

ORDINANCE 2018-3

**TOWN OF WEST SWEDEN
POLK COUNTY, WISCONSIN**

ALL TERRIAN/UTILITY VEHICLE ROUTE ORDINANCE

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of West Sweden All-Terrain Vehicle and Utility Terrain Vehicles, hereafter referred to ATVs and UTVs, Route Ordinance. The purpose of this ordinance is to establish ATV and UTV routes in the town and to regulate the operation of ATVs and UTVs in the town.

SECTION II – AUTHORITY

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

SECTION III – ADOPTION OF ORDINANCE

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 and UTV routes in the town and to regulate the use of those routes and ATVs and UTVs in the town.

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 portion of any highway in the town except on roadways that are designated as ATV and/or UTV routes by this ordinance. Operation of ATVs or UTVs on a roadway in the town that is an ATV and/or 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-TERRAIN VEHICLE ROUTES

All Town Roads are designated all terrain and utility terrain vehicle routes in the town unless specifically signed for not ATV/UTV.

SECTION VI – CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE and UTILITY 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 ATV 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 routes:

1. Intentionally remove, damage, deface, move, or obstruct any uniform ATV route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV 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 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 ATV route or trail sign or standard in a lawful manner. Possession of a uniform ATV 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 ordinance 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 Polk County Sheriff's Department and the department of natural resources.

D. Additional restrictions and applicable time periods, if any:

- All ATV operators shall observe 25 mile per hour speed limit.
- All ATV and UTV operators shall ride single file.
- All ATV and UTV operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling.

- All ATV and UTV operators must have a valid driver's license to operate on any ATV or UTV route.
- All ATV and UTV operators must have current registration and proof of insurance
- All ATV and UTV operators shall yield to the right-of-way to other vehicular traffic and pedestrians.
- Allowable hours of operation for ATV and UTV route are 7am – 10pm.

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

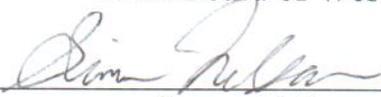
This ordinance is effective on passage and publications.
The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats.

SECTION X1- PREVIOUS ORDINANCE RESCINDED

Upon the effective date of this Ordinance, any prior ordinances to regulate ATV/UTV routes in the Town of West Sweden are hereby rescinded and replaced by this ordinance dated October 16, 2018.

Adopted this 16th day of October, 2018.

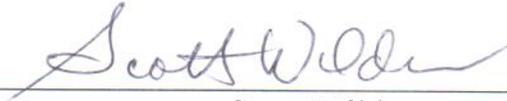
Town Board of West Sweden



Simon Nelson, chairman



Glenn Meier, supervisor



Scott Wilder, supervisor

Attest:



Phyllis Wilder, Municipal Clerk

2-20-18 First Revision, Section X of Original Ordinance adopted January 2013
10-16-18 Second Revision, Section V & adding Section XI of Ordinance 2018-1