

TOWN OF HAZELHURST
Amended Ordinance No. 80-01

**OPERATION OF ALL TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES
ON DESIGNATED TOWN ROADS**

The Town Board of the Town of Hazelhurst, Oneida County, Wisconsin, does ordain as follows:

SECTION 1 - PURPOSE

Section 1-1

The purpose of this Ordinance is to create a procedure whereby Hazelhurst town residents may petition the Town Board to authorize the use of all terrain vehicles and utility terrain vehicles (ATV/UTV) on designated Hazelhurst town roads and to regulate the operation of ATV/UTVs in the Town of Hazelhurst.

SECTION 2 - STATUTORY AUTHORITY

Section 2-1

This Ordinance is adopted pursuant to statutory authority contained in §23.33(8) and (11), Wis. Stats. This Ordinance was adopted on proper notice by a majority of the Board voting and present.

SECTION 3 - RESTRICTED USE OF ATV/UTVs

Section 3-1

No person shall drive any ATV/UTV on any town roads in the Town of Hazelhurst which have not been designated as ATV/UTV routes pursuant to this Ordinance.

Section 3-2

All signs required to be installed by the Town of Hazelhurst on any authorized ATV/UTV route roads shall be installed by town employees or by a local ATV/UTV club, if directed to do so by the Town Board. All costs for installation and purchase of necessary signs shall be paid by petitioners or the ATV Club prior to issuance of license by the Town Board.

Section 3-3

No person shall operate an ATV/UTV with tire chains or studded tires on any town road in the Town of Hazelhurst.

Section 3-4

No person shall deface, destroy or remove any ATV/UTV sign posted on any approved ATV/UTV route. No person may possess any uniform ATV/UTV route or trail sign unless it has been obtained pursuant to lawful manner.

Section 3-5

No person shall operate an ATV/UTV in Hazelhurst which has been mechanically or otherwise altered from the manufacturer's specifications so as to generate additional speed, traction or noise.

Section 3-6

No person shall operate an ATV/UTV at a rate of speed that is unreasonable or improper under the circumstances or in any careless way so as to endanger the person or property of another.

Section 3-7

No person under twelve (12) years of age may operate an ATV/UTV in Hazelhurst. No person twelve (12) years of age or older, and who is born on or after January 1, 1988, may operate an ATV/UTV unless he or she holds a valid ATV/UTV vehicle safety certificate.

Section 3-8

No person shall operate an ATV/UTV who is under the age of eighteen (18) years of age without wearing protective headgear of the type required under §347.485(1)(a) Wis. Stats., and with the chin strap properly fastened, unless the statutory exemption in §23.33(3g) applies.

SECTION 4 - PROCEDURE FOR AUTHORIZATION OF TOWN ROADS AS DESIGNATED ATV/UTV ROUTES

Section 4-1

Any Hazelhurst property owner may petition the Town Board to add a road or road segment to the designated ATV/UTV route (the designated roads). Petition forms are available from the town clerk.

Section 4-2

The Town Clerk shall, after determining that the petition has been completely filled out and all required information has been provided, shall schedule a public hearing on the petition within 90 days of receipt of the petition.

Section 4-3

The public hearing shall be held to consider the petition at the Hazelhurst Town Hall and presided over by the Board. This public hearing may be held in conjunction with a regularly scheduled Town Board meeting. Notice of the public hearing shall be published as Class 1 Notice under applicable Wisconsin Statutes. The public hearing shall be the first consideration of the proposed ATV/UTV route. The Town Board shall make reasonable efforts to ensure residents on the proposed ATV/UTV route are given notice of the public hearing.

Section 4-4

The Town Board shall review the petition at the next regular Board meeting following the public hearing. If the Board gives approval at the subsequent Town meeting, the road shall be included as a designated route. All roads approved as part of the designated route, shall be considered approved for the year in question and are subject to annual review as provided in Section 7-1. The standard for approval of a proposed route is whether such route is appropriate for such use as permitted in this Ordinance.

Section 4-5

The Town Board shall review all petitions submitted under this ordinance as an exercise of its police powers and the Board reserves the right to deny any such petition based solely upon the exercise of its police powers.

Section 4-6

The Town Board may, by resolution, designate any town-owned highway as a temporary all-terrain vehicle route for a period not to exceed ten days for the purpose of facilitating a special event. All such temporary routes shall be properly signed as required by Wisconsin Administrative Code.

SECTION 5 - REGULATIONS

Section 5-1

Operation of ATV/UTV on town roads is authorized only for the extreme right side of the roadway, except that left turns may be made from any part of the roadway which is safe given prevailing conditions. ATV/UTVs must have headlights on at all times on designated routes.

Section 5-2

No person shall operate an ATV/UTV at a speed in excess of 35 miles per hour, unless a lower speed limit is posted or applicable on the designated roads, in which case the lower speed limit shall apply.

Section 5-3

Except as otherwise provided herein, all of the provisions of §23.33, Wis. Stats. and NR 64 Wis. Ad. Code and all regulations contained therein shall apply to the operation of ATV/UTVs on town roads approved for ATV/UTV use pursuant to the terms of this Ordinance and such statutes and rules are adopted by reference herein and made a part hereof as if fully set forth herein. A violation of such statutes or rules shall be a violation hereof.

SECTION 6 - ENFORCEMENT

Section 6-1

This section shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin. Enforcement shall be as stated in the Town Citation Ordinance.

Section 6-2

Any person to whom a citation or summons has been issued for violation of this ordinance may enter into a stipulation of no contest with the Town by posting the appropriate sum with the Oneida County Clerk of Court within the time provided in the summons or citation. Violators of this subsection who do not timely post such sum as a forfeiture shall be required to appear at the next regular session of the court.

Section 6-3

The State of Wisconsin ATV/UTV penalties as stated in §23.33 (13)(a) Wis. Stats. and NR 64, are adopted by reference and any future amendments thereof are also adopted by reference.

Section 6-4

The Wisconsin State ATV/UTV penalties as found in §30.80, Wis. Stats., and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference with all references to fines amended to forfeitures and all references to imprisonment deleted.

Section 6-5

The Lakeland ATV Club, in coordination with the road department, shall:

- (1) Purchase and post all-terrain vehicle route signs as required by state law accompanied by 35 miles per hour ATV/UTV speed limit signs;
- (2) Purchase and post signage indicating the termination of routes in locations as directed by the town road foreman;
- (3) Purchase and post local-use-only signs in locations as directed by the town road foreman;
- (4) Purchase and post quiet-zone signs in locations as directed by the Town Board.

SECTION 7 - ANNUAL REVIEW

Section 7-1

In March of each year, the Town shall review all ATV/UTV designated routes for compliance with this Ordinance. At that time, the Board shall have the discretion to cancel the authorization to operate ATVs/UTVs on any road in the designated route based upon input received from residents, visitors, or law enforcement agencies.

Section 7-2

Each petition granting neighborhood ATV/UTV use on designated town roads shall be effective for year around use.

Section 7-3

The Town of Hazelhurst reserves the right to close any or all town roads to designated ATV/UTV usage if the Town Board believes that such ATV/UTV use of the roads results in excessive damage to the roadway or if the Town Board feels that usage of the route is not in compliance with this ordinance or for any other reason based upon the best interests of the Town of Hazelhurst.

SECTION 8 - SEVERABILITY

Section 8-1

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Hazelhurst Town Board 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 or circumstances shall not be affected.

SECTION 9 - EFFECTIVE DATE

Section 9-1

This ordinance becomes effective upon passage and publication.

Adopted this 8th day of May, 2018.

TOWN BOARD:

Ted Cushing
TED CUSHING, Town Chairman

Harland B. Lee
HARLAND LEE, Town Supervisor

Gilbert Kettner
GILBERT KETTNER, Town Supervisor

ATTEST:

Betty Cushing
Betty Cushing, Town Clerk