

TOWN OF ATHELSTANE
ATV/UTV and OFF-ROAD
MOTOR VEHICLE OPERATION

ORDINANCE #29

- 10-4-1 State ATV/UTV Laws Adopted; ATV/UTV Regulations
- 10-4-2 ATV/UTV Use; Designated Road Routes

**Sec. 10-4-1 State ATV/UTV Laws Adopted;
ATV/UTV Regulations.**

(a) **Authority.**

- (1) The Town Board of the Town of Athelstane has the specific authority, powers, and duties pursuant to the statutory provisions noted in this Chapter under Secs. 60.10 and 23.33., Wis. Stats., to regulate, control prevent and enforce against the Town of Athelstane certain uses, activities, and operations by persons that may affect ATV/UTV use and traffic in the Town of Athelstane, and has the power to designated ATV/UTV routes and trails by Sec. 23.33, Wis. Stats.
- (2) The provisions of this Chapter shall apply to all of the roadways in the Town of Athelstane, Marinette County, within the jurisdiction of the Town Board. The provisions of this Chapter shall be enforced by the Marinette County Sheriff's Department and such other officers as may be authorized by law.

(b) **Statutes Adopted.**

The provisions describing and defining regulations with respect to ATV/UTV in the following-enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. The statutory sections adopted by reference herein shall be designated as part of this Code by adding the prefix "10-4-1-" to each

statute section number. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

- 23.33(2) Registration
- 23.33(3) Rules of operation [including Subsections (a) through (i)]
- 23.33(4) Operation on or near highway [including Subsections (a) through (e)]
- 23.33 (5)(a)(c) Age restrictions
- 23.33(6) Equipment requirements [including Subsections (a) through (e)]
- 23.33(7) Accidents [including Subsections (a) and (b)]
- 23.33(1) Definitions [including Subsections (a) through (n)]

(c) **Applicability of Rules of the Road to ATV/UTV Vehicles**

The operator of an ATV/UTV vehicle upon a roadway shall, in addition to the provisions of “Sec. 23.33, Wis., Stats., be subject to Secs, 2.33, Wis. Stats., be subject to Secs. 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, 346.39, 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), and 346.94(1) and (9), Wis. Stats.

(d) **Penalties.**

- (1) Forfeitures for violation of this Chapter as set forth in Sec. 23.33(13), Wis. Stats., are adopted by reference, exclusive of any penalty for imprisonment.
- (2) The State of Wisconsin bond Schedule for the statutory counterparts are adopted herein, as it may be amended from time to time, is adopted as the Deposit Schedule for violations of this Chapter.
- (3) Citation procedure as set forth in Secs. 23.53 and 23.54, Wis. Stats., is adopted as the enforcement procedure for this Chapter as expressed in Sec. 23.53, Wis. Stats.

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Sec. 10-4-2 ATV/UTV Vehicle Use.

(a) **Adoption Authority.**

The Athelstane Town Board has, by adoption of this Section, confirmed the specific statutory powers and duties noted in Sec. 10-4-1 and has established by this Section regulation and enforcement of the operation of ATV/UTV in the Town of Athelstane pursuant to Sec. 23.33, Wis. Stats.

(b) **Use of Designated Routes.**

- (1) No person may operate an ATV/UTV vehicle on a highway (including the entire right-of-way) except in the following situations:
 - a. To cross a roadway. The crossing of a roadway is authorized only if the crossing is done in the most direct manner possible.
 - b. On any roadway which is seasonally not maintained for motor vehicle traffic. Operation of an ATV/UTV on this type of roadway is authorized only during the seasons when no maintenance occurs and only if the roadway is not officially closed to ATV/UTV traffic.
 - c. To cross a bridge, culvert or railroad right-of-way unless the roadway is officially closed to ATV/UTV traffic.
 - d. On roadways which are designated as ATV/UTV routes.
- (2) A person may operate an ATV/UTV adjacent to a roadway on a trail or route if the person operates the ATV/UTV in the following manner:
 - a. At a distance of (10) or more feet from the roadway along U.S. numbered highways, and state and county highways. Travel on the median of a divided highway is prohibited except to cross.
 - b. Outside of the roadway along Town highways.
 - c. During daylight hours travel may be in either direction regardless of the flow of motor vehicle traffic.
 - d. At night travel shall conform to the direction of traffic in the nearest lane.
 - e. Not in excess of the speed limits of the adjacent roadway.
- (3) Authorized ATV/UTV travel routes on Town of Athelstane roads are indicated in Subsection (d), and as follows:
 - a. The Town may designate corridors through lands which it owns or controls or for which it obtains leases, easements or permission for use as ATV/UTV trails.

- b. Trails shall be properly marked with standardized trail signs which will be the responsibility of local ATV/UTV clubs.

- c. ATV/UTV clubs shall promote good safety practices on their trail system by posting said rules at sponsorships.
 - d. An effort will be made by ATV/UTV clubs and Town to minimize use of roadways as trails.
 - e. Riding will be authorized only on designated trails/routes subject to penalty.
 - f. No person shall operate an ATV/UTV within one hundred fifty (150) feet of a dwelling at a speed in excess of ten (10) mph or on a frozen surface of public waters within one hundred (100) feet of a person not in or on an ATV/UTV, snowmobile, or any motor vehicle.
- (4) The Near North Trail Riders of Athelstane Inc. and other local clubs shall determine the opening and closing dates of the trails.
- (c) **Operation of An ATV/UTV While Intoxicated.**
 No person may engage in the operation of an ATV/UTV while under the influence of an intoxicant to a degree to which he/she is incapable of safe ATV/UTV operation, per Section 23.33(13)a-b, Wis. Stats.
- (d) **Authorized Road for ATV/UTV Operation.** Revised 1/30/09
 The following roads are designated as ATV/UTV vehicle routes:
- (1) Snow Season Roads
 - a. White Lane from Benson Lake Road to north end
 - b. Benson Lake Road from Forest Road 219 to 5/8 mile south
 - c. Eagle River Road from Park & Ride driveway east to Snowmobile Club driveway.
 - d. Eagle River Road from the highline east 1,000 feet to reconnect with the existing trail (temporary)
 - e. Old Cty. A from Forest Road 217 to Dunbar town line