

**Town of Tainter
Dunn County, Wisconsin
Ordinance Number: 150.4
Designation and Regulation of All-Terrain Vehicle/Utility-Terrain
Vehicle Route**

SECTION I – TITLE AND PURPOSE

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

SECTION II – STATUTORY AUTHORITY

The Town Board of Town of Tainter, Dunn County, Wisconsin has the specific authority to adopt this All-Terrain Vehicle/Utility-Terrain Vehicle Route Ordinance under s. 23.33 (8)(b) and (11) Wis. Stats. The applicable provisions of Wis. Stat. § 23.33 and Chapter NR 64, Wisconsin Administrative Code regulating all ATVs/UTVs pursuant to routes are adopted.

SECTION III – ADOPTION OF ORDINANCE

The Town Board of the Town of Tainter, Dunn County, Wisconsin, by this ordinance, adopted on proper notice with a quorum and roll call vote by a majority vote of the Town Board present and voting, provided the authority for the town to designate ATV/UTV vehicle routes in the town and to regulate the use of those routes.

SECTION IV – OPERATION OF ALL-TERRAIN/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 ATV/UTV on the roadway portion of any highway in the town except on roadways that are designated as ATV/UTV routes by this ordinance. Operation of ATVs/UTVs on roadway in the town that is an ATV/UTV 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. On paved roadway ATVs/UTVs must be operated on the paved portion of the roadway and not on the gravel shoulder.

SECTION V – DESIGNATION OF ALL-TERRAIN VEHICLE/UTILITY-TERRAIN VEHICLE ROUTES

The following routes are designated ATV/UTV routes in the town:

The Town has agreed to open all town roads to use to ATVs/UTV vehicles.

SECTION VI – CONDITIONS TO ALL-TERRAIN VEHICLE/UTILITY-TERRAIN VEHICLE ROUTES

Pursuant to § 23.33 (8)(d), Wis. Stats, and Chapter NR 64, Wis. Admin. Code the following restrictions are placed on the use of the town ATV/UTV routes designated by this ordinance:

- A. Routes shall be marked with uniform ATV/UTV route signs in accordance with Wis. Stat § 23.33 (8)(e) and NR 64.12 (7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking ATV/UTV routes:
1. Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of a uniform ATV/UTV route or trail or standard if the sign or standard is legally placed by the state, any municipality or any authorized individual.
 2. Possess any uniform ATV/UTV route or trail sign or standard of the types established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform ATV/UTV route or trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.
- B. Operation shall be subject to all provisions of § 23.33, Wis. Stats. and Chapter NR 64, Wis. Admin. Code, which is adopted as a part of this ordinance by reference, pursuant to § 23.33 (11), Wis. Stats.
- C. A copy of this ordinance shall be forwarded to the Dunn County Sheriff Department.
- D. In addition to the provisions of § 23.33, Wis. Stats and Chapter NR 64, Wis. Admin. Code, the following restrictions are placed on the use of the town ATV/UTV routes designated by this ordinance:
1. Pine Point Road, (540th St) and Lakehurst Road, (800th Ave) to Lake Road, (610th St) are posted at 10 MPH.
 2. All other designated ATV trails are posted for 35 MPH. Operators shall reduce speed whenever the posted limit is less or as stated in Wisconsin Statutes that relate to ATV and UTV operation.
 3. All ATV/UTV operators shall ride single file.
 4. Anyone under the age of twelve (12) cannot operate an ATV/UTV on a road or route under any circumstances.
 5. All operators under the age of eighteen (18) years of age not in possession of a valid driver's license shall have a valid ATV/UTV safety certificate in their possession and be accompanied by a parent or legal guardian.
 6. All ATV/UTV operators and passengers under the age of 18 must wear a DOT-approved helmet.
 7. Operators must have headlamps and taillamps on at all times.
 8. Operation on ATV/UTV routes shall be permitted year-round unless otherwise posted.
 9. ATVs and UTVs shall be operated on the extreme right side of the roadway on the paved portion of the roadway. Operation on the shoulder, or in the ditch or right-of-way is prohibited, unless yielding the right-of-way.

SECTION VII – SPECIAL PROVISIONS

All signs, posts and similar material associated with the approved ATV/UTV trails, roads and streets in the Town of Tainter will be installed and maintained by the Dunn County ATV/UTV

Association through an agreement with the Township. The said agreement will be reviewed annually at the Town Board to ensure compliance with all provisions of this ordinance.

SECTION VIII – ENFORCEMENT

Any law enforcement officer authorized to enforce the laws of the State of Wisconsin may enforce this ordinance.

SECTION IX – PENALTIES

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

SECTION X – EFFECTIVE DATE

This ordinance shall become effective upon passage and publications and when ATV/UTV route signs are posted by the ATV/UTV Club or Organization, but can be discontinued at any time by the decision of the Town of Tainter Town Board.

PASSED AND ADOPTED by a majority vote of the Town Board of the Town of Tainter, Dunn County, Wisconsin, this 13th day of July 2023.

TAINTER TOWN BOARD:

ATTEST:

____Signature on File____
Randy Valaske, Chairman

____Signature on File____
Doris Meyer, Town Clerk

____Signature on File____
Martin Guarneri, Supervisor

____Signature on File____
Gerald Mrdutt, Supervisor

(Town Seal)

____Signature on File____
Justin Albright, Supervisor

____Signature on File____
Jeremy Kozumplik, Supervisor

HISTORICAL INFORMATION

Adoption History:

- 07-13-2023 Adopted Revised Designation and Regulation of All-Terrain Vehicle/Utility Terrain Vehicle Route
- 10-08-2020 Adopted Designation and Regulation of All-Terrain Vehicle/Utility Terrain Vehicle Route