

## **TOWN OF MARION ORDINANCE 2021-2**

AN ORDINANCE TO APPROVE AND REGULATE ALL-TERRAIN VEHICLE (ATV) AND UTILITY TERRAIN VEHICLE (UTV) TRAVEL ON ROADS IN THE TOWN OF MARION, WAUSHARA COUNTY, WISCONSIN, AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF

### **SECTION I. Intent**

The Town of Marion, Waushara County, Wisconsin, adopts the following ordinance for the operation of All-Terrain Vehicles and Utility Terrain Vehicles upon the roadways listed in Section III.

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, this ordinance has been created.

### **SECTION II. Statutory Authority**

This route is created pursuant to town authority as authorized by Sec. 23.33(8)(b), Wisconsin Statutes.

The applicable provisions of Section 23.33, Wisconsin Statutes, regulating ATV and UTV operation pursuant to routes are adopted.

### **SECTION III. Routes**

Roads to be open for ATV/UTV routes are as follows:

19<sup>th</sup> Road north from Marquette/Waushara County line to Town of Dakota town line;  
22<sup>nd</sup> Avenue north from County Road N to Town of Mt. Morris town line;  
Czech Drive east from County Road N to 24<sup>th</sup> Avenue;  
24<sup>th</sup> Avenue south to Czech Road;  
Czech Road east to 25<sup>th</sup> Avenue;  
25<sup>th</sup> Avenue in the Town of Marion south to the Green Lake County line.

### **SECTION IV. Conditions**

As a condition for the use of this route, the following conditions shall apply to all operators and passengers:

- A. All ATV/UTV operators shall observe posted roadway speed limits.
- B. All ATV/UTV operators shall ride single file on extreme right side of roadways.
- C. All ATV/UTV operators shall only ride on paved surface of roadways.

- D. All ATV/UTV operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling.
- E. Routes must be signed in accordance with NR. 64.12, and NR.64.12(7)c; the responsibility for which will fall on the local ATV/UTV association/group.
- F. Routes will be open for public ATV/UTV usage daily during the following time periods: 5:00 a.m. through 12:00 a.m. (midnight).

**SECTION V. Enforcement**

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

**SECTION VI. Penalties**

Wisconsin state All-Terrain/Utility Terrain Vehicle penalties as found in Sec. 23.33(13)(a), Wisconsin Statutes, are adopted by reference.

**SECTION VII. Severability**

The provision of this ordinance shall be deemed severable and it is expressly declared that the Town of Marion would have passed the 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 circumstances shall not be deemed affected.

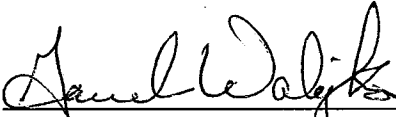
**SECTION VIII. Effective Date**

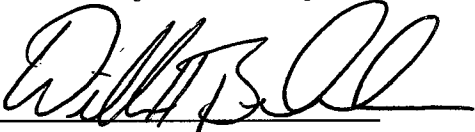
*This ordinance shall be in effect until November 18, 2022, one (1) year after its passage and publication, as provided by law. At that time, it may be approved for another year, or entirely withdrawn, pending evaluation and review by the Town Board.*

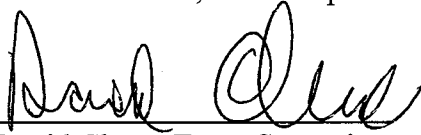
PASSED AND ADOPTED by the Town Board of the Town of Marion, Waushara County Wisconsin, this 11<sup>th</sup> day of November, 2021.


Ayes   2   Nays   1   Absent   0

**TOWN OF MARION**

By:   
Garrel Walejko, Town Board Chairman

By:   
William Behnke, Town Supervisor

By:   
David Chase, Town Supervisor

Attest:   
Vicki Snyder, Town Clerk

PASSED: November 11, 2021  
APPROVED: November 11, 2021  
PUBLISHED: November 25, 2021