering or exiting from their own private property.
- e. All ATV/UTVs shall have working head lights, tail lights and brake lights.
- f. All ATV/UTV operators shall use hand signals if their machines are not equipped with turn signals.
- g. **Failure to observe the guidelines set forth by this ordinance may cause the town board to terminate this ordinance.**

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 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.

SECTION X – EFFECTIVE DATE

This ordinance is effective on publication or posting.

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

Adopted this ____ day of _____, 2018.

Town of Seneca Chairman

James Schuerman

Town of Seneca Supervisors

Ron Swensen

Gary Krause

Attested by Town of Seneca Clerk

Jackie Kitowski

A signed copy shall be sent to the Wood County Sheriff's Department and the Wood County Parks Department for distribution to appropriate departments.