

ORDINANCE 2016-3
Amended 02 15 21
ATV/UTV/Equestrian Trails and Routes

SECTION 1 -Purpose

The Town of Phelps does hereby adopt this ordinance to establish the following trails and routes for ATV/UTV/Equestrian usage. Following due consideration of the recreational value to connect trail and route opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, these routes and trails have been created.

SECTION 2 -Statutory Authority These routes and trails are created as authorized by 23.33 (8) (b) (11) (am) Wis. Stats. The applicable provisions of 23.33 regulating ATV/UTV operation pursuant to routes and trails are hereby adopted.

SECTION 3-Designation of Preferred ATV/UTV Routes

The Preferred ATV/UTV Route shall include the following Town roads, and such roads shall be posted as such:

- County Hwy A from Forest County line to St Louis Rd
- St Louis Rd from County Hwy A to Deerskin Rd
- Deerskin Rd from State Hwy 17 to the Phelps town line
- Mail Route Rd from County Hwy A to Hwy 436
- Blong Rd East from Muskrat Creek to County Hwy E
- County Highway E South from Blong Rd to WI 17
- Blong Rd North from Muskrat Creek to County Hwy E
- West Shore Rd from County Hwy E to Phelps townline
- Tower Rd to State Hwy 17
- Coop Rd from State Hwy 17 to Strong Rd
- Strong Rd from Coop Rd to County Hwy A
- STH 17 from County Hwy E to Hackley Road

Under Wis. Stat. s. 23.33(11) (am)4, the Town of Phelps authorizes the operation of ATVs on WIS. STATE HIGHWAY 17 from CTH E to Hackley Circle which has a posted speed limit of 35 mph or less and this area shall be posted as such.

SECTION 4-Roads for ATV/UTV usage

All Town of Phelps roads may be used for ATV/UTV usage year-round, with the exception of any road or road segment deemed unsuitable at the discretion of the Phelps Town Board.

SECTION 5-Exclusion of Roads for ATV/UTV usage

The following roads are not under Town of Phelps jurisdiction and operation of an ATV/UTV is strictly prohibited unless portions of which have been authorized and so indicated by proper signage:

- State Highway 17 with the exception of County Highway E to Hackley Circle
- County Highway A
- County Highway E
- County Highway K
- State and Federal Forestry Roads

- All private or easement roads that are not maintained by the Town of Phelps

The following areas are under Town of Phelps jurisdiction and have been designated as unsuitable for A TV /UTV usage and shall be posted as such:

- Operation in the Phelps Cemetery is strictly prohibited.
- Operation in Wavering Park is strictly prohibited.

SECTION 6-Modifications of Preferred ATV/UTV Routes, Roads for Ingress/Egress and Roads for Exclusion

- The Town of Phelps reserves the right to close or modify routes and trails at any time.
- Residents or land owners may approach the town board for consideration of changes in inclusion or exclusions of roads.

SECTION 7-Conditions Applicable to ATV/UTV/Equestrian Use

- All A TV /UTV trails/routes shall be open from May 1-October 31, unless otherwise posted or until Vilas County creates a county wide season.
- Travel on Millerville Ln, Big Sand Lake Boat Landing Rd, and Grosser Ln is permitted outside of those dates to access a lake for ice fishing.
- Operation of ATV/UTVs on a roadway in the Town of Phelps that is an ATV/UTV route is authorized at 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.
- No operation of any ATV/UTV is permitted on the shoulder of any public roadway.
- No person shall operate an A TV /UTV with tire chains or studded tires on any town road or designated route.
- No person shall operate an ATV/UTV which has been mechanically or otherwise altered from the manufacturer's specification so as to generate additional speed, traction or noise.
- No person shall operate an A TV /UTV at a rate of speed that is unreasonable or imprudent under the circumstances or in any careless or reckless manner so as to endanger any person or property of another.
- Operators must not exceed the route speed limit or 35 mph, whichever is less.
- Operators must slow to 10 mph or less when operating within 150 ft. of a dwelling or within 100 ft. of a pedestrian or someone not on a motorized vehicle.
- ATV /UTV s must be operated in single file and must have both head lamps and tail lamps on during all times of operation.
- ATV/UTVs shall yield right-of-way to other and all vehicular traffic and pedestrians.
- All operators of all-terrain vehicles travel at their own risk. The Town of Phelps will not be liable for any damages, injuries or any liability caused by or to such operations within the town.
- All ATV/UTV units shall be registered in accordance with WI DNR regulations.
- All A TV /UTV operators shall observe all applicable rules of the road governing motorized vehicles on municipal streets in accordance with WI State Statute Chapter 346 and WI State Statute 23.33.
- All operators of A TV's or UTV's are subject to WI State Statute and/or DNR rules and regulations pertaining to age, safety and safety certificate requirements.
- Operation within any town park is prohibited unless otherwise posted.
- All ATV/UTV operators shall follow Preferred Routes as approved by the Phelps Town Board as well as any restrictions placed on the routes by the Phelps Town Board.
- The Landover A TV Club shall:
 - a) Name the Town of Phelps and Vilas County as co-insured parties on their insurance policy.
 - b) Install, inspect and maintain signage and trails.
 - c) Provide W ATV A trained Trail Patrol Ambassadors to patrol trails / routes.

- All equestrian riders are responsible for their animal's manure. It must be moved into the woods or off to the side of any public road. In the Phelps downtown area, all manure must be removed.

SECTION 8 -Definitions

All applicable words or phrases defined within chapter 23.33 and 340.01 of the Wisconsin State statutes are adopted and incorporated within this ordinance.

SECTION 9 -Enforcement

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin and the regulations and ordinances of the Town of Phelps, Vilas County. A copy of this ordinance shall be sent by the town clerk to all Law Enforcement Agencies affected, the Wisconsin Department of Natural Resources, and the United States Forest Service.

SECTION 10 -Penalties

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


SECTION 11 -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.
- The provisions of this ordinance shall be deemed severable and it is expressly declared that the County/Town would have passed the other provisions of whether or not one or more provisions may be declared invalid.
- This ordinance will be reviewed as deemed necessary.
- This ordinance can be modified and/or repealed at any time should just cause be found for excessive violation and issues of harm and safety to the public or the environment.

SECTION 12 -Effective Date

Following passage by majority vote of the Phelps Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

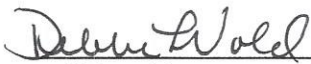
Adopted this 15th day of February 2021.



Steve Doyen, Town Board Chairman



Ronald H. Buell, Jr., Town Board Supervisor



Debbie Vold, Town Board Supervisor

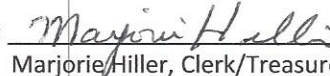


Eugene McCaslin, Town Board Supervisor



Steve Waier, Town Board Supervisor

ATTEST:



Marjorie Hiller, Clerk/Treasurer