

**TOWN OF EXCELSIOR, SAUK COUNTY, WISCONSIN  
ALL-TERRAIN VEHICLE (ATV) AND UTILITY TERRAIN VEHICLE (UTV) ORDINANCE**

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**Section 1: Title and Purpose.** The title of this ordinance is the Town of Excelsior (Town), Sauk County, Wisconsin All-Terrain Vehicle (ATV) and Utility Terrain Vehicle (UTV) Route Ordinance. The purpose of this ordinance is to establish ATV and 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 of Excelsior, Sauk County, Wisconsin, has the specific authority to adopt this ATV and UTV Ordinance under s. 23.33(8)(b) and (11), Wis. Stats.

**Section 3: 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 ATV and UTV routes in the Town and to regulate the use of those routes and ATV and UTV in the Town, designates ATV and UTV routes in the Town and provides for the regulation of the use of those routes and of AVT and UTV in the Town.

**Section 4: Adoption of State Standards.** Section 23.33, Wis. Stats., is hereby adopted and incorporated into this ordinance as though fully set forth herein and establishes the standards and regulations applicable to operation of ATVs and UTVs in the Town.

**Section 5: Operation of ATVs and UTVs.** No person may operate an ATV or a UTV on or off the roadway portion of any highway in the Town except on roadways that are designated as ATV and UTV routes by this ordinance, or listed as exceptions to the Town's prohibition as set forth in section 23.33(4), Wis. Stats.

**Section 6: Designation, Modification, Suspension and Revocation of ATV /UTV Routes**

- A. All town roads in the Town are designated ATV/UTV routes for their entire length. In addition, as authorized by Wis. Stat. § 23.33(11)(am)4, the Town authorizes the operation of ATVs and UTVs on State Highway 136 where the speed limit is 35MPH from Ableman Road to the northerly limits of the Village of Rock Springs.

- B. Designation of town roads as ATV/UTV routes shall not imply and does not impose a greater duty of care and responsibility for maintenance of those roads, nor does it guarantee the safety of the roads. Operators of ATVs/UTVs on town roads designated as an ATV/UTV routes assume all the usual and normal risks of ATV/UTV operation.
- C. The Board shall monitor and review routes for compliance with this Ordinance to prevent unauthorized or adverse use of town roads or unreasonable interference with other private or public property uses.
- D. The Board may modify, suspended or close any ATV/UTV route whenever conditions require closure or upon the request of the Sauk County Sheriff.

**Section 7: Signage of ATV/UTV Routes**

- A. Under the direction of the Town, route signs shall be purchased, installed and maintained by the Sauk Ridge Runners ATV Club or their successor with uniform ATV/UTV route signs in accordance with Wis. Adm. Code. ch. NR 64.12 (7). Signs shall be inspected annually and maintained by the Sauk Ridge ATV Club or their successor. The Town shall be notified immediately of any change in responsibility for maintenance of the ATV/UTV route signs.
- B. 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.

**Section 8: Conditions Applicable to ATV and UTV Routes.** Pursuant to s. 23.33(8)(d), Wis. Stats., the following restrictions are placed on the use of the Town ATV and UTV routes designated by this resolution:

- A. 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.

- B. A copy of this ordinance shall be sent by the Town Clerk to the Department of Natural Resources, the Sauk County Sheriff's Department and any other law enforcement agency serving the Town's jurisdiction.
- C. ATVs and UTVs shall be operated on a route at a safe speed not to exceed 35 miles per hour unless a reduced speed is otherwise required by law or roadway conditions.
- D. ATVs and UTVs may only be operated on designated ATV/UTV routes between 7:00 AM and 9:00 PM.

**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 authority ordinance.

**Section 10: 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 11: Penalties.** Wisconsin state ATV /UTV penalties as set forth in Wis. Stat. § 23.33(13)(a) and the Town of Excelsior Citation Ordinance Schedule are herein adopted by reference. Any person who violates any section of this Ordinance or statutes adopted by reference shall, upon conviction, be subject to the forfeiture as provided in the Town of Excelsior Citation Ordinance Schedule except that the forfeiture imposed shall not exceed the maximum fine permitted under the statute. Said forfeiture is exclusive of mandatory assessments and costs.

**Section 12: Review and Effective Date**

- A. Notwithstanding Section 6. D. of this Ordinance, on or before April 1<sup>st</sup> of each year, the Board shall review this Ordinance, including the designated ATV/UTV routes, and may amend, rescind or continue the Ordinance without change.
- B. This Ordinance is effective upon passage and publication. The Town Clerk shall properly publish the Ordinance as required under WI Stat. § 60.80.

Adopted this 8<sup>th</sup> day of May, 2019.

**TOWN OF EXCELSIOR, SAUK COUNTY, WISCONSIN,**

APPROVED:

ATTESTED:

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Ken Nolden, Town Chair

Jennifer Grant, Town Clerk

Adopted: 5/8/2019

Published: \_\_\_\_\_

Ordinance No: 03-05-2019

I hereby certify that the above ordinance was duly adopted by the Town of Excelsior, Sauk County, Wisconsin, by at least a majority vote of the members of the Town Board on the 8<sup>th</sup> day of May, 2019.

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Jennifer Grant, Town Clerk