

TOWN OF EDEN
Fond du Lac County, Wisconsin

ALL-TERRAIN VEHICLE ROUTE ORDINANCE

SECTION 1. PURPOSE AND AUTHORITY.

The purpose of this ordinance is to establish all-terrain vehicle routes in the Town and to regulate the operation of all-terrain vehicles in the Town. The Town Board has the authority to adopt this ordinance under Wis. Stat. § 23.33(8)(b) and (11).

SECTION 2. ADOPTION OF ORDINANCE.

The Town Board of the Town of Eden, Fond du Lac County, Wisconsin, by 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 routes in the Town and to regulate the use of those routes and all-terrain vehicles in the Town

SECTION 3. OPERATION OF ALL-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 all-terrain vehicle on the roadway portion of any highway in the Town except on roadways that are designated 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.

SECTION 4. DESIGNATION OF ALL-TERRAIN VEHICLE ROUTES.

The following routes are designated all-terrain vehicle routes in the Town:

Marsh Road from the Eden/Empire town line to the intersection of Sunny Road

Sunny Road from the intersection of Marsh Road to the intersection of County
UU

Winter Road from the intersection of Sunny Road to the intersection of Hwy 45

SECTION 5. CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE ROUTES.

Pursuant to Wis. Stat. § 23.33(8)(d), the following restrictions are placed on the use of the Town all-terrain vehicle routes designated by this ordinance:

- A. Routes shall be marked with uniform all-terrain vehicle route signs in accordance with 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 Wis. Stat. § 23.33, which is adopted as a part of this ordinance by reference, pursuant to Wis. Stat § 23.33(11).
- C. A copy of this ordinance shall be sent by the Town Clerk to the Fond du Lac County Sheriff's Department and to the Wisconsin Department of Natural Resources.
- D.
1. All operators shall observe posted roadway speed limits
 2. All operators shall ride single file.
 3. All operators shall slow the ATV to 10 miles per hour or less when operating within 150 feet of a residential dwelling.
 4. All operators must comply with applicable state and federal laws and regulations pertaining to ATV operation.
 5. Designated routes are open from December 15 of each calendar year to March 15 of the following calendar year.

SECTION 6. ENFORCEMENT.

Any law enforcement officer authorized to enforce the laws of the State of Wisconsin may enforce this ordinance.

SECTION 7. PENALTIES.

The penalties under Wis. Stat. § 23.33(13)(a) are adopted by reference.

SECTION 8. 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 9. EFFECTIVE DATE.

This ordinance is effective upon its passage and publication as required by law. The Town Clerk shall publish this ordinance as required under Wis Stat. § 60 80.

Adopted this 04 day of NOVEMBER, 2010.

TOWN OF EDEN

Richard G. Guell
Richard G. Guell, Town Chairperson

Attest.

B. J. Gosein
Brenda J. Gosein, Town Clerk