

ORDINANCE NO. 40

TOWN OF WOLF RIVER

ORDINANCE NO. 40 ENTITLED

ALL-TERRAIN VEHICLE ROUTE ORDINANCE

1-1 AUTHORITY:

This ordinance is established to create all-terrain vehicle routes pursuant to the authority granted to towns by section 23.33 (8)(b) and section 23.33(11) of the Wisconsin Statutes.

1-2 PURPOSE:

The purpose of this ordinance is to establish an all-terrain vehicle route and provide safe and enjoyable all-terrain vehicle recreation consistent with public rights and interests. The town board finds that the ATV/UTV route will provide recreational opportunities to members of the public and will provide economic opportunities for town businesses. The town board further finds that public safety on town roads is unlikely to be negatively impacted and the use of ATV/UTVs on town roads is unlikely to create wear and tear which would require maintenance earlier than would be necessary if ATV/UTVs were not allowed.

1-3 AREAS DESIGNATED: The area designated as an all-terrain vehicle route shall be as follows:

West of the Wolf River

- (a) Tri-County Road from Ash Lane to County Rd AH; and
- (b) Alpine Rd from 37th to County Rd H; and
- (c) Rosa Road from 37th Avenue to County Rd AH; and
- (d) River Trail Drive from County AH to South Wolf River Rd; and
- (e) South Wolf River Road from River Trail Drive to County Rd H; and
- (f) Apache Avenue from 37th Avenue to South Wolf River Rd; and
- (g) Arrowhead Road from 37th to County Rd H; and
- (h) Archer Drive from Easy Street to 37th Avenue; and
- (i) Arrowhead Lane from County Rd H until it ends; and
- (j) Bay Lane from Arrowhead Lane until it ends; and
- (k) Easy Street from County Rd H to Apache Avenue; and
- (l) 37th Avenue from Tri-County Rd to Alpine Rd; and
- (m) 37th Avenue from Apache Avenue to Arrowhead Road.

East of the Wolf River

- (n) North Road from Marsh Road to County II; and
- (o) East Road from North Road to Town Line Road; and
- (p) Town Line Road from Marsh Road to maintenance line; and
- (q) Marsh Road from North Road to Klemp Road; and
- (r) South Road from County II to the town line; and
- (s) Kiesow Road from County MM to the end of the road; and
- (t) Boom Bay Height's Road from Kiesow Road to County MM; and
- (u) Richter Lane from County MM to the beginning of private road; and
- (v) Haase Road from County Road MM to the boat landing.

1-4 SPECIAL CONDITIONS:

- (a) The Town of Wolf River shall have the authority to suspend operation in any of the above areas due to hazard, construction, or emergency conditions in any segment listed above.
- (b) Every area authorized as an all-terrain vehicle route shall be designated by an all-terrain vehicle route sign having a reflectorized white all-terrain vehicle symbol, bordered and message on a reflectorized green background with a minimum size of 24 inches by 18 inches with directional arrow, where appropriate, placed at the beginning of an all-terrain vehicle route and at such locations and intervals as necessary to enable the all-terrain vehicle operators to follow the route.
- (c) The ATV/UTV routes will not open in the Town of Wolf River until 15 September 2017 OR once all signage has been completed and approved by the town, if after that date. This ordinance shall be effective for a one (1) year trial period. The trial period begins November 1, 2017, OR on the date that all signage has been approved.
- (d) **Town of Wolf River residents and taxpayers may use town roads that are not designated as part of the ATV route to access the route.** Non-residents may not use any Town Road that is not designated as an ATV/UTV route for any reason. Only the town roads listed in Section 1-3 will be open to non-resident use.
- (e) ATV/UTV routes may cross over a County Road, but you may not drive on **any portion** of a County Road to get from one ATV/UTV town road trail to another.
- (f) All ATV/UTV operators must adhere to the laws set forth by the Wisconsin Department of Natural Resources, but be aware this ordinance may be more restrictive. Visit the DNR website for a complete list of rules and regulations.

1-5 LIMITATIONS:

The following limitations apply on all areas designated in this ordinance.

- (a) ATV/UTV operators will obey the speed limits posted on the route which they are riding. No ATV/UTV shall exceed 35 MPH in the Town of Wolf River. You must slow your ATV/UTV to 10 mph or less when you are riding within 100 feet of a person who is not on a motorized vehicle. This includes, but is not limited to slowing for anglers, hikers, bicyclists, joggers, horses, etc. as well as for other ATV/UTV operators standing along the trail and when you are riding within 150 feet of a home or dwelling.
- (b) No ATV/UTV may be operated on any designated route without fully functional headlights and tail-lights. Lights shall be used during the hours of darkness and when conditions require it.
- (c) ATV/UTVs may be operated on paved roadway surfaces only, if operating on an ATV Route. ATV Trails may be off-road or a hard-packed surface, as designated by the Town of Wolf River.
- (d) No ATV/UTV may be operated on any designated route between the hours of 10:00 P.M. to 6:00 A.M. daily.
- (e) No person under the age of sixteen (16) may operate an ATV on any designated route without a safety certification. They must also be accompanied by an adult while operating on designated town routes. All ATV operators born on or after Jan 1, 1988, who are at least 12 years old for ATV (and at least 16 years old for UTV), must complete the ATV and UTV safety certification course in order to operate on public ATV/UTV trails and areas in Wisconsin. All persons required to possess a valid ATV/UTV safety certificate must be in possession of the certificate while operating on any designated Town of Wolf River ATV/UTV routes.
- (f) No person under the age of twelve (12) may operate an ATV on a road or route under any circumstance.
- (g) No person under the age of sixteen (16), may operate a UTV on a roadway under any circumstances.
- (h) No person under the age of eighteen (18) may operate an ATV/UTV on any designated route unless wearing approved protective head gear.
- (i) No ATV/UTV may be operated on any designated route which ATV/UTV does not meet all applicable Federal noise and air pollution standards.
- (j) ATV/UTV operators shall obey all other applicable laws.
- (k) ATV/UTV operators shall carry proof of insurance at all times.

1-6 ROUTE SIGNS:

- (a) All required designated route signs shall be paid for and installed by an ATV/UTV club or association, as funds become available, under the direction of the Town of Wolf River.
- (b) All signs posted shall be in compliance with the Federal manual on uniform traffic control devices.
- (c) No person may erect, remove, obscure, or deface any official designated route sign unless authorized by the Town of Wolf River Supervisor.
- (d) No person shall operate an ATV contrary to any authorized and official posted sign.

1-7 PENALTIES AND ENFORCEMENT:

- (a) The penalty provision set forth in 23.33(13) shall apply to violations of this ordinance and/or Town Ordinance #7: Issuance of citations for violations of ordinances in the Town of Wolf River.
- (b) This ordinance may be enforced by any of the following: an officer of the state patrol, an inspector under section 110.07 (3), a conservation warden or the county sheriff.
- (c) Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed under this section.

1-8 SEVERABILITY: If any section, clause, provision or a portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected thereby.

1-9 EFFECTIVE DATE: This ordinance becomes effective upon passage and publication. The clerk shall send a copy of the ordinance to the Winnebago County Sheriff, the state traffic patrol and the department of natural resources.

Adopted this 25th day of September, 2017.

Randal S. Rutten, Chairperson

Attest:

Susan J. Gilbert, Clerk