

Chapter 18

Ordinance No.2019-1

Ordinance Designating All-Terrain Vehicle and Utility-Terrain Vehicle Routes and Regulating the Operation of All-Terrain and Utility-Terrain Vehicles

Section 1 – Intent

The Town of Dewey, Portage County adopts the following All-Terrain Vehicle and Utility Vehicle routes for the operation of All-Terrain Vehicles and Utility-Terrain Vehicles upon the roadways listed in Section 3.

Following due consideration of the recreational value to connect route opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, these routes have been created.

Section 2 – Statutory Authority

These routes are created pursuant to Town authority under Section 1.1.01 as authorized by 23.33 (8) (e) 2 Wis. Stats.

The applicable provisions of 23.33 regulating ATV and UTV operation pursuant to routes are adopted.

Section 3 – Routes

The following roads are designated as routes – All town roads within its territorial boundaries are designated as ATV/UTV routes with the following exceptions; Birch Drive (the joint section with the Town of Guenther), Rocky Ridge Drive (the joint section with the Town of Hull), and Pinewood Drive (the joint section with the Town of Hull). Under 2017 Wisconsin Act 193, 23.33(8)(e)2 b, signs are erected on each highway that crosses its territorial boundaries alerting motorists of this designation except where otherwise indicated. Signs shall be erected as appropriate to indicate roads that are not designated as an ATV/UTV route.

Section 4 – Conditions

As a condition for the use of these routes, the following conditions shall apply to all operators (and passengers);

A) Wisconsin state All-Terrain Vehicle and Utility-Terrain Vehicle laws as found in s. 23.33 Wis. Stats., are adopted by reference.

B) Routes are signed in accordance with 2017 Wisconsin Act 193, Section 4.23.33 (8)(e)2 b. Route signage shall be marked and paid for by the Pok-A Snoz Snowmobile Club with the supervision of the Town of Dewey. No person may do any of the following in regard to signs marking the Town of Dewey All-Terrain Vehicle/Utility-Terrain Vehicle Routes:

a) Intentionally remove, damage, deface, move or obstruct any uniform All-Terrain/Utility-Terrain Vehicle route sign or standard or intentionally interfere with the effective operation of any uniform All-Terrain/Utility Terrain vehicle route sign or standard if the sign or standard is legally placed by the Town of Dewey or any authorized individual;

b) Possess any uniform All-Terrain/Utility-Terrain vehicle route sign or standard type established by the department for the warning instruction or information of the public, unless he or she obtained the uniform All-Terrain/Utility-Terrain vehicle route sign or standard in a lawful manner. Possession of an All-Terrain/Utility-Terrain vehicle route sign or standard creates a rebuttable presumption of illegal possession.

C) Maximum speed limit for All-Terrain Vehicles / Utility-Terrain Vehicles on Town roads shall be 35 mph unless otherwise posted at a speed limit lower than 35 mph

D) Maximum speed limit for All-Terrain Vehicles / Utility-Terrain Vehicles on the following Town roads shall be 25 mph; Bay View Circle, Bay View Drive, West River Road, Republic Drive, Wood Lane, Chippewa Trail, Scenic Circle, Campsite Drive north of the intersection of Maple Drive and Maple Drive from Campsite Drive to Sunset Drive

E) All ATV/UTV vehicle operators shall ride single file

F) All ATV/UTV vehicle operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling

G) The Town of Dewey may close ATV/UTV routes at any time through removal of all route signage and providing notice to the general public, the Portage County Sheriff's Department and the Wisconsin Department of Natural Resources.

H) The Town of Dewey may close ATV/UTV routes due to road emergencies, including but not limited to blizzards or flooding or other safety hazards.

I) The Town of Dewey ATV/UTV routes shall be closed from 10:00 p.m. to 5:00 a.m. The only exception to the closed hours shall be when the ATV/UTV operation is for the purpose of transportation for hunting.

Section 5 – Enforcement

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

Section 6 – Penalties

Wisconsin state All-Terrain/Utility-Terrain Vehicle penalties as found in s.23.33 (13) (a) Wis. Stats., are adopted by reference.

Section 7 – Severability

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provisions 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 persons circumstances shall not be deemed affected.

Section 8 – Effective Date

This ordinance becomes effective upon passage and publication.

Passed this 20th Day of March 2019 Publication this 28th Day of March 2019

Clerk *A. J. Dodge*

Chairperson *Maurice King*

Supervisor *Dennis Meis*

Supervisor *David Z. David*