

**ORDINANCE NO. 8-2010**

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

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

THE TOWN BOARD OF THE TOWN OF ERIN PRAIRIE DOES HEREBY ORDAIN AS FOLLOWS:

1.1 TITLE AND PURPOSE

The title of this ordinance is the Town of Erin Prairie All-Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle routes in the Town and to regulate the operation of all-terrain vehicles in the Town.

1.2 AUTHORITY

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

1.3 OPERATION OF ALL-TERRAIN VEHICLES

Pursuant to Section 23.33 (4) (d) 4, Wis. Stats, except as otherwise provided in Section 23.22 (4) Wis. Stats, no person may operate an all-terrain vehicle on the roadway portion of any highway in the Town except on roadways that are designated as all terrain vehicle routes by this ordinance. Operation of all-terrain vehicles on a roadway in the Town that is an all-terrain vehicle 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. On paved roadway all-terrain vehicles must be operated on the paved portion of the roadway and not on the gravel shoulder.

1.4 DESIGNATION OF ALL-TERRAIN VEHICLE ROUTES

The following routes are designated all-terrain vehicle routes in the Town:

All Town roads in the Town of Erin Prairie that are properly signed as all-terrain vehicle 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.

1.5 CONDITIONS TO ALL-TERRAIN VEHICLE ROUTES

Pursuant to Section 23.33 (8) (d), Wis. Stats, the following restrictions are placed on the use of the Town all-terrain vehicle 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, move, or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of a uniform all-terrain vehicle route or trail 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 types established by the WIS DNR 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.

3. All-terrain vehicles may begin using established routes once all-terrain vehicle signs are posted by the local ATV clubs.

B. Operation shall be subject to all provision 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 Department.

D. In addition to the provisions of Section 23.33, Wis. Stats, the following restrictions are placed on the use of the Town all-terrain vehicle routes designated by this ordinance:

- (1) All all-terrain vehicle operators shall observe a speed limit of not more than 40 mph or the posted roadway speed limit, whichever is lower.
- (2) All all-terrain vehicle operators shall ride single file.
- (3) The allowed hours of operation shall be from dawn until dusk.
- (4) Anyone under the age of twelve (12) cannot operate an ATV on a road or route under any circumstances.
- (5) Anyone born after Jan. 1<sup>st</sup> 1988 cannot operate an ATV on a roadway without a safety certification.
- (6) All all-terrain vehicle operators under the age of 18 must wear a helmet.
- (7) Lights must be on at all times.
- (8) All all-terrain vehicles 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.

## 1.6 ENFORCEMENT

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

## 1.7 PENALITIES

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

1.8 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.

1.9 EFFECTIVE DATE

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

Adopted this 14th day of July, 2010.

Yes 2 No 0 Abstain 0 Absent 0

TOWN OF ERIN PRAIRIE

By: John Van Dyk  
John Van Dyk, Town Chairman

Attest: Jackie Mitchell  
Jackie Mitchell, Town Clerk

Dennis Mitchell  
Dennis Mitchell, Supervisor

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Supervisor