

TOWN OF NORTH BEND ORDINANCE NO. 9-21

STATE OF WISCONSIN
TOWN OF NORTH BEND
JACKSON COUNTY

THE TOWN BOARD OF THE TOWN OF NORTH BEND HEREBY ORDAIN AS FOLLOWS:

Section 1. TITLE

The title of this ordinance is the TOWN OF NORTH BEND ATV/UTV ORDINANCE.

Section 2. AUTHORITY

The Town Board has the authority under s. 60.10 and 60.10(2)(c), Wis. Stats., the general authority under its village powers under s. 60.22, Wis. Stats., and as otherwise stated elsewhere herein, to adopt this ordinance.

Section 3. ALL-TERRAIN VEHICLES AND UTILITY TERRAIN USE ON ROADS IN THE TOWN

(1) Intent and Statutory Authority.

The purpose of this section is to establish certain Town Roads as being open to use by all-terrain vehicles and utility terrain vehicles to aid in gaining access to all-terrain vehicle and utility terrain vehicle ("ATV/UTV") trails and amenities in a way that is consistent with public rights and interests pursuant to § 23.33(8)(b) and (11), Wis. Stats. The applicable provisions of 23.33 regulating ATV/UTV operation pursuant to routes are hereby adopted.

(2) Authorized Operation and Routes.

(a) Under Wis. Stat. s. 23.33(8)(b)2, the Town of North Bend authorizes all town-maintained roads, streets, alleys, and highways, including any town-maintained parking lots, except connecting highways, as open to all-terrain vehicle ("ATV") or utility terrain vehicle ("UTV") use, except as otherwise posted; and

(b) Under Wis. Stat. s. 23.33(11)(am)4, the Town of North Bend authorizes the operation of ATVs or UTVs on all state, connecting and county highways with a posted speed limit of 35 MPH or less within the territorial boundaries of the Town of North Bend, except as otherwise posted.

(c) The Town Board of the Town of North Bend may temporarily close any ATV/UTV route whenever conditions, in the Town Board's discretion, require closure.

(3) Conditions.

As a condition for the use of the route, the following conditions shall apply to all operators (and passengers):

- (a) State Traffic Laws Adopted. Except as otherwise specifically provided in this ordinance/code, the statutory provisions in Chapter 23, 340 to 348, and 350 of the Wisconsin Statutes, describing and defining regulations with respect to vehicles and traffic, and Chapter NR 64, All Terrain Vehicles, WI-DNR, as amended, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment are hereby adopted and by reference made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this section. Any future amendments, revisions, or modifications of the statutes incorporated herein are intended to be made part of this section in order to secure uniform statewide regulation.
- (b) ATVs and UTVs may only be operated on authorized streets/roads/highways from 7:00 a.m. to 12:00am.
- (c) All ATV/UTV operators shall ride single file.
- (d) ATV/UTV operators shall use the shortest and most direct path along the route to the amenities and/or designated trails and back again.
- (e) Liability insurance is required on ATV/UTV's operated on public roads in the Town of North Bend and every person who operates an ATV or UTV on any street/road/highway in the Town of North Bend shall have in his or her immediate possession a valid motor vehicle operator's license and proof of liability insurance. The ATV/UTV operator shall display the operator's license and/or proof of insurance upon demand from any Law enforcement officer, state patrol officer, inspector under Wis. Stats. § 110.07(1), or conservation warden.
- (f) No chains or studs are allowed on ATV/UTV wheels.
- (g) No open intoxicants are allowed on any ATV/UTV while being operated within the Town of North Bend.

(4) Enforcement.

The provisions of this ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin. Adoption of this ordinance shall not prohibit any law

enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law, or order that pertains to the subject matter addressed herein.

(5) Penalties.

First Offense violations will be subject to a forfeiture of \$150.00;

Second and subsequent violations will be subject to a forfeiture of \$250.00 per offense.

Section 4. SEVERABILITY

The provisions of this ordinance shall be deemed severable, and it is expressly declared that the Town would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to other persons and/or circumstances shall not be deemed affected.

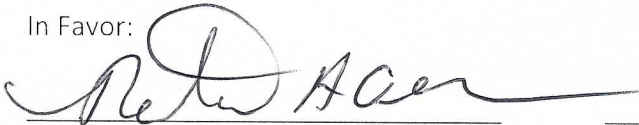
Section 5. EFFECTIVE DATE AND DURATION

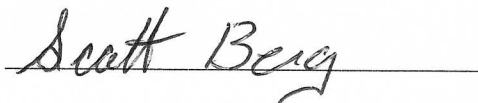
This ordinance becomes effective upon passage, publication or posting, and the placement of ATV/UTV route signage. The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. Stats.

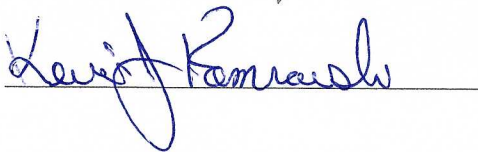
Adopted this 8th day of September, 2021.

In Favor:


Opposed:

 _____

 _____

 _____

Attest:


Town Clerk