

**Ordinance No. 06142017 ATV/UTV
Town of Dayton, Richland County WI.**

THIS IS AN ORDINANCE FOR ESTABLISHING ALL-TERRAIN VEHICLE (ATV) AND UTILITY TERRAIN VEHICLE (UTV) OPERATION ROUTES, PROVIDE SAFE AND ENJOYABLE ATV/UTV RECREATION ALONG WITH PENALTIES FOR VIOLATION THEREOF IN THE TOWN OF DAYTON, RICHLAND COUNTY, WISCONSIN.

SECTION 1: ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES AND ROUTES.

- (A) **Purpose.** The purpose of this ordinance is to establish all-terrain vehicle (“ATV”) and utility terrain vehicle (“UTV”) routes in the Town of Dayton and regulate the operation of all-terrain and utility vehicles in the Town of Dayton.
- (B) **Operation of All-Terrain and Utility terrain Vehicles.** Operation of ATVs and UTVs shall be subject to all provisions of Wis. Statute section 23.33, as the same may be amended from time to time
- (C) **Designation of All-Terrain Vehicle and Utility Terrain Routes.** The designated all-terrain vehicle and utility vehicle routes in the Town of Dayton shall be as follows:
 - (1) All town roads, drives, and lanes with property marked ATV/UTV signage in the Town of Dayton.
 - (2) Under Wis. stat. ss. 23.33(4)(d). and 11(am)3., the Town of Dayton designates WIS 171 as an ATV route from USH 14 to the Village of Boaz boundary to connect with the Village of Boaz designation of WIS 171 from the Town of Dayton boundary to Jefferson Street in order to cross the bridge over the east branch of Mill Creek.
- (D) **Conditions Applicable to all-Terrain Vehicles and Utility Terrain Routes.**
 - (1) Pursuant to s. 23.33(8) d, Wis.Stats., the following restrictions are placed on the use of the Town of Dayton all-terrain vehicle routes designated by this ordinance
 - (2) Route signage with the supervision of the town shall be marked and paid for by the ATV club with uniform all-terrain vehicle route signs in accordance with s. NR64.12(7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking Town of Dayton all-terrain vehicle routes:
 - a. Intentionally remove, damage, deface, move or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-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.
 - b. Possess any uniform all-terrain vehicle route or trail 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 vehicle route or trail sign or standard in the lawful manner. Possession of an all-terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

- (3) A copy of this ordinance shall be sent by the Dayton Town Clerk to the Richland County Sheriff's department and the Department of Natural Resources, P O Box 7921 Madison, WI 53707
- (4) In addition to the provisions of s. 23.33, Wis. Stats., the following restrictions are placed on the use of the Town of Dayton all-terrain vehicle routes designated by this ordinance:
- a. All ATV/UTV operators shall observe posted roadway speed limits or a speed limit of 35 mph, whichever is lower.
 - b. All ATV/UTV operation shall be confined to the far right side of the paved /improved surfaces of the right of way of the designated routes.
 - c. The Town of Dayton may close ATV/UTV routes at any time through removal of all route signage and providing notice to the public.
 - d. The Town of Dayton may close ATV/UTV routes due to road emergencies, including but not limited to blizzards or flooding or other safety hazards.
 - e. Town of Dayton ATV/UTV routes shall be closed during nighttime hours. "Nighttime has the definition found in s. 990.01(23), Wis. Stats.

- (E) **Enforcement.** The penalties under Wis. Stat. sec. 23.33(13) (a), as the same may be amended from time to time, are adopted by reference. This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.
- (F) **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 provision of this ordinance and severable."

Section II: Effective date

This ordinance shall become effective upon its passage and publication.

Amended C-2 language to match 23.33(4)(d) 3.b and 11(am)3. 09/12/2018

Adopted and passed this 12 day of Sept 2018

Town of Dayton Town Board

Richard Wastlick Chairman

Richard G. Wastlick

Kurt Monson Supervisor

Kurt Monson

James Lingel Supervisor

James Lingel

Fran Ewing
Town Clerk

Fran Ewing