**TOWN OF TEXAS, MARATHON COUNTY, WISCONSIN**

**AN ORDINANCE CREATING SECTION 60.104 ENTITLED**

**“DESIGNATE ALL-TERRAIN VEHICLE ROUTES AND**

**REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES”**

The Town Board of the Town of Texas, Marathon County, Wisconsin, do ordain as follows:

SECTION 1**:** Section 60.104 of the General Code of Ordinances of the Town of Texas is hereby entitled *Designated All-Terrain Vehicle Routes and Regulating the Operation of All-Terrain Vehicles* and created to provide as follows:

1. *Intent.* The Town of Texas, Marathon County, adopts the following all-terrain vehicle routes for the operation of all-terrain vehicles upon the roadways listed in Section 3. 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, these routes have been created.

2. *Authority.* These routes are created as authorized by Wis. Stats. §§23.33(8)(b) and (11).

3. *Routes.* The following roads within the Town of Texas corporate limits are designated as routes: All posted roads within the Town of Texas limits are designated as routes. County roads unless posted are not approved routes.

4. *Conditions.* As a condition for the use of these routes, the following conditions shall apply to all operators (and passengers):

 a. All all-terrain operators shall observe posted roadway speed limits;

 b. All all-terrain operators shall ride single file;

 c. All all-terrain operators shall slow the vehicle to 10 m.p.h. or less when operating within 150 feet of a dwelling; and

 d. Routes must be signed in accordance with Wisc. Admin. Code §§ NR 64.12 and NR 64.12(7)c.

 e. No person may intentionally remove, damage, deface, move or obstruct any uniform all-terrain vehicle route or trail sign or intentionally interfere with the

 effective operation of any uniform all-terrain vehicle route or trail sign if the sign is legally placed by the State, any municipality or any authorized individual.

5. *Enforcement.* This Ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin. Additionally, this Ordinance may be enforced through the Town’s citation authority.

6. *Penalty.* The penalties for violation of this Ordinance are as set forth in Wis. Stats. §23.33(13) which are hereby adopted by reference.

SECTION 2: If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstances is found invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 3: All Ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: This Ordinance shall take effect and be in full force and effect from and after its passage and publication as required by law.

TOWN BOARD, TOWN OF TEXAS

BY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Delmar Winter, Town Chairman

ATTEST:

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Lorraine I. Beyersdorff, Town Clerk

ADOPTED:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PUBLISHED:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_