

STATE OF WISCONSIN  
TOWN OF DURAND  
PEPIN COUNTY

Ordinance 2019-01

ALL-TERRAIN/ UTILITY TASK VEHICLES USE ON TOWN ROADS

1. STATUTORY AUTHORIZATION.

This ordinance is adopted pursuant to the authority of Wisconsin Statutes sections 23.33(11) and 59.02, as amended. In addition, the provisions of Wisconsin Statutes section 23.33, and the provisions of Wisconsin Administrative Code NR 64 regulating All-Terrain Vehicles and Utility Terrain Vehicles (ATV/UTV) operations are hereby incorporated by reference.

2. PURPOSE AND INTENT.

The Town of Durand enacts this ordinance to authorize operation of ATV/UTVs upon town roads designated for such use in paragraph 3 of this ordinance. Pepin County has adopted its Ordinance 7.07 which authorizes recreational use of ATV/UTVs on designated routes within the County, some of which are located in the Town of Durand. After considering the recreational value of ATV/UTV use to the Town of Durand and the potential impacts to the public's health, safety and welfare, this Ordinance is enacted. A copy of a map showing the location of ATV/UTV routes shall be kept on file at the Pepin County Highway Department.

3. AUTHORIZED ROUTES.

All Town roads are designated as ATV/UTV routes except:

- A. Cedar Ct.
- B. Pine St.
- C. Sunny View Rd
- D. Meadowlark St
- E. Havenwood Rd

4. CONDITIONS.

Operation of ATVs and UTVs on any Durand Township Town Road designated as an ATV/UTV route shall be subject to the following:

- A. All provisions of Wisconsin Statutes section 23.33 are incorporated into this ordinance by reference pursuant to authorization of Wisconsin Statutes section 23.33(11).
- B. All ATV/UTV operators shall observe a speed limit of not more than 35 miles per hour or the posted roadway speed limit, whichever is lower.

C. All ATV/UTV operators shall ride single file on the extreme right hand portion of the road, not in the ditch.

D. All ATV/UTV operators shall maintain liability insurance for their ATV/UTV use on town roads in the amount established by the State of Wisconsin for motor vehicle operation and by utilizing any ATV/UTV, agrees to fully indemnify and hold harmless Town of Durand for all liability arising from use or non-use of ATV and/or UTV's on Town of Durand Town Roads.

E. All ATVs and UTVs must be equipped with functioning brake lights and headlights and tail lamps must be illuminated at all times during operation.

F. All ATV/UTV operators born on or after January 1, 1988 must possess a valid DNR issued ATV safety certificate.

G. All ATV/UTV operators shall not operate the vehicles on town roads during the period starting one hour after sunset and ending one hour before sunrise.

H. All ATV/UTV operators shall have a valid driver's license.

I. All ATV/UTV operators who are under the age of 18 must wear a helmet as required by Wisconsin Statutes section 23.33.

#### 5. SIGNAGE.

The Town of Durand is required to post signs on designated ATV/UTV routes in accordance with Wisconsin Statutes section 23.33 (8)(e), The Town will follow its usual procedure to have the Pepin County Highway Department erect and maintain signs required by the statute on the designated routes. The Pepin County ATV/UTV Club has agreed to purchase or reimburse the Pepin County Highway Department or Town for signs required by statute on designated routes and pay for installation and maintenance of required signs as necessary for them to continue to conform to statutory requirements.

#### 6. ENFORCEMENT.

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

#### 7. REVIEW.

This ordinance or any route designated by it may be canceled at any time by act of the Town Board. The Town Board may add or delete authorized routes by action that conforms to the requirements of Wisconsin Statutes section 23.33 and all public notice required by law for Town Board action.

#### 8. PENALTIES.

The penalties set forth in Wisconsin Statutes section 23.33(13)(a) are incorporated by reference.

9. 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 circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons' circumstances shall not be deemed affected.

EFFECTIVE DATE.

This ordinance becomes effective on the passage by the Town Board and publication by the Town Clerk as required by Wisconsin Statutes section 59.14. Actual use of Town Roads under this ordinance may begin only after the Pepin County Highway Department certifies to the Chair of the Durand Town Board that signage required by this ordinance is in place on the routes authorized in section 3.

Adopted this <sup>13<sup>th</sup></sup> ~~16<sup>th</sup>~~ day of <sup>August</sup> ~~July~~ 2019.

Date published: <sup>22<sup>nd</sup></sup> ~~25<sup>th</sup>~~ day of <sup>August</sup> ~~July~~ 2019

Date signage certified: 8/13/19



/s/ Stanley Ridgeway  
Town Chair



/s/ Mark Weiss  
Supervisor #1



/s/ Penny Bauer  
Supervisor #2

TOWN BOARD ACTION:

3      0      0      0  
In favor    Oppose    Absent    Abstain