TOWN OF DOVRE

BARRON COUNTY, WISCONSIN

ORDINANCE NO. 2024 - 1

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE 2014-2, AS AMENDED, FOR THE TOWN OF DOVRE, BARRON COUNTY, WISCONSIN

The Town Board of the Town of Dovre, Barron County, Wisconsin (the “Town”), does hereby ordain Ordinance 2014-2, as amended December 9, 2014; November 10, 2015 (Ordinance 2015-02); May 10, 2016 (Ordinance 2016-01); and as amended by Ordinance 2022-1, repealed and replaced with the following:

Section 1. Title and Purpose. The title of this Ordinance is the Town of Dovre, Barron County, Wisconsin, All-Terrain Vehicle and Utility Terrain Vehicle Route Ordinance (the “Ordinance”). The purpose of this Ordinance is to establish all-terrain vehicle (“ATV”) and utility terrain vehicle (“UTV”) routes in the Town and to regulate the operation of ATVs and UTVs in the Town.

Section 2. Authority. The Town Board of the Town (the “Town Board”) has the specific authority to adopt this Ordinance under Wis. Stat. §§ 23.33(8)(b) and (11) and Wis. Stat. § 60.10(2)(c).

**Section 3. Definitions.** All terms not otherwise defined in this Ordinance shall have the meaning set forth in Wis. Stat. § 23.33. For purposes of this Ordinance, “roadway” shall mean the traveled portion of any Town Highway, and “Town Highway” shall mean all public ways and thoroughfares in the Town.

Section 4. Operation of All-Terrain Vehicles and Utility Terrain Vehicles. Pursuant to Wis. Stat. § 23.33(4)(d)4., except as otherwise provided in Wis. Stat. § 23.33(4), no person may operate an ATV or UTV on the roadway portion of any Town Highway except on roadways that are designated as ATV and UTV routes by this Ordinance. Operation of ATVs and UTVs on a roadway in the Town that is an ATV and UTV 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.

Section 5. Designation of All-Terrain Vehicle and Utility Terrian Vehicle Routes. All Town Highways in the Town are hereby designated as ATV and UTV routes unless otherwise marked (the “Routes”).

Section 6. Conditions Applicable to All-Terrain Vehicle and Utility Terrain Vehicle Routes. Pursuant to Wis. Stat. § 23.33(8), the following restrictions are placed on the use of the Routes designated by this Ordinance:

1. Routes shall be marked with uniform ATV and UTV route signs in accordance with Wis. Stat. § 23.33(8)(e) and Wis. Admin. Code § NR 64.12(7). No person may do any of the following in regard to signs marking Town ATV and UTV Routes:
	1. Intentionally remove, damage, deface, move, obstruct, or interfere with the effective operation of any uniform ATV or UTV route or trail sign or standard if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
	2. Possess any uniform ATV or UTV route or trail sign or standard of the type established by the Wisconsin Department of Natural Resources for the warning, instruction, or information of the public, unless he or she obtained the uniform ATV or UTV route or trail sign or standard in a lawful manner. Possession of a uniform ATV or UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.
2. Operation shall be subject to all provisions of Wis. Stat. § 23.33, which is adopted and incorporated as a part of this Ordinance by reference, pursuant to Wis. Stat. § 23.33(11).
3. A copy of this Ordinance shall be sent by the Town Clerk to the Wisconsin Department of Natural Resources, the Barron County Sheriff’s Department, and any other law enforcement agency serving the Town.
4. Additional restrictions:
	1. All ATV and UTV operators shall observe posted ATV and UTV speed limits.
	2. All ATV and UTV operators shall proceed single file.
	3. All ATV and UTV operators shall slow their vehicles to 10 mph or less when operating within 150 feet of a dwelling.
5. All ATV/UTV speed limits and other operational controls shall be established by amendments to this Ordinance adopted from time to time by the Town Board in accordance with Wisconsin law.

Section 7. Age Restrictions; Certification.

1. ATV Age Restrictions.
	1. Subject to Section 6.A.2. through Section 6.A.5. of this Ordinance, no person under 12 years of age may operate an ATV unless any of the following applies:
		1. He or she is operating the ATV for an agricultural purpose and he or she is under the supervision of a person over 18 years of age. For purposes of this subsection, supervision does not require that the person under 12 years of age be subject to continuous direction or control by the person over 18 years of age.
		2. He or she is operating a small ATV on an ATV trail designated by the Wisconsin Department of Natural Resources and he or she is accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian.
	2. No person who is under 12 years of age may operate an ATV that is an implement of husbandry on a roadway under any circumstances.
	3. No person who is under 12 years of age may operate an ATV on a roadway under the authorization provided under Wis. Stat. § 23.33(4)(d)6. under any circumstances.
	4. No person who is under 16 years of age may operate an ATV under the authority provided under Wis. Stat. § 23.33(4)(d)4. or 7. unless the person is accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian.
	5. No person who is under 16 years of age may operate an ATV under the authorization provided under Wis. Stat. § 23.33(4)(f) under any circumstances.
	6. No person who is under 12 years of age may rent or lease an ATV.
2. UTV Age Restrictions.

* 1. No person under 16 years of age may operate, rent, or lease a UTV unless any of the following apply:
		1. He or she is operating the UTV for an agricultural purpose and he or she is under the supervision of a person over 18 years of age. For purposes of this subsection, supervision does not require that the person under 16 years of age be subject to continuous direction or control by the person over 18 years of age.
		2. He or she is at least 12 years of age, is operating a small UTV on an ATV trail designated by the Wisconsin Department of Natural Resources and he or she is accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian.
	2. Except as provided in Wis. Stat. §§ 23.33(4)(d)1., 2., and 3.a., no person who is under 16 years of age may operate a UTV on a roadway.
1. Safety Certificate.
	1. No person who is at least 12 years of age and who is born on or after January 1, 1988, may operate an ATV or UTV unless he or she holds a valid safety certificate issued by the Wisconsin Department of Natural Resources, another state, or a province of Canada.
	2. Any person who is required to hold an ATV or UTV safety certificate while operating an ATV or UTV shall carry proof that the person holds a valid safety certificate and shall display this proof to a law enforcement officer on request.
	3. Persons enrolled in a safety certification program approved by the Wisconsin Department of Natural Resources may operate an ATV or UTV in an area designated by the instructor.
2. If applicable, the exceptions set forth in Wis. Stat. § 23.33(5)(c) to the requirements in this Section 6 shall apply.

**Section 8. Signing of Routes.** The Town shall be responsible for ensuring any required signs for the Routes are erected and maintained in accordance with Wis. Stat. § 23.33(8)(e) and Wis. Admin. Code § NR 64.12. The Town may work with a local ATV/UTV club, such as the Chetek ATV Cruzers, Inc., to place, maintain, and repair appropriate Route signs.

**Section 9. Enforcement.** This Ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin and additionally as stated in the Town’s Citation Ordinance adopted pursuant to Wis. Stat. § 66.0113.

**Section 10. Penalties.** The penalties under Wis. Stat. § 23.33(13) are hereby adopted by reference.

**Section 11. 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 of 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 12. Effective Date.** The Town Clerk shall properly post or publish this Ordinance as required under Wis. Stat. § 60.80, and this Ordinance shall be effective on publication or posting.

Adopted by the Town Board on February 13, 2024.

 TOWN OF DOVRE

 By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Mitch Hanson, Chairman

 Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Louise Cody, Clerk/Treasurer

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