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3 **TOWN**
4 **Of**
5 **ST. CROIX FALLS**
6 **Polk County, Wisconsin**

7 **ORDINANCE No. 12-04**
8 **ATV AND UTV ORDINANCE**

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11 The Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, does hereby ordain as
12 follows:

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14 **SECTION I - PURPOSE**

15 The purpose of this ordinance is to establish All Terrain Vehicle (“ATV”) and Utility
16 Terrain Vehicle (“UTV”), each as defined in Wis. Stat. §23.33(1), and routes in the town
17 and to regulate the operation of ATVs and UTVs in the town.

18 **SECTION II - AUTHORITY**

19 The Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, has the
20 specific authority to adopt this ATV and UTV Ordinance under Wis. Stat. § 23.33 (8) (b)
21 and (11).

22 **SECTION III - ADOPTION OF ORDINANCE**

23 The Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, by this
24 ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the
25 town board present and voting, provides the authority for the town to designate ATV and
26 UTV routes in the town and to regulate the use of those routes and ATVs and UTVs in
27 the town.

28 **SECTION IV - OPERATION OF ALL-TERRAIN VEHICLES**

29 Pursuant to Wis. Stat. § 23.33 (4)(d)(4), except as otherwise provided in Wis. Stat. §
30 23.33 (4), no person may operate an ATV or UTV on the roadway portion of any
31 highway in the town except on roadways that are designated as ATV / UTV routes by this

32 ordinance. Operation of ATVs and UTVs on a roadway in the town that is an ATV / UTV
33 route is authorized only for the extreme right side of the roadway with all tires on
34 pavement if applicable except that left turns may be made from any part of the roadway
35 that is safe given prevailing conditions. Except on roadways that are designated as ATV /
36 UTV routes and except for authorized maintenance vehicles and snowmobiles, it shall be
37 unlawful to operate any ATV or UTV on any Town road, or on any public lands and
38 private lands (without the owner's consent) or parking lots held open to the public. The
39 operator shall at all times have consent of the land owner before operation of an ATV or
40 UTV on private lands.

41 SECTION V - DESIGNATION OF ALL-TERRAIN VEHICLE ROUTES

42 A. All routes designated in B. shall be open to travel by both ATVs and UTVs.

43 B. The following routes are designated ATV/UTV routes in the town:

44 **ALL TOWN ROADS.**

45 SECTION VI - CONDITIONS APPLICABLE TO ATV / UTV ROUTES

46 Pursuant to Wis. Stat. § 23.33 (8)(d), the following restrictions are placed on the use
47 of the town ATV / UTV routes designated by this ordinance:

48 A. Routes shall be marked with uniform all-terrain vehicle route signs in
49 accordance with s. NR 64.12 (7), Wisconsin Administrative Code. No person may
50 do any of the following in regard to signs marking town ATV / UTV routes:

51 1. Intentionally remove, damage, deface, move, or obstruct any uniform
52 ATV / UTV route or trail sign or standard or intentionally interfere with the
53 effective operation of any uniform ATV / UTV route or trail sign or standards
54 if the sign or standard is legally placed by the state, any municipality or any
55 authorized individual.

56 2. Possess any uniform ATV / UTV route or trail sign or standard of the type
57 established by the department for the warning, instruction or information of the
58 public, unless he or she obtained the uniform ATV / UTV route or trail sign or

59 standard in a lawful manner. Possession of a uniform ATV / UTV route or trail
60 sign or standard creates a rebuttable presumption of illegal possession.

61 B. Operation shall be subject to all provisions of Wis. Stat. § 23.33, which is
62 adopted as a part of this ordinance by reference, pursuant Wis. Stat. § 23.33.

63 C. A copy of this ordinance shall be sent by the town clerk to the Polk
64 County Sheriff's Department, the Wisconsin Department of Natural Resources
65 and the adjoining municipalities.

66 D. No person shall operate any ATV / UTV within the Town of St. Croix
67 Falls at a speed in excess of the posted speed limit.

68 E. All ATV / UTV operators shall ride single file.

69 F. Any person operating an ATV-UTV and who was born on or after January
70 1, 1988, shall have an ATV-UTV safety certificate as per § 23.33(5).

71 SECTION VII - ENFORCEMENT

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

74 SECTION VIII - PENALTIES

75 The penalties under Wis. Stat. § 23.33 (13), are adopted by reference.

76 SECTION IX - SEVERABILITY

77 If any provision of this ordinance or its application to any person or circumstance is
78 held invalid, the invalidity does not affect other provisions or applications of this
79 ordinance that can be given effect without the invalid provision or application, and to this
80 end, the provisions of this ordinance are severable.

81 SECTION X - EFFECTIVE DATE

82 This ordinance is effective on publication or posting.

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84 SECTION XI – REPEAL OF ORDINANCE 2011-08

85 Upon the effective date of this Ordinance, any prior Town ATV Route Ordinance,
86 including, Ordinance No. 2011-08 be, and hereby is repealed.

87 SECTION XII – ANNUAL REVIEW

88 This ordinance shall appear on the Town Board agenda at the regular January meeting of
89 the Town Board each year in order for the Town Board to review any comments or
90 complaints regarding the operation of ATVs and UTVs on Town roads and whether there
91 should be modifications to the route or otherwise. The failure of the Town Board have
92 such an item on the agenda as described in this Section XII shall in no way impair or
93 affect the validity or enforcement of this Ordinance.

94 The town clerk shall properly publish this ordinance as required under Wisconsin
95 Statutes 60.80.

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97 Adopted this 17th day of October 2012.

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Steven Palmer, Town Chairman

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Attest: Janet Krueger, Town Clerk