

Ordinance Number 09-02

STATE OF WISCONSIN

Town of Lincoln, Burnett County, WI

SECTION 1 – TITLE AND PURPOSE

The title of this ordinance is the Town of Lincoln All-Terrain Vehicle Route 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 Lincoln, Burnett County, Wisconsin has the specific authority to adopt this All-Terrain Vehicle Route Ordinance under section 23.33 (8) (b) and (11), Wis. Stats.

SECTION III – ADOPTION OF ORDINANCE

The Town Board of the Town of Lincoln, Burnett 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 section 23.33 (4) (d) 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 pavement 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 ROUTES

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

Only blacktopped roads listed: Lee, Olson, Ice House Bridge, Black Brook, Smith, Clark, Moline, Lhotka, Lincoln, Klarquist, Hilda's Corner, Fairgrounds, Helsene, Perida, and South River Road. Including: Welch, Olinger, and North Fork Dike Road.

SECTION VI – CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE ROUTES

Pursuant to section 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 section 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 a uniform all-terrain vehicle route or trail sign or standard creates a rebuttal presumption of illegal possession.
- B. Operation shall be subject to all provisions of section 23.33, Wis. Stats., which was adopted as a part of this ordinance by reference, pursuant to section 23.33 (11), Wis. Stats.
- C. A copy of this ordinance shall be sent by the town clerk to the Burnett County Sheriff's Department.
- D. All all-terrain vehicles shall travel in single file on the edge of the paved surface, with the direction of traffic. Operation on the unpaved shoulder of the road will not be allowed. All all-terrain vehicles shall obey all traffic laws of the road with the exception of speed. The speed limit for all-terrain vehicles shall be 20 miles per hour. The age limit of operators of all-terrain vehicles must be concurrent to Wisconsin State Statutes.

SECTION VII – ENFORCEMENT

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin. The Town of Lincoln shall not be held liable for any damage, either real estate or personal, due to allowing all-terrain vehicles to use designated town roads.

SECTION VIII – PENALTIES

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

SECTION VIII – 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 its end, the provisions of this ordinance are severable.

SECTION X – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under section 60.80, Wis. Stats.

Adopted this 8th day of September 2009.

Signatures of town board Christ N. Nelson
[Signature]
[Signature]

Attest: Signature of town clerk Patricia Bjorklund