

TOWN OF GARFIELD

All-Terrain Vehicle Ordinance

No. 2-2010

In Effect 6-5-2010

All-Terrain Vehicle Ordinance

STATE OF WISCONSIN

Town of Garfield

Polk County

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Garfield All-Terrain Vehicle Ordinance. 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.

SECTION II – AUTHORITY

The Town Board of the Town of Garfield, Polk County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle Ordinance under [s.23.33 \(8\) \(b\)](#) and [\(11\)](#), Wis. Stats.

SECTION III – ADOPTION OF ORDINANCE

The Town Board of the Town of Garfield, Polk 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 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 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 V – ALL-TERRAIN VEHICLE ROUTES

All town roads, with the exception of those listed below:

None

SECTION VI – CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE ROUTES

Pursuant to [s. 23.33 \(8\) \(d\)](#), Wis. Stats., the following restrictions are placed on the use of the town all-terrain vehicle routes designated 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 an uniform all-terrain Vehicle route or trail sign or standard creates a reputable presumption of illegal possession.

B. Operation shall be subject to all provisions of [s.23.33](#), Wis. Stat., 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 Polk County Sheriff's Department.

D. Other conditions to apply to all operators (and passengers where applicable):

- All ATV operators shall ride single file.
- All ATV operators shall observe 35 mile per hour speed limit.
- All ATV operators shall slow vehicle to 10 mph or less when operating within 150 feet of a dwelling.
- All ATV operators shall remain on blacktopped surface.
- All ATV operators MUST have a valid drivers license.

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 [s.23.33 \(13\) \(a\)](#), Wis. Stats., are adopted by reference.

SECTION IX – SEVERTABILITY

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

This ordinance is effective upon publication.

The town clerk shall properly publish this ordinance as required under [s.60.80](#), Wis. Stats.

Adopted this _____5th____ day of _____June____ 2010.

__Ed Gullickson_____

Ed Gullickson, Town Board Chair

Attest:

__Sue Knutson_____

Sue Knutson, Town Clerk