

Approved

10-6-08

**ARTICLE \_\_\_\_\_ – All-Terrain Vehicle Routes Ordinance**

**A. Title and Purpose**

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

**B. Authority**

The Town Board of the Town of Holland, Brown County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle Route Ordinance under s. 23.33 (8) (b) and (11), Wis. stats.

**C. Adoption of Ordinance**

The Town Board of the Town of Holland, Brown 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.

**D. 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.

**E. Application of Rules of the Road to All-Terrain Vehicles**

The operator of an all-terrain vehicle upon a roadway shall in addition to the provisions of s. 23.33, Wis. Stats., be subject to s. 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1) and (9), Wis. stats.

## **F. Speed Restrictions**

The Town of Holland has specifically adopted the Wisconsin Statutes, including the provisions set forth at s. 23.33(3) (i), Wis. stats., which indicate that no person may operate an all-terrain vehicle in a manner which violates rules promulgated by the Department. The Town of Holland specifically adopts Wisconsin Administrative Code s. NR64.07, which provides that no person may operate an all-terrain vehicle at a rate of speed that is unreasonable or improper under the circumstances.

## **G. All-Terrain Vehicle Routes**

The following routes are designated all-terrain vehicle routes in the town: all town roadways in the Town of Holland, Brown County, Wisconsin.

## **H. Operation On Or Near Brown County Highways**

All-terrain vehicles may be operated on Brown County highways only if the all-terrain vehicle is used exclusively for agricultural purposes pursuant to s. 23.33(4)(d)5., Wis. stats.

## **I. 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:

(1) 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:

(a) 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.

(b) 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.

(2) Operation shall be subject to all provisions of s. 23.33, Wis. stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33 (11), Wis. stats.

(3) A copy of this ordinance shall be sent by the town clerk to the Brown County Sheriff's Department.

**J. Enforcement**

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

**K. Penalties**

The penalties under in s. 23.33 (13) (a), Wis. Stats., are adopted by reference.

**L. 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.

**M. Effective Date**

(1) This ordinance is effective on publication or posting.

(2) The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 6 day of <sup>Oct</sup> ~~September~~ 2008.

By order of the Town of Holland Town Board,  
Brown County, Wisconsin

Jerry Wall, Chairman  
Mike Geiger, Supervisor  
Tom Vander Wettning, Supervisor  
Attest: William Clancy, Town Clerk

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