

**TOWN OF
STELLA**
ATV/UTV
ORDINANCE

SECTION I- TITLE AND PURPOSE

The title of this ordinance is the Town of Stella All-Terrain Vehicle/UTV 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.

SECTION II- AUTHORITY

The Town Board of Stella, Oneida County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle Route Ordinance under s.23.33 (8) (b) and (11), Wis. Stats.

SECTION III- ADOPTION OF ORDINANCE

The Town Board of the Town of Stella, Oneida County, Wisconsin, by 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 routes in the town and to regulate the use of those routes and all-terrain vehicles in the town.

SECTION IV- OPERATION OF ALL-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 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 at 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. ATV/UTV routes are open year round.

SECTION V- DESIGNATION OF ALL-TERRAIN VEHICLE ROUTES

All town roads are to be designated as ATV/UTV routes.

SECTION VI- CONDITIONS APPLICABLE TO ALL-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 routes designated by this resolution:

- 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 town all-terrain vehicle routes:
 - 1. Intentionally remove damage, deface, move, or obstruct any uniform all-terrain vehicle route sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle route 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 route 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 route sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle route or standard creates a reputable 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., including but not limited to:
1. Helmets are required for all riders under the age of 18 unless on property owned by your immediate family. A passenger must wear a helmet under similar circumstances. However, all riders are encouraged to wear helmets.
 2. If you are under 16, you cannot operate any ATV on a roadway or route under any circumstances.
 3. If you were born after 1988, you must possess a valid ATV safety certificate to operate an ATV, unless on land owned by your immediate family.
 4. Headlights and tail lamps must be activated and visible.
- C. A copy of this ordinance shall be sent by the town clerk to all law enforcement agencies affected.
- D. All ATV operators shall observe the posted ATV speed limits of 35 MPH (specific areas may be posted at 25 MPH). In addition, you must operate at 10 MPH or less within 100 feet of a pedestrian or within 150 feet of a dwelling. All ATV operators must follow Wisconsin All-Terrain Vehicle Laws.
- E. All ATV operators shall follow designated routes as approved by the Stella Town Board as well as any restrictions placed on the route by the Stella Town Board.
- F. All ATVs shall follow allowed decibel noise levels as set forth under Wis. Stats 23.33 which is hereby adopted by reference.
- G. This ordinance shall be reviewed annually.

SECTION VII- ENFORCEMENT

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

SECTION VIII- PENALTIES

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

The 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 ____ day of _____, 2013.

Town Chairman

Published/Posted

Town Clerk