

**ORDINANCE #8 - 2010  
AMENDED NOVEMBER 2014**

**TOWN OF ERIN PRAIRIE  
ST. CROIX COUNTY, WISCONSIN**

**ORDINANCE ADOPTING DESIGNATION AND REGULATION OF ALL-TERRAIN  
VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES**

**SECTION 1 - TITLE AND PURPOSE**

The title of this ordinance is The Ordinance Adopting Designation and Regulation of All-Terrain Vehicle and Utility Terrain Vehicle Routes. The purpose of this ordinance is to establish ATV and UTV routes in the Town Of Erin Prairie and to regulate the operation of ATVs and UTVs in The Town of Erin Prairie per Wis. Stat. 23.33.

**SECTION 2 - AUTHORITY**

The Town Board of The Town of Erin Prairie, St. Croix County, has the specific authority to adopt this All-Terrain Vehicle and Utility Terrain Vehicle Route Ordinance under Sections 23.33 (8)(b) and (11) Wis. Stats.

**SECTION 3 - APPLICABILITY OF ATV LAW TO UTV**

The provisions of this ordinance apply equally to ATVs and UTVs.

**SECTION 4 - OPERATION OF ATVS AND UTVS.**

Pursuant to Wis. Stat. 23.33, 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 UTV routes by this Ordinance. Operation of ATV and UTVs on a roadway in the Town that is an ATV and UTV routes 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. On paved roadways ATVs and UTVs must be operated on the paved portion of the roadway and not on the gravel shoulder.

**SECTION 5 - DESIGNATION OF ATV/UTV ROUTES**

The following routes are designated ATV/UTV routes in the Town.

All Town roads in the Town of Erin Prairie that are properly signed as ATV/UTV routes, excluding dead-ends and driveways. Dead ends may be used only by Town residents and only to access designated routes.

All state and county roads are not all-terrain vehicle routes.

**SECTION 6 - CONDITIONS TO ATV AND UTV ROUTES**

Pursuant to Section 23.33 (8)(d), Wis. Stats., the following restrictions are placed on the use of the Town ATV/UTV routes designated by this ordinance.

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 all-terrain vehicle routes:

1) Intentionally remove, damage, deface, or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of a uniform ATV/UTV route or trail or standards if the sign or standard is legally placed by the state, municipality, or any authorized individual.

2) Possess any uniform all-terrain vehicle or trail sign or standard of the types established by the Wis. DNR 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.

3) ATV/UTV riders may begin using established routes once ATV/UTV signs are posted by the local ATV club.

B. Operation shall be subject to all provisions of Section 23.33, Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to Section 23/33 (11), Wis. Stats.

C. A copy of this ordinance shall be sent by the Town Clerk to the St. Croix County Sheriff's Department.

D. In addition to the provisions of Section 23.33, Wis. Stats., the following restrictions are placed on the use of the Town ATV/UTV routes designated by this ordinance:

(1) All ATV and UTV operators shall observe a speed limit of not more than 35 mph or the posted roadway speed limit, whichever is slower.

(2) All ATV and UTV operators shall ride single file.

(3) The allowed hours of operation shall be 24 hours.

(4) Anyone under the age of 12 cannot operate an ATV or UTV on a road or route under any circumstance.

(5) Anyone born on or after January 1, 1988 is required to possess a valid state issued ATV/UTV Safety Certificate.

(6) All ATV/UTV operators under the age of 18 must wear a helmet.

(7) Lights must be on at all times.

(8) All ATV/UTV operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling.

(9) Operators must follow all WIS DNR regulations pursuant to the Wisconsin all-terrain vehicle laws.

(10) Designated town road ATV/UTV routes will be open to use year round.

## **SECTION 7 - ENFORCEMENT**

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

**SECTION 8 - PENALTIES**

The penalties under Section 23.33 (13)(a), Wis. Stats. are adopted by reference.

**SECTION 9 - 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 10 - EFFECTIVE DATE**

This revised ordinance shall be effective upon passage and publication by law.

Adopted this 17th day of November, 2014.

Yes 3      No      Abstain

Town of Erin Prairie

By: Chairman - John Van Dyk

Attest: Jackie Mitchell, clerk

Supervisor - Mike Monteith

Supervisor - Dennis Mitchell