

## SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Otter Creek All-Terrain Vehicle [and Utility Terrain Vehicle] Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle [and utility terrain vehicle] routes in the town and to regulate the operation of all-terrain vehicles [and utility terrain vehicles] in the town.

## SECTION II – AUTHORITY

The Town Board of the Town of Otter Creek, Dunn County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle [and Utility Terrain Vehicle] Ordinance under s. 23.33 (8) (b) and (11), Wis. stats.

## SECTION III – ADOPTION OF ORDINANCE

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 [and utility terrain vehicle] routes in the town and to regulate the use of those routes and all-terrain vehicles [and utility terrain vehicles] in the town, designates all-terrain vehicle [and utility terrain vehicle] routes in the town and provides for the regulation of the use of those routes and of all-terrain vehicles [and utility terrain vehicles] in the town.

## SECTION IV – OPERATION OF ALL-TERRAIN VEHICLES [AND UTILITY 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 [and utility terrain vehicle] on the roadway portion of any highway in the town except on roadways that are designated as all-terrain vehicle [and utility terrain vehicle] routes by this ordinance. ATVs and UTVs must adhere to 35 MPH speed limit or posted speed, whichever is less.

## SECTION V – DESIGNATION OF ALL-TERRAIN VEHICLE [AND UTILITY TERRAIN VEHICLE] ROUTES

- A. The following routes are designated all-terrain vehicle [and utility terrain vehicle] routes in the town:
- On 970th Avenue at 730th Street to 710th Street
  - On 710th Street at 970th Avenue to County Road N
  - On 1090th Avenue at 690th Street to 520th Street
  - On 520th Street at 1090th Avenue to County Road N
  - On 530th Street at 1170th Avenue toward State Highway 64 to the town line
  - On 1058<sup>th</sup> Avenue at 690<sup>th</sup> Street to WoodWind Park
  - On 730th Street at County Road N to 1110th Avenue
  - On 690th Street at 1090th Avenue to County Road N
  - On 1110th Avenue at 730th Street to 1090th Avenue.

## SECTION VI – CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE [AND UTILITY 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 [and utility terrain vehicle] routes designated by this resolution:

- A. Routes shall be marked with uniform all-terrain vehicle [and utility 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 [and utility terrain vehicle] routes:
1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle [and utility terrain vehicle] route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle [and utility terrain vehicle] route or trail 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 [and utility terrain vehicle] route or trail 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 [and utility terrain vehicle] route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle [and utility terrain vehicle] route or trail sign or standard creates a rebuttable 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.

C. A copy of this ordinance shall be sent by the town clerk to the Department of Natural Resources and the Dunn County Sheriff's Department.

D. The Town of Otter Creek will not spend public funds for ATV/UTV trails or signage. Private organizations shall provide all necessary signage and maintenance of signage. The Township will close the designated trails if they are not maintained to NR 64.14 standards.

#### SECTION VII - ENFORCEMENT

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

#### SECTION VIII - PENALTIES

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

This ordinance is effective after publication or posting as required by law.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats.

Amended the 9<sup>th</sup> day of February, 2021, which supersedes Ordinance 05-09-18-01 dated May 9, 2018.

Amended the 10<sup>th</sup> day of August, 2021, which supersedes Ordinance #02-09-21-01 dated February 9, 2021.

Addition of routes: 690<sup>th</sup> Street at 1058<sup>th</sup> Ave to 1090<sup>th</sup> Ave; 1058<sup>th</sup> Ave at 690<sup>th</sup> St to WoodWind Park

**Amended this 8th day of August, 2023, which supersedes Ordinance #08-10-21-01 dated August 10, 2021.**

**AMENDED 8/8/2023** – Addition of the following route:

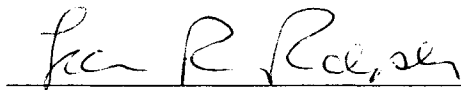
**from County Road N to 1058th Avenue.**

Modify bullet 8 route from “On 690th Street at 1058th Avenue to 1090th Avenue” to “On 690th Street at 1090th Avenue to County Road N”.

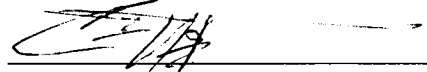
Amend the following:

Under Section IV – add “ATVs and UTVs must adhere to 35 MPH speed limit or posted speed, whichever is less.”

Under Section V – B - Remove (B) access to designated routes from residences in the township on undesignated town roads is permitted.



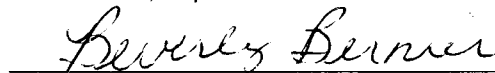
LeAnn Ralph, Chair



Cecil Hayes, Supervisor 1



Bob Bernier, Supervisor 2



Attest, Beverly Bernier, Clerk Treasurer

Posted August 9, 2023

Effective August 10, 2023