

**Ordinance #03.2017
Town of Pelican
Oneida County WI**

**An Ordinance Relating to
23.33 (8) *All terrain vehicle and utility terrain vehicle routes.**

The Supervisors of the Town of Pelican, Oneida County, Wisconsin hereby ordain as follows:

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Pelican 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 Pelican, Oneida 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.

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

The following routes are designated all-terrain vehicle [and utility terrain vehicle] routes in the town:

All town roads in the Town of Pelican South of U.S. Highway 8

All town roads in the Town of Pelican North of U.S. Highway 8 and East of Wisconsin Hwy 17

Germond Road from U.S. Highway 8 North to Old 8 Road including Cornelson Road, Rocky Ridge Road and Jacobson Drive

Old 8 Road East from intersection with Germond Road to Wisconsin Hwy 17

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 ordinance:

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 Oneida County Sheriff's Department and any other law enforcement agency serving the Town of Pelican's jurisdiction.

D. Operational dates will be from January 1st to December 31st.

All all-terrain vehicle [and utility terrain vehicle] operators shall observe posted roadway speed limits.

All all-terrain vehicle [and utility terrain vehicle] operators shall ride single file.

All all-terrain vehicle [and utility terrain vehicle] operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling.]

SECTION VII - ENFORCEMENT

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

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.

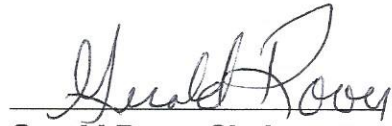
ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

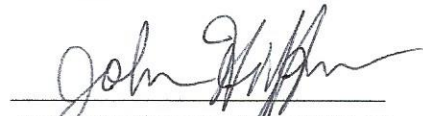
SECTION X – EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as required by law and shall remain in effect until repealed by the town board.

The clerk shall post this notice as required under WI Stats. 60.80.

Adopted this 6th day of March 2017.


Gerald Roou, Chairman


John Hoffman, Supervisor

Dave Hollands, Supervisor


ATTEST: Kenneth J. Gardner, Clerk