

**TOWN OF RICE LAKE
BARRON COUNTY, WISCONSIN
ORDINANCE NO 19-107**

**RE: All-Terrain Vehicle and Utility
Terrain Vehicle Routes**

1. Title and Purpose

The title of this ordinance is the Town of Rice Lake, Barron County, Wisconsin, Ordinance #19-107 RE: All-Terrain Vehicle and Utility Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle and utility terrain vehicle routes within the Town and to regulate the operation of all-terrain vehicles and utility terrain vehicles in the Town.

2. Authority

The Town Board of the Town of Rice Lake, Barron County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle and Utility Terrain Vehicle Ordinance under §23.33(8)(b) and (11) and 60.10(2)(c), Wis. Stats.

3. Operation of All-Terrain Vehicles and Utility Terrain Vehicles

Pursuant to §23.33(4)(d)4., Wis. Stats., except as otherwise provided in §23.33(4), Wis. Stats., no person may operate an all-terrain vehicle or utility terrain vehicle on the roadway portion of any highway in the Town except on roadways that are designated as all-terrain vehicle and utility terrain vehicle routes by this ordinance. Operation of all-terrain vehicles and utility terrain vehicles on a roadway in the Town that is an all-terrain vehicle and utility 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.

4. Designation of All-Terrain Vehicle and Utility Terrain Vehicle Routes

The designated all-terrain vehicle and utility terrain vehicle routes in the Town are hereby established and are shown highlighted on the attached map. Only those routes marked with uniform ATV/UTV route signs, in accordance with s. NR 64.12(7) Wisconsin Administrative Code, shall be open for travel. Said map is maintained on file by the Town Clerk.

The Town Board reserves the right to modify the designation of routes, from time to time, by amending this ordinance. Prior to amending the ordinance in this manner, the Town Board may hold a public hearing as to proposed route changes.

5. Procedures for Adding/Deleting Town Highways as Routes

Town highway and highway segments may be added/deleted as all-terrain vehicle and utility terrain vehicle routes by the Town Board by following procedures set forth in Sections 5.0 (C) & (D) of this ordinance or by any other person or organization by completing the following process in its entirety:

- 5.1.** A property owner or resident within the Town must file an application with the Town to add/delete a highway or highway segment.

- 5.2. The Town Board shall, within 60 days of receipt of the application, review the application and make a determination as to whether the highway or highway segment in question is appropriate for use as permitted under this ordinance.
- 5.3. The Town Board may hold a public hearing to add/delete the designated ATV/UTV routes. This public hearing may be held in conjunction with a regularly scheduled Town Board meeting. The testimony at the public hearing shall be considered before route changes are adopted. The Board shall make reasonable efforts to ensure residents on affected highways are given notice of the public hearing.
- 5.4. Following the public hearing the Town Board shall discuss the proposed change, and may modify routes if placed as an agenda item on a subsequent or future meeting of the Board.

6. Conditions Applicable to All-Terrain Vehicle and Utility Terrain Vehicle Routes

Pursuant to §23.33(8)(d), Wis. Stats., the following restrictions are placed on the use of the Town all-terrain vehicle and utility terrain vehicle routes designated by this resolution:

- 6.1. Routes shall be marked with uniform all-terrain vehicle and utility terrain vehicle route signs in accordance with Sec. NR 64.12(7), Wis. Adm. Code. No person may do any of the following in regard to signs marking Town all-terrain vehicle and utility terrain vehicle routes:
 - 6.1.1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle and utility 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.
 - 6.1.2. Possess any uniform all-terrain vehicle and utility 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 and utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
- 6.2. Operation shall be subject to all provisions of §23.33, Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to §23.33(11), Wis. Stats.
- 6.3. A copy of this ordinance shall be sent by the Town Clerk to the Department of Natural Resources, the Barron County Sheriff's Department, and any other law enforcement agency serving the Town of Rice Lake.
- 6.4. Additional restrictions:
 - 6.4.1. All ATV/UTV operators shall observe posted ATV and UTV speed limits.
 - 6.4.2. All ATV/UTV operators shall proceed single file.
 - 6.4.3. All ATV/UTV operators shall not ride in the ditch or town right-of-ways.

- 6.4.4. All ATV/UTV operators shall not deviate from the designated routes, unless entering or exiting from their own private property.
- 6.4.5. All ATV's/UTV's shall have working head lights, tail lights and brake lights.
- 6.4.6. All ATV/UTV operators shall use hand signals if their machines are not equipped with turn signals.
- 6.4.7. All ATV/UTV speed limits and other operational controls shall be established by resolution adopted from time to time by the Town Board.

7. Age Restrictions, Certifications

No person shall operate either an ATV or UTV on any of the designated routes (Town highways) subject to this ordinance who fails to meet all of the following conditions:

- 7.1. Each operator shall be at least 16 years of age
- 7.2. Each operator shall hold a valid driver's license
- 7.3. Each operator shall hold a valid safety certificate as defined at §23.33(5)(b), Wis. Stats.

8. Signing of ATV/UTV Designated Routes

- 8.1. Although in accord with § NR 64.12(7)(d), the Town is responsible for signing designated routes, the Town hereby delegates this responsibility to the Rice Lake Snow and Dirt Club (the local ATV/UTV club) to purchase, place, maintain, and repair appropriate signs marking and regulating use of the following routes as indicated in yellow on the attached map:

- 8.1.1. 18th Street, from 22 ½ Avenue south .50 miles
- 8.1.2. 22 ½ Avenue from 18th Street to the City limits of the City of Rice Lake, approximately 1.77 miles
- 8.1.3. 24th Avenue from 23rd Street to 24th Street, approximately 1.00 miles
- 8.1.4. 23rd Street from 24th Avenue to CTH M, approximately 4.62 miles
- 8.1.5. 18 ½ Avenue from CTH M to 24th Street, approximately 0.99 miles

The Rice Lake Snow and Dirt Club shall indemnify and hold the Town harmless from the cost of purchasing, placing, and maintaining any and all required or recommended signs for routes listed in this Section under § NR 64.12(7), and to this extent shall be solely responsible for purchasing, placing, maintaining, replacing, repairing, and restoring any damaged, defective, or stolen or missing signs subject to approval of the Town Board Chairman

- 8.2. It shall be the responsibility of the Town of Rice Lake to purchase, place, maintain, replace, repair, and restore appropriate signs marking and regulating use of all other routes as shown in green on the attached map.

8.3. Signs shall be installed that meet the criteria of Wis. Adm. Code Ch. NR 64, § NR 64.12(7)

9. Enforcement

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin and Town ordinance

10. Applicability of §23.33, Wis. Stats

The use of the designated routes in the Town and operation of ATVs/UTVs upon said routes shall be subject to compliance with all provisions of §23.33, Wis. Stats., not expressly altered by this ordinance.

11. Penalties

State forfeitures as established at §23.33(13)(a), Wis. Stats., are adopted herein by reference.

12. Repeal

Ordinance #19-106 known as All-Terrain Vehicle and Utility Terrain Vehicle Routes Ordinance for the Town of Rice Lake, Barron County, Wisconsin, is hereby repealed. All other ordinances or part of ordinances of the Township of Rice Lake, Barron County inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.

13. Severability

The provision of the ordinance shall be deemed severable. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.

14. Definitions

"All-Terrain Vehicle," a/k/a "ATV" has the meaning set forth in §23.33(1)(b), Wis. Stats., which incorporates the definition at §340.01(2g), Wis. Stats.

"Designated Route" means a Town highway authorized for use by ATVs and UTVs under Section 4.0, above.

"Operator" has the same meaning as is set forth in §23.33(1)(iw), Wis. Stats., and shall further be defined as meaning a person who "operates" an ATV or UTV as the term "operate" is defined at §23.33(1)(ir), Wis. Stats.

"Roadway" means the traveled portion of any Town highway.

"Town Board" means the Town Board of the Town of Rice Lake

"Town Clerk" means the Clerk of the Town of Rice Lake

"Town Highway" means all public ways and thoroughfares approved by the Town of Rice Lake

"Utility Terrain Vehicle" a/k/a "UTV" has the meaning set forth at §23.33(1)(ng), Wis. Stats.

15. Effective Date

This ordinance becomes effective upon adoption and publication as required by law.

Adopted this 11th day of November, 2019.

AYES 5 NAYS 0

Posted and Published: November 11, 2019

Dean A. Borofka, Chairman

Thomas Field, Town Supervisor

Donald Putnam, Town Supervisor

Peter Gallagher, Town Supervisor

David Crotteau, Town Supervisor

CERTIFICATION

The undersigned, Town Clerk/Treasurer for the Town of Rice Lake, does hereby certify that the foregoing Ordinance was duly adopted by the Town Board of the Town of Rice Lake at a meeting held on November 11, 2019, which meeting was properly noticed and conducted in the manner provided for by law, and at which a quorum of members of the Town Board were present.

Dated this 11th day of November, 2019.



Janet Tomesh, Clerk/Treasurer

TOWN OF RICE LAKE ATV/UTV ROUTES

Signs maintained by
Rice Lake Snow & Dirt Club

Signs maintained by
Town of Rice Lake

