

ALL-TERRAIN VEHICLE/UTILITY TERRAIN VEHICLE ORDINANCE TOWN OF GULL LAKE, WASHBURN COUNTY ORDINANCE #104A

AN ORDINANCE DESIGNATING ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE (ATV/UTV) ROUTES AND REGULATING THE OPERATION OF ATV/UTVs

SECTION 1 – INTENT

The Town Board of the Town of Gull Lake adopts the following ATV/UTV route for the operation of ATV/UTVs upon the roadways listed in Section III.

Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this route has been created.

SECTION II – STATUTORY AUTHORITY

This route is created as authorized by 23.33 (8) (b), Wisconsin Statutes and regulation of ATV/UTVs as provided in 23.33 of Wisconsin Statutes are adopted.

A “Utility terrain vehicle” is defined to mean any of the following:

1. A motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:
 - a. A net weight of less than 2,000 pounds.
 - b. Four or more low-pressure tires.
 - c. A cargo box installed by the manufacturer.
 - d. A steering wheel.
 - e. A tail light.
 - f. A brake light.
 - g. Two headlights.
 - h. A width of not more than 65 inches.
 - i. Seats for at least 2 occupants, all of which seating is designed not to be straddled.
 - j. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
 - k. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.
2. A motor driven device that has a net weight of more than 900 pounds, that is originally manufactured with a width of 50 inches or less, that is equipped with a seat designed to be straddled by the operator, and that is designed by the manufacturer to travel on 3 or more low-pressure tires.

Wis. Stat. sect 23.33(1)(ng). All-Terrain Vehicles (ATVs) are defined in section 340.01(2g).

SECTION III – ROUTES

The following roads in the Town of Gull Lake are designated as routes.

All town roads which include the following:

- A. Asp Road
- B. Buchman Road
- C. Gardner Lake Road
- D. Gull Creek Road
- E. Haddick Road
- F. Hall Road
- G. Haynes Road
- H. Hay Lake Road
- I. McIntosh Road
- J. McNitt Blvd.
- K. Northern Lake Road
- L. Shore Drive
- M. Swanson Road
- N. Taylor Lake Road
- O. Walt's Drive
- P. Western Lake Road

SECTION IV – CONDITIONS

As a condition for the use of this route, the following conditions apply to all operators (and passengers where applicable):

1. This ordinance will not become effective until proper route signs are in place.
2. The speed limit shall be 20 miles per hour while operating on gravel road portion and 10 miles per hour while operating on paved portion of road.

NOTE: State law restricts ATV/UTV speed to 10 miles per hour within 150 feet of a dwelling 24 hours a day.

3. ATV/UTVs shall operate on the extreme right side of the roadway and travel with the flow of traffic.
4. ATV/UTVs shall be operated in a single file.
5. ATV/UTV operators shall yield the right-of-way to all other vehicular traffic and pedestrians.
6. Headlamps shall be turned on and in proper working order at all times while operating on designated town roadways.
7. A minor who is 12 to 15 years of age may only operate on an ATV/UTV route, if the minor holds an ATV/UTV safety certificate issued by the Wisconsin DNR, and is under continuous supervision of an adult.
8. All persons under 18 operating and/or riding on an ATV/UTV must wear a helmet.
9. Operators of ATV/UTVs travel at their own risk and the Town of Gull Lake will not be liable for any damages (to equipment, property) or injuries to operators of ATV/UTVs occurring in the Town of Gull Lake.
10. All ATV/UTVs must have a license plate which is at least 4" high by 7.5" wide, black lettering on white, and contain the registration identification characters as shown on the vehicle's permit.

SECTION V – ENFORCEMENT

This ordinance shall be enforced by any law enforcement officer of the Washburn County Sheriff's Department and the Wisconsin DNR.

SECTION VI – PENALTIES

Wisconsin State ATV/UTV penalties as found in s23.33, (13)(a) Wisconsin Statutes, are adopted by reference.

SECTION VII – SEVERABILITY

The provision of this ordinance shall be deemed severable and it is expressly declared that the Town of Gull Lake 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' circumstances shall not be deemed affected.

SECTION VIII – EFFECTIVE DATE

This Ordinance shall be effective upon passage, publication and the placement of all route signs.

Amended and passed on January 13, 2004. **AMENDED IV.9 1/10/04 (add to equipment, property)...for any damages to equipment, property or injuries to operators**

Amended and passed on August 21, 2012. **AMENDED pursuant to 2011 Wisconsin Act 208 to include Utility Terrain Vehicles in the ordinance, include new Section IV.10 and shortened references to All Terrain Vehicles/Utility Terrain Vehicles to read ATV/UTVs.**



_____, Clerk, Town of Gull Lake