

ORDINANCE # 08-2019
ALL-TERRAIN/ UTILITY VEHICLE ROUTE ORDINANCE
TOWN OF RUSHFORD, WINNEBAGO COUNTY, WISCONSIN

1-1 AUTHORITY:

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

1-2 PURPOSE:

The purpose of this ordinance is to establish an all-terrain vehicle and utility terrain vehicle route and provide safe and enjoyable all-terrain vehicle and utility terrain vehicle recreation consistent with public rights and interests. The town board finds that the ATV/UTV 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 ATV/UTVs on town roads is unlikely to create wear and tear which would require maintenance earlier than would be necessary if ATV/UTVs were not allowed.

1-3 ROUTES:

All township roads and alleyways within the Town of Rushford are hereby designated as ATV/UTV routes. All county and state roadways located in the Town of Rushford where the posted speed limit is 35 miles per hour or less are hereby declared as ATV/UTV routes. All county roadways where the posted speed limit is greater than 35 miles per hour but which have been allowed by county ordinance shall be considered to be ATV/UTV routes. Bridges of 1,000 feet or less on state and county highways located in the Town of Rushford are hereby routes. 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.

1-4 LIMITATIONS:

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

- (a) ATV/UTV operators shall obey the speed limits posted on the route which they are riding. No ATV/UTV shall exceed 35 MPH in the Town of Rushford.
- (b) No ATV/UTV 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) ATV/UTVs may be operated on paved roadway surfaces only, if operating on an ATV/UTV Route. ATV/UTV trails may be off-road or a hard-packed surface, as designated by the Town of Rushford.
- (d) No ATV/UTV may be operated on any designated route between the hours of 10:00 P.M. to 6:00 A.M. daily.
- (e) No person under the age of sixteen (16) may operate an ATV/UTV on any designated route without a safety certification.
- (f) No person under the age of twelve (12) may operate an ATV/UTV on a road or route under any circumstance.
- (g) No person under the age of eighteen (18) may operate an ATV/UTV on any designated route unless wearing approved protective head gear.
- (h) No ATV/UTV may be operated on any designated route which ATV/UTV does not meet all applicable Federal noise and air pollution standards.
- (i) ATV/UTV operators shall obey all other applicable laws.

1-5 ROUTE SIGNS:

- (a) The Town of Rushford or its designee shall maintain all route signs within the township. All ATV/UTV routes shall be signed in accordance with NR 64.12, and NR 64.12 (7) (c). All required designated route signs shall be paid for and installed by an ATV/UTV club or association, as funds become available, under the direction of the Town of Rushford.
- (b) The Town of Rushford, or its designee, shall maintain a route map.

1-6 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.

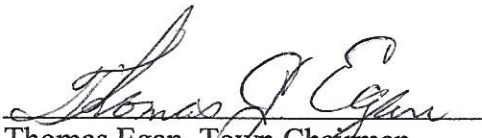
1-7 SEVERABILITY:

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

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 7th day of August 2019.


Thomas Egan, Town Chairman

ATTEST:

Peggy Hendricks, Town Clerk

AYES 2 NAYES 1
PASSED THIS 7th DAY OF August 2019
PUBLISHED THIS 12 DAY OF AUGUST 2019