

TOWN OF PLUM LAKE
STATE OF WISCONSIN
VILAS COUNTY

Ordinance 2024-003

Public Road ATV/UTV Routes and Regulations Ordinance

SECTION I: TITLE AND PURPOSE

The title of this ordinance is the Town of Plum Lake Public Road All-Terrain Vehicles/Utility Terrain Vehicles (ATV/UTV) Routes and Regulations Ordinance. The purpose of this ordinance is to establish ATV/UTV routes in the town and to regulate the operation of ATV/UTVs in the town.

SECTION II: AUTHORITY

The Plum Lake Town Board adopts the provisions of this Ordinance pursuant to the authority of Wis. Stat. §23.33(11) and §350.18. The Town Board retains the right to close any town road to ATV/UTV operation for any reason, including but not limited to special events, unlawful use, and road construction or repair that may occur without prior notice. The Town accepts no liability for the operation of ATV/UTVs on any roadway under the provisions of this ordinance. Operation of ATV/UTVs is at the operator's own risk. ATV/UTV operators within the town shall abide by all state, county, and local laws, and the applicable provisions of Wis. Stat. §23.33 regulating ATV/UTV operations and are adopted by reference and made part of this ordinance.

SECTION III: ADOPTION OF ORDINANCE

The 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 use on roadways in the town. The ordinance regulates the use of ATV/UTV in the town, in accordance with the Wisconsin Statutes.

SECTION IV: REGULATION OF ATV/UTVS

Except as otherwise specifically provided in this Ordinance, the statutory provisions of Wis. Stat. §23.33, Wis. Stat. §340, and Wis. Admin. Code NR §64, describing and defining regulations with respect to ATV/UTVs are adopted and by reference made a part of this ordinance as if fully set forth herein. Any future amendments, revisions, or modifications of the statutes or administrative code incorporated herein are intended to be made part of this ordinance in order to secure uniform statewide regulation of ATV/UTVs.

SECTION V: LICENSING AND REGISTRATION

- A. Driver's license. Every person who operates an ATV/UTV on a segment of roadways shall have in his or her immediate possession a valid motor vehicle operator's license and shall display the license document upon demand from any law enforcement officer or official described in Wis. Stat. §23.33(12)
- B. ATV/UTVs must be registered with the Wisconsin Department of Transportation.

SECTION VI: ATV/UTV ROUTES ONLY ON ROADWAY

All ATV/UTVs shall operate only on the paved portion of the roadway unless otherwise indicated herein. Operation on the gravel shoulders, grassy inslope, ditches, or other highway rights-of-way is prohibited and illegal. Operation of an ATV/UTV on a roadway in the town that is an ATV/UTV route is authorized only for the extreme right side of the road

except that left turns may be made from any part of the roadway that is safe given prevailing conditions. All ATV/UTV routes are open year-round January 1st to December 31st.

SECTION VII: OPERATION OF ATV/UTV ON ROADWAYS

The operation of an ATV/UTV is allowed on roadways that are part of the approved ATV/UTV route that are signed in accordance with Wis. Stat. §23.33(8)(e), Wis. Stat. §340, and Wis. Admin. Code NR 64, and which have been adopted as part of this ordinance by reference.

- A. In addition: Persons 16 years of age or older must possess a valid driver's license to operate an ATV/UTV on roadways.
- B. No person under 16 years of age may operate ATV/UTVs on roadways.
- C. No person may operate or be a passenger on an ATV/UTV without wearing protective headgear of the type required in Wis. Stat. §347.485(1)(a), unless the person is at least 18 years of age.
- D. All ATV/UTVs shall display proper registration while operating on the Town of Plum Lake roadways.
- E. All ATV/UTV operators shall ride in single file on the right-hand side of the paved portion of the roadways, unless otherwise marked for operation on the shoulder or in the right of way.
- F. ATV/UTVs shall yield the right-of-way to other vehicular traffic (including non-motorized vehicles, such as bicycles, and pedestrians).
- G. All ATV/UTV operators are required to display a lighted headlamp and tail lamp while operating on roadways.
- H. Open intoxicants are prohibited for ATV/UTV operators or passenger(s) while operating on roadways.
- I. No owner or person having charge or control of an ATV/UTV shall authorize or permit any person to operate such ATV/UTV who is not permitted under state law or town ordinance to operate such ATV/UTV or who is under the influence of an intoxicant or a dangerous narcotic drug.
- J. Every ATV/UTV shall be equipped, maintained, and operated to prevent excessive or unusual noise. No person shall operate an ATV/UTV on roadways unless such ATV/UTV is equipped with a muffler or other noise suppressing system in good working order and in constant operation. It shall be unlawful to use a muffler cutout, bypass or similar device on any ATV/UTV in a manner such that noise emitted by the ATV/UTV increases to a level higher than as originally manufactured and must operate with a muffler that falls within the legal decibel limits.
- K. ATV/UTV operators shall not operate an ATV or UTV at a speed exceeding 35 miles per hour, unless a lower speed limit is indicated by official signs posted within the Town.
- L. ATV/UTVs may not be operated on any Town roadways between the hours of midnight and 6:00 am.
- M. No person shall leave or allow an ATV/UTV owned or operated by him or her to remain unattended on any public roadways while the motor is running or with the starting key left in the ignition.
- N. Wis. Stat. §23.33(4c), §23.33(4g), §23.33(4j), §23.33(4i), §23.33(4p), §23.33(4t), and §23.33(4x) shall apply to the operation of an ATV/UTV on any approved designated roadway within the Town of Plum Lake.
- O. No Chains or studs are allowed on ATV/UTV wheels/tires on Town roadways.
- P. A golf cart is not an ATV or UTV. Operation of golf carts on roadways is prohibited.

SECTION VIII: OPERATION ON AND AROUND WATERWAYS

Access to public launch sites is permitted during the winter months for the purpose of ice fishing. All ATV/UTVs are prohibited in any navigable water, or on the exposed bed of any navigable water.

SECTION IX: NUISANCE ACTIVITY

Cruising is prohibited. No person shall engage in the practice of cruising on any authorized roadways while operating an ATV/UTV. Cruising is defined as running all or part of the length of roadway multiple times, per day, back and forth, for any purpose other than departing or arriving at their destination.

SECTION X: APPROVED ATV/UTV ROUTES

Pursuant to Wis. Stat. s. 23.33 (11)(am)4., the Town of Plum Lake authorizes operation of ATV/UTV on the portion of Wisconsin State Highway 155 that has a posted speed limit of 35 mph or less and is located within the territorial boundaries of the Town of Plum Lake. This area shall be posted as an ATV/UTV route.

The Plum Lake Town Board has the authority to close or restrict ATV/UTV use on any of the roads under its jurisdiction if damage to the roads results or where public safety is adversely affected as a result of ATV/UTV use. The Plum Lake Town Board may review this ordinance at any time. Said review may include a report from the Public Works Department regarding road damage. In addition, the Sheriff's Department and the Department of Natural Resources may give an annual report on ATV/UTV violations, crashes, and safety concerns.

SECTION XI: UNAPPROVED ROADS

ATV/UTVs shall not be permitted on the following roads:

Aurora Lake Rd	Nixon Lake Rd
Bear Springs Rd	Old Hwy N
Big Muskellunge Rd	Old White Birch Lake Rd
Burlingame Rd	Plum Firetower Rd
Camp No 2 Rd (Stony Lane to Tower Lake Rd)	Plum Lake Station Rd (Autumn Lane to End)
Dorothy Dunn Rd	Plum Vitae Rd
Frank Lake Rd	Rearing Pond Rd (from Woodside Rd to W Star Lake Rd)
Golf Course Rd (Stern Rd to End)	Star Lake Cemetery Rd
Hook Rd	Starrett Lake Rd
Jean Lake Rd	Sethness Rd
Keuchenmeister Rd	Weschler Rd
Nebish Lake Rd	West Lake Laura Rd
	West Star Lake Rd

SECTION XII: SIGNAGE OF ATV/UTV ROUTES

The ATV/UTV club shall be responsible for the cost of ATV/UTV signage and shall work with the Public Works Department to ensure that ATV/UTV signage is uniform and in compliance with Wisconsin Department of Transportation regulations. ATV/UTV operation shall be subject to all provisions of Wis. Stat. §23.33, which is adopted as part of this ordinance by reference.

Pursuant to Wis. Stat. §23.33(8)(f), no person may do any of the following in regard to signs marking ATV/UTV routes:

- A. 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 sign.
- B. Possess any uniform ATV/UTV route 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 ATV/UTV route or trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV route or a trail sign or standard creates a rebuttable presumption of illegal possession.

SECTION XIII: ENFORCEMENT

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of Vilas County and/or the State of Wisconsin, consistent with Wis. Stat. §23.33(11)(b). The Town Clerk shall immediately send a copy of this ordinance to the Department of Natural Resources, the Wisconsin State Highway Patrol, and the Vilas County Sheriff's Department.

SECTION XIV: PENALTY

Wisconsin state ATV/UTV penalties as found in Wis. Stat. §23.33(13)(a) are adopted by reference and made part of this ordinance.

SECTION XV: ORDINANCE REVIEW

This ordinance will be reviewed one year from the date of the opening of roads in the Town of Plum Lake. Said review will include a report from the Public Works Department regarding road damage. In addition, the Sheriff's Department and Department of Natural Resources may give a report on ATV/UTV violations, crashes, and safety concerns. The Town Board will decide whether to rescind or amend the ordinance at that time.

SECTION XVI: SEVERABILITY

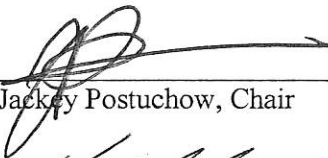
If any of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application and to this end the provisions of this ordinance are severable.

SECTION XVII: EFFECTIVE DATE


This ordinance will not become effective until the Wisconsin Department of Transportation (DOT) and Vilas County approve use on all State and/or County roads for ATV/UTVs in the Town of Plum Lake. After the Town Clerk is officially notified that Vilas County and Wisconsin DOT have given all approvals required, the Memorandum of Understanding with the ATV/UTV club has been signed, and all signage has been installed, then this ordinance shall be published or posted as required under Wis. Stat. §60.80, and will at that time become effective.

Adopted this 7 day of August, 2024.

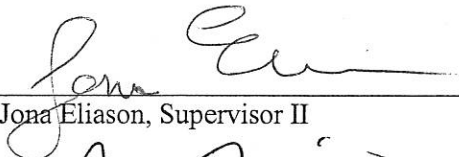
By the Town Board of the Town of Plum Lake, Vilas County:




Jackey Postuchow, Chair



Kevin Rasmussen, Supervisor I



Jona Eliason, Supervisor II



Attest: Jane Rosewicz, Town Clerk

Town of Plum Lake

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E-Mail: office@plumlakewi.gov
Website: www.plumlakewi.gov

Amending Town of Plum Lake ATV-UTV Ordinance 2024-003 adopted August 7th 2024. Amended November 13, 2024.

The Town Board of the Town of Plum Lake pursuant to its authority under s.23.33(8)(b) and (11) Wis. Stats. does hereby amend the ATV-UTV Ordinance and amendments and does ordain as follows:

1. SECTION X: APPROVED ATV/UTV ROUTES

Pursuant to Wis. Stat. s. 23.33 (11)(am)4., the Town of Plum Lake authorizes operation of ATV/UTVs on the portion of Wisconsin State Highway 155 that has a posted speed limit of 35 mph or less and is located within the territorial boundaries of the Town of Plum Lake. This area shall be posted as an ATV/UTV route.

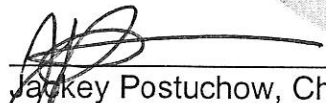
The Plum Lake Town Board has the authority to close or restrict ATV/UTV use on any of the roads under its jurisdiction if damage to the roads results or where public safety is adversely affected as a result of ATV/UTV use. The Plum Lake Town Board may review this ordinance at any time. Said review may include a report from the Public Works Department regarding road damage. In addition, the Sheriff's Department and the Department of Natural Resources may give an annual report on ATV/UTV violations, crashes, and safety concerns.

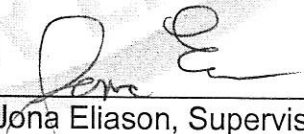
2. Section V: B. ATV/UTVs must be registered with the Wisconsin Department of Natural Resources.

This amendment will be effective upon publication/posting and signage being put in place.

Adopted this 13th day of November 2024

By the Town Board of the Town of Plum Lake, Vilas County:


Jarkey Postuchow, Chair


Jona Eliason, Supervisor II


Kevin Rasmussen, Supervisor I


Attest Jane Rosewicz, Town Clerk