

TOWN OF SUMNER ORDINANCE AMENDMENT
No: 2016-03

An Ordinance Amending Town ATV-UTV Ordinance No: 2013-01

The Town Board of the Town of Sumner, Barron County, Wisconsin does ordain as follows:

SECTION I. PURPOSE

The purpose of this ordinance amendment is to create additional all-terrain vehicle and utility terrain vehicle routes for the convenience of Town residents and visitors to the Town of Sumner. The amendment also clarifies the descriptions of certain routes.

SECTION II. AMENDMENT

Section 6 is amended as shown on the attached exhibit (added language is underlined):

SECTION III. SEVERABILITY

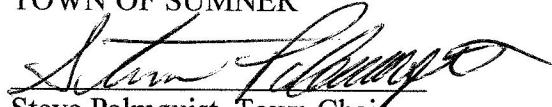
If any provision of this Ordinance or any application of this Ordinance to any person or circumstance is found to be invalid or unconstitutional, such a finding shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.


SECTION IV. EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication as provided by law.

Adopted this 13 day of Sept., 2016.

TOWN OF SUMNER


Steve Palmquist, Town Chair


Sandra Tomczak, Town Clerk

Voted for: 2

Voted against:

Abstained:

note: only 2 board members present.

THE TOWN OF SUMNER
ATV-UTV Ordinance
Ordinance No: 2013-01
Amended August 5, 2014
Amended September 13, 2016

An ordinance to regulate the usage of all-terrain vehicles and utility terrain vehicles, to designate all-terrain vehicle and utility 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 and utility terrain vehicle routes for the convenience of Town residents and visitors to the Town of Sumner and to regulate all-terrain vehicle and utility terrain vehicle operation in accordance with Wisconsin Statutes and Administrative Code provisions.
- (2) **Authority** The Town Board of the Town of Sumner 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 Sumner certain uses, activities, and operations by persons that may designate all-terrain vehicle and utility terrain vehicle 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 Sumner, Barron County, within the jurisdiction of the Town Board. The provisions of this ordinance shall be enforced by the Barron County Sheriff's Department and such officials as may be directed by the Town Board of Sumner, or allowed by law.
- (3) **State All-Terrain Vehicle/ Utility 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/utility terrain vehicles and all-terrain vehicle/utility 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 Sumner 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 vehicle/utility terrain vehicle use and traffic on the public highways, roads, all-terrain vehicle/utility terrain vehicle routes, all-terrain vehicle/utility terrain vehicle trails, streets, and alleys of the State of Wisconsin.

- (4) **Application of Rules of the Road to All-Terrain Vehicles/Utility Terrain Vehicles** The operator of an all-terrain vehicle or utility 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, 346.40, 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), 346.94(1), (9), Wisconsin Statutes.
- (5) **Speed Restrictions** The Town of Sumner 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 or utility terrain vehicle in a manner which violates rules promulgated by the Department. The Town of Sumner specifically adopts Wisconsin Administrative Code Section NR64.07, which provides that no person may operate an all-terrain vehicle or utility 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/utility terrain vehicle routes and trails as adopted by this ordinance are unsuitable for travel of all-terrain vehicles/ utility terrain vehicles of 40 miles/hour.
- (6) **All-terrain Vehicle/Utility Terrain Vehicle Routes** The following routes are subject to the jurisdiction of the Town of Sumner, and are designated as all-terrain vehicle/utility terrain vehicle routes and are open to use when signed in accordance with section 23.33 Wisconsin Statutes and NR64.12.
- 24th Street from South Town Line to 12 ¾ Ave
 - 26th Street from South Town Line to 12 ¾ Ave
 - 30th Street from South Town Line to 15 ½-16th Ave
 - 12 ¾ Ave from West Town Line to 30th Street
 - 16¼ Ave from CTH M to 25th Street
 - 25th Street from 16 ¼ Ave to 17 Ave
 - 17th Ave from 25th Street to 27th Street
 - 27th Street from South Town Line to end
 - 15½ -16th Avenue from CTH M to 16th Avenue
 - 16th Avenue from 15½ -16th Avenue to East Town Line
 - 28th Street from 16th Avenue to 18th Avenue
 - 18th Avenue from 28th Street to 29½ Street
 - 29 ½ Street from 18th Avenue to 16th Avenue
 - 26½ Street from US Highway 8 to 12¾ Avenue
- All Routes may be modified, and may be subject to change upon discretion of the Town Board.
- (7) **Penalties** Any person or other entity which fails to comply with this ordinance, with the provisions of this ordinance, and the laws of this state, shall be charged in accordance with state laws and be subject to penalties of those laws.

- (8) **Filing** This Ordinance and any future revisions shall be filed with the Department of Natural Resources and the Law Enforcement Agency governing the Town of Sumner and having jurisdiction over the streets and highways of said Town in accordance with Section 23.33 of the Wisconsin State Statutes.

This Ordinance shall be effective upon passage and publication as provided by law.
Dated this 12th day of March 2013.

TOWN OF SUMNER

by a vote of ___ yes, ___ no.

Steve Palmquist
Town Board Chairperson

Attest: _____
Sandra Tomczak
Town Clerk