ORDINANCE No. 18-02-08

An Ordinance for the Adoption of
ATV (All Terrain Vehicle) / UTV (Utility Terrain Vehicle)
Routes on the Town of Dayton Roads

The Town Board of the Town of Dayton, Waupaca County Wisconsin do ordain as follows:
SECTION 1: The purpose of this ordinance is to establish ATV/UTV routes in the Town of Dayton and to regulate the operation of all ATV/UTV vehicles in the town.

Section 2: Authority: Pursuant to Section 23.33(8)(b) and(11)(am) of the Wisconsin Statutes, the Town Board of the Town of Dayton, Waupaca County, Wisconsin has the authority to prepare and adopt an ordinance that is in strict conformity with this section and rules promulgated by the department under this section if the ordinance encompasses all aspects encompassed by this section, except as provided in subds.2.and 3.

Section 3. Adoption: This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides the Town of Dayton the authority to designate all township roads as ATV/UTV routes and provides for the regulation of the use of those routes and of all ATV/UTV vehicles in the town. The Town of Dayton reserves the right to close or modify routes at any time. Closures will be posted on the Town of Dayton website www.Dayton-waupaca.com

Section 4. Operation of ATV/UTV vehicles: Pursuant to s.23.33(4)(d)4 Wis Stats except as otherwise provided in 23.33(4) Wis Stats., no person may operate an ATV/UTV vehicle 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/UTV vehicles on a roadway in the town that is an ATV/UTV route authorized only for the extreme right of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.

Section 5: Designation of ATV/UTV vehicle routes: All township roads are designated as ATV/UTV routes. The Town of Dayton or its designee shall maintain all signage in accordance with NR 64.12 and NR 64.12(7)(c) within the township. All county roadways located in the township are hereby declared as ATV/UTV routes as authorized by Waupaca County.

Section 6. Cooperation with Waupaca County : The Town of Dayton hereby adopts the Waupaca County amendment to Chapter 7 Traffic Code 7.14 ATV/UTV Trails and Routes as approved at the Waupaca County Board June 19, 2018 meeting. Crossing State Hwy 22 in a straight crossover.

Section 7. Conditions: Pursuant to s. 23.33(8)(d) Wis Stats the following restrictions are placed on the use of the town ATV/UTV vehicle routes designated by ordinance:

A. Routes shall be marked with uniform ATV/UTV route signs in accordance with DNR 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 ATV/UTV route sign or standard, or intentionally interfere with the effective operation of any uniform ATV/UTV

route sign or standards if the sign or standard is legally placed by the municipality or any authorized individual.

2. Possess any uniform ATV/UTV route 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/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.

B. Additional restrictions

1. All operators shall observe posted roadway speed limits, not to exceed 35 mph.
2. All ATV/UTV vehicles must be operated in single file.
3. All operators under the age of 18 must wear a helmet.
4. All operators age 12 must hold a valid safety certificate issued by the DNR if born after January 1, 1988 .
5. All ATV/UTVs must have on headlights at all times.
6. All ATV/UTVs must be operated on (paved or graveled) road surfaces only.
7. **NO** ATV/UTVs may be operated on road shoulders or in road ditches.
8. Hours of operation: 24/7, all year long.
9. No open intoxicants are allowed

C. Operation shall be subject to all provisions of s.22.33.Wis Stats. which is adopted as a part of this ordinance by reference, pursuant to s. 22.33(11) Wis Stats.

Section 8: Enforcement: This ordinance under s. 22.33(12) will be enforced by an officer of the state traffic patrol (s.110.07(1)), inspector (s.110.07(3)), conservation warden appointed by the department (s.23.10), Waupaca County Sheriff Department officer or municipal peace officer as authorize to enforce the laws of the state of Wisconsin.

Section 9: Penalties: The penalties under s.23.33(13)(a) Wis Stats are adopted by reference.

Section 10: 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 11: Effective Date: This Ordinance shall take effect upon passage by a majority vote of the full membership of the Town Board, and publication or posting as required by law are required under s. 60.80 Wis Stats. sent to the DNR and the Waupaca County Sheriff Department and when all proper signage is installed.

Adopted this 21st day of August, 2018
Ayes 3 Noes 0 Absent 0
Date Published/Posted August 30,2018
Attest: Judith A. Suhs
Judith A. Suhs, Town Clerk

Don Holtebeck, Chairman

John Miller, Supervisor

Jeff Barlow, Supervisor