

**TOWN OF SCOTT**  
Burnett County, Wisconsin  
**ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE**  
**ROUTE ORDINANCE**  
**Ordinance No. O2018-01**

**SECTION I – TITLE AND PURPOSE**

The title of this ordinance is the Town of Scott All-Terrain Vehicle and Utility Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle (“ATV”) and utility terrain vehicle (“UTV”) (ATV and UTV are collectively “ATV/UTV”) routes in the town and to regulate the operation of ATVs and UTVs in the town.

**SECTION II – AUTHORITY**

The Town Board of the Town of Scott, Burnett County, Wisconsin, has the specific authority to adopt this 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 roll call vote by a majority of the town board present and voting, provides the authority for the town to designate ATV/UTV routes in the town and to regulate the use of those routes of ATVs and UTVs in the town, designates ATV/UTV routes in the town and provides for the regulation of the use of those routes of ATVs and UTVs in the town.

**SECTION IV – DEFINITIONS**

All terms not otherwise defined in this ordinance are as defined in s. 23.33, Wis. Stats.

- A. An “ATV/UTV Route” is defined as a town road that has been properly designated as a Route being open to ATV/UTV use in Section V of this ordinance, posted with uniform ATV/UTV route signs in accordance with Section VIII of this ordinance, and subject to all the Conditions to Operation as set forth in Section VII of this ordinance.

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

The town roads to be designated ATV/UTV Routes are listed and designated in attached Article A.

**SECTION VI – REVOCATION OF ATV/UTV ROUTES**

The Town of Scott specifically reserves the right to rescind this ordinance or to remove or modify all or sections of designated ATV/UTV Routes listed in Section V, at any time.

## SECTION VII – CONDITIONS TO OPERATION OF ATV AND UTV ROUTES

The following conditions to the operation of ATVs and UTVs on the ATV/UTV Routes shall apply to all ATV/UTV operators (and passengers where applicable):

- A. Operation of ATVs and UTVs shall be subject to all provisions of s. 23.33, Wis. Stats. which is adopted as a part of this ordinance by reference, pursuant to s. 23.33(11), Wis. Stats.
- B. Pursuant to s. 23.33(4)(d) 4, Wis. Stats. except as otherwise provided in 23.33(4), Wis. Stats., no person may operate an ATV/UTV on the roadway portion of any roadway/highway in the town except on roadways that are designated as ATV/UTV Routes by this ordinance.
- C. No person may operate an ATV/UTV on a roadway designated as an ATV/UTV Route by this ordinance unless the applicable ATV/UTV Route has been marked with uniform ATV/UTV route signs in accordance with NR64.12 Wis. Administrative Code.
- D. No person shall operate an ATV/UTV unless he or she is in compliance with both the age restrictions and the safety certification requirements set out in s. 23.33(5) Wis. Stats.
- E. No person under 18 years of age may operate or be a passenger on an ATV/UTV without wearing protective headgear of the type required under s. 347.485(1)(a) and with the chin strap properly fastened, except as specifically exempted under s. 23.33(3g)(b, c and d) Wis. Stats.
- F. Operation of ATVs and UTVs on roadways designated as ATV/UTV Routes are authorized only for the extreme right side of the roadway, on the paved surface (if the roadway is paved), except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
- G. The operator of an ATV/UTV shall not drive at speeds in excess of the posted speed limit or 25 miles per hour, whichever is lower.
- H. ATV/UTV operators shall ride single file.
- I. The operator of an ATV/UTV shall display a lighted headlamp and tail lamps on the ATV/UTV and display the registration or license plate at all times.
- J. The operator of an ATV/UTV shall obey all traffic laws and ordinances.
- K. The operator of an ATV/UTV shall slow his or her vehicle to a speed not to exceed 10 miles per hour and yield the right-of-way when traveling within 100 feet of another person who is not operating a motor vehicle, motorcycle, ATV/UTV, or snowmobile except as provided under ch. 346, Wis. Stats.
- L. The operator of an ATV/UTV shall slow his or her vehicle to a speed not to exceed 10 miles per hour when traveling within 150 feet of a dwelling.
- M. No person shall operate an ATV/UTV on any private property not owned or controlled by them within the Town of Scott, without the specific consent from the owner of the property.
- N. ATV/UTV operation is at the risk of the operator. The Town of Scott has no liability for any damage or injury to persons, real property or personal property, arising out of the operation of ATVs and UTVs on designated ATV/UTV Routes.
- O. Operation of ATVs and UTVs is limited to the hours between 1 (one) hour before sunrise and 11:00 p.m.
- P. Operation of ATVs and UTVs on unpaved roads is prohibited during the spring thaw road restriction period, as identified by Burnett County.
- Q. Pursuant to s. 23.33(4c) no person may operate an ATV/UTV while under the influence of an intoxicant to a degree which renders him or her incapable of safe operation of an ATV/UTV.

## SECTION VIII – CONDITIONS APPLICABLE TO ATV/UTV ROUTES

The following conditions are applicable to ATV/UTV Routes:

- A. ATV/UTV Routes shall be marked with uniform ATV/UTV route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code and Burnett County Ordinance No. 2010-06. No person may do any of the following in regard to signs marking town ATV/UTV Routes:
  - 1. Intentionally remove, damage, deface, move or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV 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 ATV/UTV 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 ATV/UTV route or trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.
- B. A copy of this ordinance shall be sent by the town clerk to the Department of Natural Resources, the Burnett County Sheriff's Department and any other law enforcement agency serving the Town of Scott's jurisdiction.

## SECTION IX – ENFORCEMENT

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin. [and additionally as stated in the Town's citation authority ordinance adopted per s. 66.0113 Wis. Stats.]

## SECTION X – PENALTIES

The penalties for violation of this ordinance are as set forth under s. 23.33(13)(a) Wis. Stats. and are adopted by reference.

## SECTION XI – 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 XII – SUPERSEDES PRIOR ORDINANCE OR REFERENDUM

This ordinance supersedes any prior Town of Scott ordinance or referendum relating to ATV/UTV routes.

SECTION XIII – EFFECTIVE DATE

This Ordinance shall take effect immediately after its publication as required under s. 60.80, Wis. Statutes.

Adopted this 12th day of February, 2018.

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Susan Braun, Board Chair

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Jeffrey McIntyre, Supervisor

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John Vanous, Supervisor

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Attest: Karen Wiggins, Town Clerk

**Article A**  
**Designation of ATV/UTV Routes**

<b>Township Road</b>	<b>Designation</b>
Aspen Green Ct.	Route
Aspen Green Way	Route
Aspen Ter	Route
Augustine Rd	Route
Banach Rd	Route
W Benoit Lake Rd	Route
Brozie Rd	Route
Carson Rd	Route
Christner Rd	Route
Church Rd	Route
Dhein Rd From Cty Rd A to Dhein Dr.	Route
Dubois Rd From W Benoit Rd to Cty Rd A	Route
Fontaine Rd	Route
Gelhar Rd	Route
Gold Star Rd	Route
Hamms Rd	Route
Hanscom Lake Rd	Route
Hanscom Lake Tr	Route
Hill Rd	Route
Jana Rd	Route
Kessler Rd	Route
Kilkare Rd	Route
Kilstrom Rd	Route
Long Lake Rd	Route
E Long Lake Rd	Route
Lukes Ln	Route
McKenzie Rd From Webb Lake Township to Carson Rd.	Route
Meadow Green Ln	Route
Meadow Green Rd	Route
Meadow Green Trl	Route
S Nicaboyne Lake Rd	Route
Oak Lake Rd	Route
Old A Rd	Route
Pepin Rd	Route
Pine Knoll Ln	Route
Pine Knoll Rd	Route
W Point Rd	Route
Roberts Rd	Route
Roberts Rd East	Route
Rooney Lake Rd From Swiss Trl to Cty Rd A	Route
Section 1 Rd	Route
Spring Green Ct	Route
Spring Green Ln	Route
Spring Greenway	Route
Swiss Tr	Route