

**ALL-TERRAIN VEHICLE (and UTILITY TERRAIN VEHICLE) ORDINANCE 2008-08**

**ATV/UTV ROUTES AMENDED (4/15/2010) (9/18/2014) (10/1/2015) (8/18/2016)**

**SECTION I – PURPOSE**

The purpose of this ordinance is to establish all-terrain vehicle (and utility terrain vehicle) routes in the Town of Mercer.

**SECTION II – AUTHORITY**

The Town Board of the Town of Mercer, Iron County Wisconsin, has the specific authority to adopt this All-Terrain Vehicle (and Utility Terrain Vehicle) Ordinance under s. 23.33 (8) (b) and (11), Wis. Stats.

**SECTION III – ADOPTION OF ORDINANCE**

This ordinance adopted on proper notice with a quorum and a vote by a majority of the town board present and voting, provides the authority for the town to designate all-terrain vehicle (and utility terrain vehicle) routes in the town and to regulate the use of those routes and all-terrain vehicles (and utility terrain vehicles) in the town, designates all-terrain vehicle (and utility terrain vehicle) routes in the town and provides for the regulation of the use of those routes and of all-terrain vehicles (and utility terrain vehicles) in the town.

**SECTION IV – OPERATION OF ALL-TERRAIN VEHICLES (AND 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 all-terrain vehicle (and utility terrain vehicle) on the roadway portion of any highway in the town except on roadway that are designated as all-terrain (and utility terrain vehicle) routes by this ordinance. Operation of all-terrain vehicles (and utility terrain vehicles) on a roadway in the town that is an all-terrain vehicle (and utility 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 road that is safe, given prevailing conditions.

**SECTION V – DESIGNATION OF ALL-TERRAIN VEHICLE (AND UTILITY TERRAIN VEHICLE ROUTES**

The Town Board of Supervisors of the Town of Mercer do decree that **ALL** roads in the Town of Mercer shall be designated as all-terrain vehicle (and utility terrain vehicle) **Routes** except the following that the Mercer Town Board of Supervisors has deemed necessary to close to protect the health, safety, and/or welfare of its residents: John Dul Road, Margaret Street from Cty. Hwy J to the end of the abutment of the Mercer School property, and Portage Avenue.

## SECTION VI – CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE (AND UTILITY TERRAIN VEHICLE) ROUTES

Pursuant to s. 23.33 (8) (d), Wis. Stats., the following conditions are placed on the use of the town all-terrain vehicle (and utility terrain vehicle) routes designated by this resolution:

- A. All Town of Mercer routes shall be designated as Iron County ATV routes and appropriate signs marking said routes as well as controlling traffic and speed limits upon such routes **may** be erected by a designee of the Town of Mercer. If a designee is so appointed, said designee shall be responsible for and is hereby the designated agency for erecting the traffic control and route signs upon such designated routes as herein provided and shall maintain such signs as appropriate. Said designee shall further be required to indemnify the Town of Mercer and shall be solely liable for the proper placement, sufficiency and maintenance of the above referenced traffic control signs and shall bear sole and exclusive responsibility for the lack or proper maintenance thereof.
- B. All- terrain vehicles (and utility terrain vehicles) must obey all traffic regulations.
- C. All-terrain vehicles (and utility terrain vehicles) travel at their own risk.
- D. The speed limit shall be 25 miles per hour on all Town of Mercer all-terrain vehicle (and utility terrain vehicle) routes, roads and streets.
- E. ATV routes on **graveled** Mercer Town Roads will be closed when the Iron County ATV routes are closed.
- F. The Town of Mercer does not assume any liability for the use of an ATV (or UTV) in the area described above.

## SECTION VII - PROCEDURE FOR AUTHORIZING OF TOWN ROAD AS DESIGNATED ATV/UTV ROAD

- 4.1 Any Town of Mercer property owner who owns land with the town, may petition the town board to add or remove a road or roads to a designated neighborhood ATV/UTV use area. In order to be considered by the Town Board, the petition must be signed by sixty-six (66%) of the property owners who abut those town roads for which the petition seeks to permit or remove ATV/UTV usage. Each petition shall name a designated neighborhood representative who shall be the agent for all notices concerning the petition.
- 4.2 The Town Board, after determining that the petition has been completely filled out and all requested information has been provided, schedule a public hearing on the petition.
- 4.3 The public hearing shall be presided over by the Town of Mercer Board as agenda item to take place during a regularly scheduled Town Board meeting. A notice must be published 15 days prior to the public hearing. Notice of the public hearing shall be published as a Class 1 Notice under applicable Wisconsin statutes.

4.4 The Mercer Town Board shall review and vote on the petition as an agenda item at its following regularly scheduled Town Board meeting.

4.5 The Town Board shall review all petitions submitted under this ordinance in carrying out the exercise of its police powers, and the Town Board specifically reserves the right to deny any such petition based solely upon the exercise of it police powers in the town.

#### SECTION VIII – ENFORCEMENT AND PENALTIES

The Iron County Sheriff’s Department and the Department of Natural Resources are hereby designated as the law enforcement agencies responsible for enforcing the provisions of this ordinance. The penalty for violating any of the provision of his Ordinance shall be a forfeiture of not less than \$25.00 and not more than \$100.00 for each offence.

#### SECTION IX – 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 with the invalid provision or application, and to this end, the provisions of this ordinance are severable.

#### SECTION X – EFFECTIVE DATE

This Ordinance shall be effective upon passage and publication as provided by law and shall repeal and replace all previous all-terrain vehicle ordinances heretofore enacted by the Town of Mercer.

Moved by Supervisor: \_\_\_Bonnie Banaszak\_\_\_\_\_

Seconded by Supervisor: \_\_Jeff Stenberg\_\_\_\_\_

\_\_\_\_4\_\_\_\_ Supervisors voting Aye    \_\_\_\_0\_\_\_\_ Supervisors voting Nay

Ordinance declared adopted this \_\_18\_\_ day of \_August,2016\_\_\_\_\_

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BY: JAMES KICHAK, Chairman  
Town of Mercer Board of Supervisors

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ATTEST: CHRISTAN BRANDT  
Clerk, Town of Mercer

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BY: MICHAEL LAMBERT

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BY: JEFF STENBERG

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BY: BONNIE BANASZAK

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BY: JOHN SENDRA