

STATE OF WISCONSIN
Town of Lucas
Dunn County

**FIRST AMENDMENT TO
ORDINANCE NO. 9512**

**AN ORDINANCE REGARDING
ALL-TERRAIN VEHICLE USE AND ROUTES**

1. This amendment (the "Amendment") is made to Ordinance No. 9512 dated March 17th, 2009 (the "Ordinance").
2. The Ordinance is amended as follows: **ALL-TERRAIN VEHICLE AND UTILITY-TERRAIN VEHICLE USE AND ROUTES**
3. Except as set forth in this Amendment, the Ordinance is unaffected and shall continue in full force and effect in accordance with its terms. If there is conflict between this amendment and the Ordinance or any earlier amendment, the terms of this amendment will prevail.

By: ADAMS

Printed Name: Angela Davis

Title: Town Chairman

Dated: 8.15.12

By: Amy Gjestson

Printed Name: Amy Gjestson

Title: Town Clerk

Dated: 8.15.12

STATE OF WISCONSIN
Town of Lucas
Dunn County

ORDINANCE No. 9512

**AN ORDINANCE REGARDING
ALL-TERRAIN VEHICLE USE AND ROUTES**

Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, the Town of Lucas, Dunn County, Wisconsin adopts the following all-terrain vehicle route ordinance for the operation of all-terrain vehicles upon the roadways listed below. The Town Board of the Town of Lucas, Dunn County, Wisconsin, do ordain as follows:

SECTION I. ADOPTION OF PROVISIONS.

Section 10-4-1 of the Town of Lucas Code of Ordinances is created to read as follows:

**Sec. 10-4-1 State All-Terrain Vehicle Laws Adopted;
Routes Designated.**

(a) **Title and Purpose.**

(1) **Title.** The title of this Ordinance is the Town of Lucas All-Terrain Vehicle (ATV) Route Ordinance.

(2) **Purpose.**

- a. The purpose of this Ordinance is to establish all-terrain routes on Town roads and to regulate the related operation of all-terrain vehicles in the Town of Lucas. The Town Board of the Town of Lucas, 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 of Lucas to designate all-terrain vehicle roadway routes in the Town and to regulate the use of those routes and all-terrain vehicles in the Town of Lucas.
- b. It is the intent of the Town of Lucas Board of Supervisors to employ the provisions of this Ordinance for a two (2) year probationary period subject to further review and consideration. The Lucas Town Board, however, reserves the right to cancel or amend any portion of this Ordinance, in total or in part, at any time prior to or after the expiration of the two (2) year probationary period. In the event that the Town Board takes no further action regarding this Ordinance at the end of the two (2) year probationary period, this Ordinance shall continue in full force and effect.

SECTION I -TITLE AND PURPOSE

The title of this ordinance is the Town of Lucas 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 2 -INTENT

Having heard and considered community desires regarding designation of certain town roads as ATV routes; having conducted several publicly-noticed meetings on the topic; and having weighed potential recreational value against possible dangers and liabilities, including traffic density and history of automobile traffic, the following routes and requirements have been designated on a probationary basis (see Probationary Status, Section 11).

SECTION 3 -AUTHORITY

The Town Board of the Town of Lucas, Dunn County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle Route Ordinance under s. 23.33 (8) (b) and (II), Wis. Stats.

SECTION 4 -ADOPTION OF ORDINANCE

The Town Board of the Town of Lucas, Dunn 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 5 -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. On paved roadways all-terrain vehicles must be operated on the paved portion of the roadway and not on the gravel shoulder.

SECTION 6 -DESIGNATION OF ALL-TERRAIN VEHICLE ROUTES

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

SEE ATTACHED MAP

SECTION 7 -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 ordinance:

- A. Routes shall be marked with uniform all-terrain vehicle signs in accordance with s. NR 64.12 and NR 64.12(7)c, 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 routes 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.

- B. Operation shall be subject to all provisions of s. 23.33, Wis. Stats, which is adopted as a part of the ordinance by reference, pursuant to s. 23.33 (11), Wis. Stats.
- C. A copy of this ordinance shall be sent by the town clerk to the Dunn County Sherriffs Department.
- D. In addition to the provisions of s. 23.33, Wis. Stats, the following restrictions are placed on the use of the town all-terrain vehicle routes designated by this ordinance.
1. Designated trails will be open between May 1st and Nov. 1."
 2. All ATV operators shall, except where otherwise signed, observe a speed limit of 30 mph on the posted roadway or the posted roadway speed limit, which ever is lower. Lower speed limits will be designated on certain portions of route as deemed appropriate and indicated on attached map. Additionally, ATV operators must slow to 10 mph within 150 feet of a residence. They must also slow to 10 mph, yield and exercise extreme caution within 100 feet of pedestrians, bicyclists and farm machinery, and must observe all other requirements as noted in 23.33, Wisc. Stats.
 3. All ATV operators shall ride single file with headlights and taillights on at all times.
 4. The allowed hours of operation shall be from 7:00 am to 9:00 pm during Daylight Savings Time and from 7:00 am to 9:00 pm during Standard Time.
 5. All ATV operators under the age of 18 and those born after January 1, 1988 shall possess a valid state-issued ATV Safety Certificate and must wear a helmet.
 6. All ATV operators ages 12 -15 must be under the direct supervision of a parent or legal guardian at all times when operating on a designated all-terrain vehicle route.

SECTION 8 -ENFORCEMENT

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

SECTION 9 -PENALTIES

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

SECTION 10 -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.

SECTION 11 -PROBATIONARY ROUTE STATUS

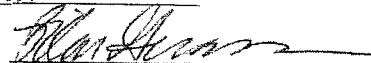
Whereas the town is designating ATV routes for the first time and individual residents have expressed concerns about potential problems with safety, noise, compliance and other concerns, designation of current routes as detailed in the attached map will be considered probationary and under review for a period of 2 years. However, the route may be amended or eliminated entirely at any time before or after that period as deemed appropriate by the Town board based on rider compliance, community feedback, safety concerns, changing traffic and road conditions and other considerations.

SECTION 12 -EFFECTIVE DATE

This ordinance is effective on publication or posting. The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

Adopted this 17th day of March 2009.

Town Chair: Pilar Gerasimo



Town Clerk: Jackie Clark

