

**Ordinance 2017 1114-0 All-terrain vehicle (ATV) and Utility Terrain Vehicle (UTV)
Routes and Regulation**

Any ordinances heretofore adopted by the town board on this subject are hereby repealed.

STATE OF WISCONSIN
Town of Pensaukee
Oconto County

SECTION I - TITLE AND PURPOSE

The Town of Pensaukee, Oconto County adopts the following all-terrain vehicle route for the operation of all-terrain vehicles upon the roadways designated as ATV and UTV routes as listed in Section III of this ordinance. Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created.

SECTION II - AUTHORITY

The town board has the specific authority to adopt this ordinance designating ATV and UTV routes and regulation of the use of ATVs and UTVs in the town under s.23.33(8)(b) & s.23.33(11) Wis. stats.

SECTION III - ADOPTION OF ORDINANCE

The Town Board of the Town of Pensaukee, Oconto 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 all-terrain and utility terrain vehicle routes in the town and to regulate the use of those routes and all-terrain and utility terrain vehicles in the town.

SECTION IV – STATE LAWS ADOPTED

A. State Laws Regulating Use of ATVs/UTVs.

The provisions describing and defining regulations with respect to all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) in the following-enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Ordinance as if fully set forth herein. The statutory sections adopted by reference herein shall be designated as part of this Code of Ordinances by adding the prefix "2017(1)-" to each statute section number. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

- 23.33(2) Registration
- 23.33(3) Rules of operation [including Subsections (a) through (i)]

- 23.33(4) Operation on or near highway [including Subsections (a) through (e)]
- 23.33(5)(a)(c) Age Restrictions
- 23.33(6) Equipment requirements [including Subsections (a) through (e)]
- 23.33(7) Accidents [including Subsections (a) and (b)]
- 23.33(1) Definitions [including Subsections (a) through (n)]

B. State Laws Regarding Rules of the Road

To the extent applicable to the use and operation of all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) on designated routes all operators shall additionally comply with the Rules of the Road as required by the following-enumerated Subsections of Ch. 346, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Ordinance as if fully set forth herein. The statutory sections adopted by reference herein shall be designated as part of this Code of Ordinances by adding the prefix "2017(1)-" to each statute section number. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

ss. 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1) and (9), Wis. stats.

SECTION V - ROUTES

A. Routes.

Routes shall be designated on the Town of Pensaukee Official ATV/UTV Route Map which shall be incorporated into and made part of this Ordinance by reference. The town clerk for the Town of Pensaukee shall maintain a copy of the Official ATV/UTV Route Map and shall cause to have said map made available to the public at request and posted on the Town of Pensaukee website. The Town Board may upon public notice revise the Official ATV/UTV Route Map at the discretion of the Town Board by resolution. Any such future revisions by resolution of the Town Board shall be published, posted on the Town of Pensaukee website, and made available to the public upon request.

B. Signage.

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 all-terrain vehicle 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 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 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.

SECTION VI – ENFORCEMENT

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

SECTION VII – PENALTIES

Wisconsin state All-Terrain and Utility Terrain Vehicle penalties as found in s. 23.33 (13) (a) Wis. Stats., are adopted by reference.

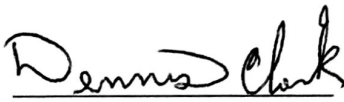
SECTION VIII - SEVERABILITY

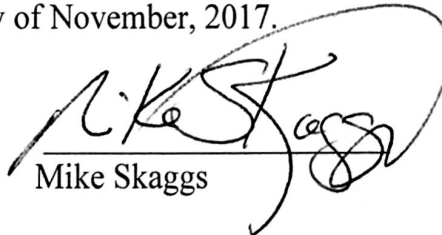
If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

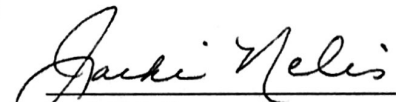
SECTION IX - EFFECTIVE DATE

This ordinance becomes effective upon passage and publication.

Adopted this 14th day of November, 2017.


Dennis Clark


Mike Skaggs


Jacki Nelis

Attest. 
Jackie Manning