

# Town of Merrill All-Terrain Vehicle/Utility Terrain Vehicle Ordinance

## Ordinance No. 2015-1

### STATE OF WISCONSIN

Town of Merrill

Lincoln County

#### SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Merrill 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 in the town and to regulate the operation of all-terrain vehicles and utility terrain vehicles in the town.

#### SECTION II – AUTHORITY

The Town Board of the Town of Merrill, Lincoln County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle and Utility Terrain Vehicle Ordinance under s. 23.33 (8) (b) and (11), Wis. stats.

#### SECTION III – ADOPTION OF ORDINANCE

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 vehicle and utility terrain vehicle routes in the town and to regulate the use of those routes and all-terrain vehicles and utility terrain vehicles in the town, designates all-terrain vehicle and utility terrain vehicle routes in the town and provides for the regulation of the use of those routes and of all-terrain vehicles and utility terrain vehicles in the town.

#### SECTION IV – OPERATION OF ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES

Pursuant to s. 23.33 (4) (d) 4., Wis. stats., except as otherwise provided in s. 23.33 (4), Wis. stats., no person may operate an all-terrain vehicle and 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. All-terrain vehicles and utility terrain vehicles may not operate on the shoulder of a paved roadway.

## SECTION V – DESIGNATION OF ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES

All Town of Merrill roads have been designated all-terrain vehicle and utility terrain vehicle routes with the exception of the following private roads:

Arrow Lane

Badger Lane

Barnes Creek Avenue

Clover Lane

Crooked Pine Road

Destiny Drive

Garissa Drive

Gen Drive

Landfill Lane

Pleasant View Road

Rush Road

Snowflake Lane

Squirrel Lane

Straight Pine Road

Village Road

Wendorf Drive

Woodhaven Lane

Yankee Rapids Trail

The Town Board of the Town of Merrill may, at their discretion, prohibit all-terrain vehicle and utility terrain vehicle use on any route in the Town of Merrill. Routes prohibiting all-terrain vehicles and utility terrain vehicles shall be marked with appropriate signs indicating route closure.

## SECTION VI – CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES

Pursuant to s. 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:

- A. Routes shall be marked with uniform all-terrain vehicle and utility 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 and utility terrain vehicle routes:
  - 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.
  - 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.
- B. Operation shall be subject to all provisions of s. 23.33, Wis. stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33 (11), Wis. stats.
- C. A copy of this ordinance shall be sent by the town clerk to the Department of Natural Resources, the Lincoln County Sheriff's Department and any other law enforcement agency serving the Town of Merrill's jurisdiction.
- D. All all-terrain vehicle and utility terrain vehicle operators shall observe posted roadway speed limits. The Town Board of the Town of Merrill may, at their discretion, post required speed limits specific to all-terrain vehicles and utility terrain vehicles on certain routes. Those routes shall be marked with appropriate signs indicating route speed limits.
- E. All all-terrain vehicle and utility terrain vehicle operators shall ride single file.

#### SECTION VII - ENFORCEMENT

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin and additionally as stated in the Town's citation authority ordinance adopted per s. 66.0113.

#### SECTION VIII - PENALTIES

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

#### SECTION IX – 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 X – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 8th day of June, 2015.

\_\_\_\_\_ Chairman

\_\_\_\_\_ Supervisor

\_\_\_\_\_ Supervisor

\_\_\_\_\_ Supervisor

\_\_\_\_\_ Supervisor

\_\_\_\_\_ Supervisor

Attest: \_\_\_\_\_ Town Clerk