

STATE OF WISCONSIN Ordinance # 23.33-06-01
Town of Brockway
Jackson County

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Brockway All-Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish an all-terrain vehicle route in the town and to regulate the operation of all-terrain vehicles upon roadways in the town specified under Section V. This ordinance does not supersede or amend any previous ordinance referencing other roadways designated as routes. For the purposes of this ordinance, Utility Vehicles are considered ATV's.

SECTION II – AUTHORITY

The Town Board of the Town of Brockway, Jackson County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle Route 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 authorize all-terrain vehicle routes in the town and to regulate the use of those routes and all-terrain vehicles in the town.

SECTION IV – OPERATION OF ALL-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 on the roadway portion of any highway in the town except on roadways that are authorized as all-terrain vehicle routes by this ordinance. Operation of all-terrain vehicles on a roadway in the town that is an all-terrain vehicle route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions. ATV's must operate on the paved portion or graveled portion (gravel roads) at all times while on a route. ATV's may not operate on gravel shoulders of paved roadways.

SECTION V – AUTHORIZING OF ALL-TERRAIN VEHICLE ROUTES

The following routes are authorized as all-terrain vehicle routes in the town:
PURSUANT TO s. 23.33(8)(b)(2) AND s. 23.33(8)(e)(2)(b), WIS. STATS., ALL ROADS IN THE TOWN OF BROCKWAY ARE OPEN UNLESS POSTED WITH A NO ATV SIGN HAVING A MINIMUM OF 500 SQUARE INCHES OF REFLECTIVE MATERIAL. PREFERRED ROUTE SIGNS MAY BE POSTED IDENTIFYING SPECIFIC ROUTES CONNECTING THE PUBLIC TRAIL SYSTEM WITH COMMERCIAL BUSINESSES. THE TOWN RESERVES THE RIGHT TO POST ANY HIGHWAY AS CLOSED AT THEIR SOLE DISCRETION.

SECTION VI – CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE ROUTES

Pursuant to s. 23.33(8), Wis. stats., the following restrictions are placed on the use of the town all-terrain vehicle routes authorized by this resolution:

A. Routes shall be marked with uniform all-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 routes:

1. 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.

2. Possess any uniform all-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 route or trail sign or standard in a lawful manner. Possession of a uniform all-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 Jackson County Sheriff's Office.

D. Other conditions are as follows:

All ATV operators shall conform to posted speed limits for traffic, unless otherwise specifically posted for ATV speed limits.

All ATV operators shall ride single file.

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 in s. 23.33 (13) (a), Wis. Stats., are adopted by reference by the Jackson County Sheriff's Office for enforcement purposes.

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

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

Adopted this 17th day of June, 2020

Norman Stoker
Norm Stoker – Chair

Donald Matthews
Donald Matthews

Tony Bere
Tony Bere

Attest:

Jann Wohl
Clerk/Treasurer

Approved:
June 17, 2020

Published:
July 22, 2020