

# ATV ORDINANCE 1 – 1999

## TOWN OF SAMPSON

### ATV ORDINANCE

#1-1999

**An ordinance to regulate the usage of all-terrain vehicles, to designate all-terrain vehicle routes and trails, and to provide penalties for violation of the ordinance adopted in accordance with Section 23.33, Wisconsin Statutes.**

**(1) PREAMBLE.** It is the intent of this ordinance to create all-terrain vehicle routes for the convenience of Town residents and visitors to the Town of Sampson and to regulate all-terrain vehicle operation in accordance with Wisconsin Statutes and Administrative Code provisions.

**(2) AUTHORITY.** The Town Board of the Town of Sampson has the specific authority, powers, and duties pursuant to the statutory provisions noted in this ordinance and/or by its adoption of Village Board Powers under Sections 60.10 and 23.33, Wisconsin Statutes, to regulate, control, prevent and enforce against in the Town of Sampson certain uses, activities, and operations by persons that may affect all-terrain use and traffic in the Town of Sampson, and has the power to designate all-terrain routes and trails by Section 23.33, Wisconsin Statutes.

The provisions of this ordinance shall apply to all of the roadways in the

Town of Sampson, Chippewa County, within the jurisdiction of the Town

Board. The provisions of this ordinance shall be enforced by the

Chippewa County Sheriff's Department and such other officers as may be

allowed by law.

**(3) State All-Terrain Vehicle Laws Adopted.** Except as specifically noted otherwise in this ordinance, Section 23.33, Wisconsin Statutes, describing and defining regulations with respect to all-terrain vehicles and all-terrain vehicle traffic for which the penalty is a forfeiture, including penalties to be imposed and procedures for prosecution, are hereby adopted and incorporated by reference by the Town of Sampson and made a part of this ordinance as if fully

set forth herein. Any future amendments, modifications, revisions, additions, or deletions of the above noted statutory chapter shall be incorporated herein and made a part of this ordinance in order to secure uniform State regulation of all-terrain use and traffic on the public highways, roads, all-terrain vehicle routes, all-terrain vehicle trails, streets, and alleys of the State of Wisconsin.

**(4) 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 Section 23.33, Wisconsin Statutes, be subject to Sections 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), Wisconsin Statutes.

**(5) Speed Restrictions.** The Town of Sampson has specifically adopted the Wisconsin Statutes, including the provisions set forth at Section 23.33(3) (i), which indicate that no person may operate an all-terrain vehicle in a manner which violates rules promulgated by the Department. The Town of Sampson specifically adopts Wisconsin Administrative Code Section 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. The Town Board further finds and determines that the all-terrain vehicle routes and trails as adopted by this ordinance are unsuitable for travel of all-terrain vehicles of 40 miles per hour.

**(6) Age Restrictions.** While the Town Board recognizes the restrictions with respect to operator's age in Wisconsin Statutes may not be varied by Town Ordinance, the Town of Sampson Town Board hereby determines and suggests to the public that Town all-terrain vehicle trails and all terrain vehicle routes not be used by any individuals who do not hold a valid drivers license unless such persons are accompanied by a parent or adult person.

**(7) All-Vehicle Routes.** All Town roadways, subject to the jurisdiction of the Town of Sampson are designated as all-terrain vehicle routes and are open to use when signed in accordance with Section 23.33, Wisconsin Statutes and NR64.12, except such roadways as are exempted by Town Board Resolution and which may be revised from time to time.

**(8) Penalties.** (A) Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, be penalized by the Town of Sampson Penalties Ordinance 1-2007.

**(9) Filing.** This Ordinance and revisions thereof shall be filed with the Department of Natural Resources in the office of the law enforcement agency of this Township having jurisdiction over the streets and highways in accordance with Section 22.23 of the Wisconsin State Statutes.

**(10) Severability.** The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall be affected.

This Ordinance shall be effective upon passage and publication as provided by law.

Dated at New Auburn, Wisconsin this 1st day of February 1999.

By order of the Sampson Town Board,

Chippewa County WI

Michael North, Town Chairman

Clyde Richardson, Supervisor

Donald Pestle, Supervisor

Attest: Veda Reed, Town Clerk

Adopted: 1 Feb 1999

Published: 10 Feb 1999

Amended: 3 November 2008