

TOWN OF CASSIAN - ORDINANCE NO. 2019-002

Restated and Amended

All-Terrain Vehicle and Utility Terrain Vehicle Routes Ordinance

STATE OF WISCONSIN

Town of Cassian

Oneida County

SECTION 1 - TITLE AND PURPOSE

The title of this ordinance is the Town of Cassian All-Terrain Vehicle and Utility Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle and utility terrain vehicle routes in the Town and to regulate the operation of all-terrain vehicles and utility terrain vehicles in the Town.

SECTION 11 - AUTHORITY

The Town Board of the Town of Cassian, Oneida County, Wisconsin has the specific authority to adopt this All-Terrain Vehicle and Utility Terrain Vehicle Ordinance under ss. 23.33 (8)(b) and (11), Wis. Stats,

SECTION - ADOPTION OF ORDINANCE

This 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 and UTV routes in the Town and to regulate the use of those routes and ATVs and UTVs in the Town.

SECTION IV - OPERATION OF ALL-TERRAIN VEHICLES (ATV) AND UTILITY TERRAIN VEHICLES (I-ITV)

Pursuant to Section 23.33 (4)(d) 4., Wis. Stats., except as otherwise provided in s. 23.33 (4), Wis. Stats., no person may operate an All-Terrain Vehicle or Utility Terrain Vehicle on the roadway portion of any highway in the Town except on roadways that are designated as All-Terrain Vehicle/Utility Terrain Vehicle routes by this Ordinance. Operation of All-Terrain Vehicles or Utility Terrain Vehicles on a roadway in the Town that is an All-Terrain Vehicle or Utility Terrain Vehicle route is authorized only for the extreme right side of the roadway, except that left turns may be made from any part of the roadway that is safe given prevailing conditions. All tires of ATVs and UTVs must be on the traveled road surface not on the shoulder of the road. Operation on shoulders of roads is forbidden.

SECTION V - DESIGNATION OF ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES ROUTES

The following routes are all designated All-Terrain Vehicle and Utility Terrain Vehicle routes in the Town:

- A. All Cassian Town Roads are open to ATV and UTV use.
- B. Wood Road, East Pine Square Road, West Pine Square Road, North Pine Square Road, Ellsner Road, Forest Road, Swamp Lake Road (from West side of Tomahawk River Bridge [located in SE SE, S34 T37 NR6E] west to the Little Rice Town line) Rocky Run Road west of Highway 51 to Highway Y, and Highway Y to Townline.
- C. Rocky Run Road east of Highway 51 to Lakewood Road, Lakewood Road from Highway K to Townline by Big Bearskin, Sand Lake Road from Lakewood to the Townline, Church Road from Lakewood Road to Harshaw Road, Harshaw Road from Highway K to Horsehead Lake Road, Horsehead Lake Road from Highway K to Fawn Lake Road, Timber Lake Road from Horsehead Lake Road to Sheep Ranch Road, and Sheep Ranch Road from Highway K to the Townline.

SECTION VI - PROCEDURES FOR DELETING TOWN ROADS AS ATV/UTV ROUTES

Roads and road segments may be deleted as ATV/UTV routes under the Ordinance utilizing the following procedures:

- A. Any property owner or resident must petition the Town to delete a road from the ATV/UTV route under the Ordinance. The petitioner must obtain blank forms from the Town Clerk and the petitioner must secure signatures of the majority of the property owners/residents on the road to be deleted.
- B. The Town Board shall, within 30 days of the receipt of a properly completed petition, review the petition and make a determination as to whether the road in question is appropriate to be deleted from this Ordinance.
- C. If the Board determines that the application is appropriate, it shall hold a public hearing on the petition. This public hearing shall be held in conjunction with the regularly scheduled Town Board meeting. The public hearing shall be considered the first consideration of a proposed change to the Town's Ordinance. The Board shall make reasonable efforts to ensure residents on an affected road are given notice of the public hearing.
- D. If the Town Board gives tentative approval to the Ordinance change at the first consideration, the Board shall bring the matter up for second consideration at the next regularly scheduled meeting of the Board. If adopted at that meeting, the change shall be incorporated into this Ordinance by written amendment.

SECTION VII - CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE AND UTILITY TERRAN VEHICLE ROUTES

Pursuant to s. 23.33 (8)(d), Wis. Stats., the following restrictions are placed on the use of the Town All-Terrain Vehicle and Utility Terrain Vehicle routes designated by this Ordinance:

- A. Routes shall be marked by the Cassian ATV Club with uniform All-Terrain Vehicle/Utility Terrain Vehicle route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code. Signage shall be inspected, and maintained annually, by the Cassian ATV Club. No person may do any of the following in regard to signs marking Town ATV/UTV routes:
 - 1. Intentionally remove, damage, deface, move or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with the effective operations of any uniform ATV/UTV route or trail sign or standard if the sign or standard is legally placed by the State, any Municipality, or any authorized individual.
 - 2. Possess any uniform ATV/UTV route or trail sign or standard of the type established by the Department of Natural Resources for the warning, instruction or information of the public unless he or she obtains the uniform ATV/UTV route or trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.
- B. Operation shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted as a part of this Ordinance by reference, pursuant to s. 23.33 (11), Wis. Stats.
- C. A copy of this Ordinance shall be sent by the Town Clerk to the Oneida County Sheriff's Department and the Department of Natural Resources.
- D. In addition to the provisions of s. 23.33 Wis. Stats., the following restrictions are placed on the use of the Town ATV/UTV routes designated by this Ordinance:
 - 1. All ATV/UTV operators shall observe a speed limit of not more than 25 m.p.h. and slow the vehicle to 10 m.p.h. when operating within 100 feet of a pedestrian.
 - 2. All ATV/UTV operators shall ride single file.
 - 3. Anyone under the age of twelve (12) cannot operate an ATV/UTV on a road or route under any circumstances.
 - 4. Anyone under the age of sixteen (16) cannot operate an ATV/UTV on a road or route without a safety certification.

5. All ATV/UTV operators under the age of eighteen (18) must wear a helmet.
6. Lights must be on all ATVs and UTVs operated in the Town at all times.
7. Patrolling of the routes will be done by the Cassian ATV Club.

SECTION VIII - ENFORCEMENT

This Ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin and additionally as stated in the Town's citation authority ordinance adopted per s.66.0113.

SECTION - PENALTIES

The penalties under s.23.33(13)(a), Wis. Stats., are adopted by reference.

SECTION X - SEVERABILITY

If any provision 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 XI - EFFECTIVE DATE

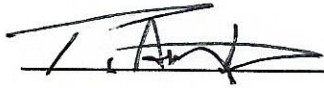
The Ordinance shall become effective after the Cassian ATV Club posts ATV/UTV route signs on all routes designated in this Ordinance, at which time the Town Clerk shall properly publish this Ordinance as required under s. 60.80, Wis. Stats.

SECTION XII - CONDITION

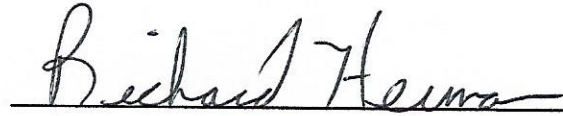
Should the Cassian ATV Club dissolve, cease existence/disband, the Town of Cassian shall rescind this Ordinance by decision of the Cassian Town Board.

This Ordinance is effective on publication or posting.

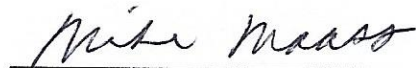
Adopted this 8th day of July, 2019



Tim Augustine, Chairman



Richard Herman, Town Supervisor



Mike Maass, Town Supervisor



Attest: Nikki Augustine, Town Clerk