

ALL-TERRAIN VEHICLE ROUTE ORDINANCE

1-1 AUTHORITY:

This ordinance is established to create all-terrain vehicle routes pursuant to the authority granted to towns by section 23.33 (8)(b) and section 23.33(11) of the Wisconsin Statutes.

1-2 PURPOSE:

The purpose of this ordinance is to establish an all-terrain vehicle route and provide safe and enjoyable all-terrain vehicle recreation consistent with public rights and interests. The town board finds that the ATV route will provide recreational opportunities to members of the public and will provide economic opportunities for town businesses. The town board further finds that public safety on town roads is unlikely to be negatively impacted and the use of ATVs on town roads is unlikely to create wear and tear which would require maintenance earlier than would be necessary if ATVs were not allowed.

1-3 AREAS DESIGNATED: The area designated as an all-terrain vehicle route shall be as follows:

North of Fox River

- (a) Eureka Lock Road – From 37th Avenue to Eureka Road (County Highway K); and
- (b) 37th Avenue – From Eureka Lock Road to State Highway 21; and
- (c) Stone School Road – From 37th Avenue to Eureka Road (County Highway K); and
- (d) Spring Road – From Stone School Road to Liberty School Road; and
- (e) Liberty School Road – From Eureka Road (County Highway K) to 37th Avenue; and
- (f) 37th Avenue – From Chicago Avenue to Liberty School Road; and

Eureka Town Limits

- (g) Liberty Street – From Wisconsin Street to End; and
- (h) Use of Boat Ramp Parking Lot for ATV Parking Area, Allows for Access to Eureka,

Subject to County Board approval, Connecting County Roads For Access to All Town Routes to Eureka and Borth

- (i) County Road K – From Eureka Lock Road to County Road E (Distance of 0.2 Miles, 25 MPH Speed Limit); and
- (j) County Road E – From County Road K to Liberty Street (Distance of 428 feet, 25 MPH Speed Limit).

1-4 SPECIAL CONDITIONS:

- (a) The Town of Rushford shall have the authority to suspend operation in any of the above areas due to hazard, construction, or emergency conditions in any segment listed above.
- (b) Every area authorized as an all-terrain vehicle route shall be designated by an all-terrain vehicle route sign having a reflectorized white all-terrain vehicle symbol, bordered and message on a reflectorized green background with a minimum size of 24 inches by 18 inches with directional arrow, where appropriate, placed at the beginning of an all-terrain vehicle route and at such locations and intervals as necessary to enable the all-terrain vehicle operators to follow the route.
- (c) The ATV routes will not open in the Town of Rushford until 15 May 2017 provided that the routes have appropriate signs installed indicating the routes.
- (d) Town of Rushford residents may use town roads that are not designated as part of the ATV route to access the route. Non-residents may not use any Town Road that is not designated as an ATV route for any reason. Only the town roads listed in Section 1-3 will be open to non-resident use.

1-5 LIMITATIONS:

The following limitations apply on all areas designated in this ordinance.

- (a) ATV operators will obey the speed limits posted on the route which they are riding. No ATV shall exceed 35 MPH in the Town of Rushford.
- (b) No ATV may be operated on any designated route without fully functional headlights and tail-lights. Lights shall be used during the hours of darkness and when conditions require it.
- (c) ATVs may be operated on paved roadway surfaces only, if operating on an ATV Route. ATV Trails may be off-road or a hard-packed surface, as designated by the Town of Rushford.

- (d) No ATV may be operated on any designated route between the hours of 10:00P.M. to 6:00A.M. daily.
- (e) No person under the age of sixteen (16) may operate an ATV on any designated route without a safety certification.
- (f) No person under the age of twelve (12) may operate an ATV on a road or route under any circumstance.
- (g) No person under the age of eighteen (18) may operate an ATV on any designated route unless wearing approved protective head gear.
- (h) No ATV may be operated on any designated route which ATV does not meet all applicable Federal noise and air pollution standards.
- (i) ATV operators shall obey all other applicable laws.

1-6

ROUTE SIGNS:

- (a) All required designated route signs shall be paid for and installed by an ATV club or association, as funds become available, under the direction of the Town of Rushford.
- (b) All signs posted shall be in compliance with the Federal manual on uniform traffic control devices.
- (c) No person may erect, remove, obscure, or deface any official designated route sign unless authorized by the Town of Rushford Supervisor.
- (d) No person shall operate an ATV contrary to any authorized and official posted sign.

1-7

PENALTIES AND ENFORCEMENT:

- (a) The penalty provision set forth in 23.33(13) shall apply to violations of this ordinance.
- (b) This ordinance may be enforced by any of the following: an officer of the state patrol, an inspector under section 110.07 (3), a conservation warden or the county sheriff.
- (c) Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed under this section.

1-8 EFFECTIVE DATE:

This ordinance becomes effective upon passage and publication. The clerk shall send a copy of the ordinance to the Winnebago County Sheriff, the state traffic patrol and the department of natural resources.

Dated this 3rd day of May 2017.

Thomas Egan, Town Chairman

ATTEST:

Peggy Hendricks, Town Clerk

AYES 2 NAYES 1
PASSED THIS 3rd DAY OF May 2017
PUBLISHED THIS _____ DAY OF _____ 2017

Posted May 24, 2017

Approved as to form:

John M. Blazel, Town Attorney