

TOWN OF ALBAN, PORTAGE COUNTY, WISCONSIN
ORDINANCE #2021-2
ALL TERRAIN/UTILITY TERRAIN VEHICLES & ROUTES

SECTION I - TITLE AND PURPOSE

The title of this ordinance is the Town of Alban All Terrain/Utility Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle and utility terrain vehicle routes in the town and to regulate the operation of all-terrain vehicles and utility terrain vehicles in the town.

SECTION II – AUTHORITY

The Town Board of the Town of Alban, Portage County, Wisconsin, has the specific authority to adopt this All-Terrain/Utility Terrain vehicle Ordinance under s. 23.33(8) (b) and (11), Wis. Stats.

SECTION III – ADOPTION OF THE ORDINANCE

This ordinance adopted on proper notice with a quorum and roll call vote by a majority of town board present and voting, provides the authority for the town to designate all-terrain vehicle and utility terrain vehicle routes in the town and to regulate the use of those routes and all-terrain vehicles and utility terrain vehicles in the town, designate all-terrain vehicle and utility terrain vehicle routes in the town and provides for the regulation of the use of those routes and of all-terrain vehicles and utility terrain vehicles in the town.

SECTION IV – OPERATION OF ALL-TERRAIN VEHICLES AND UTILITY 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 and utility terrain vehicle on the roadway portion of any highway in the town except on roadways that are designated as all-terrain vehicle and utility terrain vehicle routes by this ordinance. Operation of all-terrain vehicles and utility terrain vehicles on a roadway in the town that is an all-terrain vehicle and utility 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 – DESIGNATION OF ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES

The following routes are designated all-terrain vehicle and utility terrain vehicle routes in the town:

- All roads within the Town of Alban unless posted

SECTION VI – CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE AND UTILITY 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 and utility terrain vehicle routes designated by this Resolution:

- A. Routes shall be marked with uniform all-terrain vehicle and utility terrain vehicle route signs in accordance with s. 23.33 (8) (e), Wis. Stats., and 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 and utility terrain vehicle routes:
 - 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 standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
 - 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.
- B. Operation shall be subject to all provisions of s. 23.33, Wis. Stats, which is adopted as part of this ordinance by reference to s. 23.33 (11), Wis. Stats.
- C. A copy of this ordinance shall be sent by the town clerk to the Department of Natural Resources, the Wisconsin State Patrol and the Portage County Sheriff's Department.
- D. The ordinance will be reviewed as needed.
- E. List additional restrictions:
 - All all-terrain vehicle and utility terrain vehicle operators shall observe the maximum posted 35 miles per hour speed limits
 - All all-terrain vehicle and utility terrain vehicle operators shall ride single file on paved portion of town roads
 - No all-terrain vehicle and utility terrain vehicles may be operated on road shoulders or in road ditches. No straddling of the shoulder or ditch is allowed.

- All all-terrain vehicle and utility terrain vehicle operators shall slow the vehicle to 10 MPH or less when operating within 150 feet of a dwelling or 100 feet of any person who is not on a motorized vehicle
- The all-terrain vehicle and utility terrain vehicle routes will be open year round
- Any or all all-terrain and utility terrain vehicle routes may be closed at any time at the discretion of the Town of Alban, Portage County, WI

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), Wis. Stats., are adopted by reference.

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 – OTHER

Any costs associated with necessary signs will be borne by ATV/UTV clubs, potential use of grants.

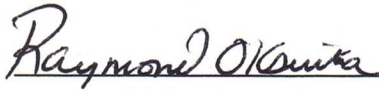
SECTION XI – EFFECTIVE DATE

This ordinance is effective upon publication or posting. The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

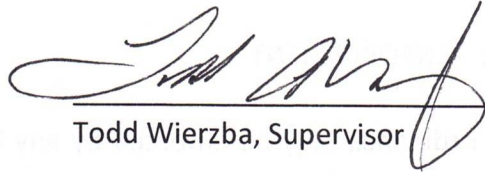
Adopted this 9th day of February, 2021

Posted: February 10, 2021 at kiosks at Town of Alban Garage, Lake Helen County Park and Rosholt Fire District

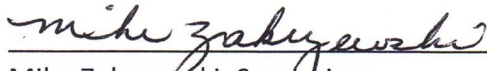
Effective: February 11, 2021



Raymond Oksuita, Chairman



Todd Wierzba, Supervisor



Mike Zakrzewski, Supervisor



ATTEST: Tracy Glodowski, Clerk/Treasurer