

ORDINANCE TO RESCIND THE 2020 RESOLUTION OF NON-USE FOR ATV/UTV ON TOWNSHIP ROADS AND TO OPEN ALL TOWNSHIP ROADS AS ATV/UTV ROUTES EXCEPT CERTAIN COUNTY HIGHWAYS IDENTIFIED BY THE HIGHWAY COMMISSIONER AND HIGHWAY COMMITTEE

ORDINANCE #1-2021

I. Intent

- a. Rescind the Resolution of ATV/UTV Non-Use on Township Roads adopted in July of 2020.
- b. The Board of the Town of Neva adopts the following all-terrain vehicle ordinance/route for the operation of all-terrain vehicles upon the roadways listed in Section IV.

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 ordinance has been created.

II. Authority

- a. The Board of the Town of Neva adopts this ordinance pursuant to its authority under Section 23.33(8)(b), Wis Stats.

III. Application

- a. The Ordinance shall apply to all-terrain vehicles (ATV) and utility terrain vehicles (UTV) as those terms are defined by Sec. 23.33, Wis Stats. All references to all-terrain vehicle (ATV) shall also apply to the utility terrain vehicle (UTV).
- b. By this Ordinance the Town Board adopts Sec 23.33, Wis. Stats, and any amendments thereto. To the extent that provisions of this Ordinance impose greater restrictions on ATV operation than set forth in Sec. 23.33, Wis. Stats., the provisions of this Ordinance shall apply and prevail.

IV. Designation of Routes

- a. The following routes are designated ATV Routes in the Township for recreational use only, and therefore are open for use by ATV/UTV operation only for the time period each year during which the Langlade County ATV Trail system is open to the public.
 - i. All paved Town Roads are designated as ATV Routes.
 - ii. In accordance with the Langlade County Ordinance #4-2020:
 1. All county trunk highways within unincorporated areas of Langlade County are designated as ATV Routes, except county trunk highways deemed unsafe for ATV operation by the Highway Commissioner and the Highway Committee. A listing of county trunk highways not designated as ATV Routes shall be posted on the County's website and available for public inspection at the County Highway Department.

V. Conditions

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

- a. Operation of an ATV/UTV on the ATV Route shall be subject to all provisions of Section 23.33, Wis. Stats., and as set forth in this Ordinance.
- b. No person may operate an all-terrain vehicle in any matter which violates the posted restrictions on the ATV Route, or violates the Rules of Road as set forth in Chapter 346, Wis. Stats., and the Langlade County Traffic Ordinance Section 7.01, or in any way so as to endanger the person or property of another, or in a manner which violates rules promulgated by the Department of Natural Resources.
- c. Except as otherwise provided in Section 23.33(4), Wis. Stats., no person may operate an ATV/UTV on the roadway portion or within the right-of-way of any highway in the County except on roadways that are designated as ATV Routes by this Ordinance. Operation of ATV/UTVs on a roadway in the Town of Neva that is an ATV route is authorized only for the extreme right side of the paved surface of the roadway.
- d. Unless otherwise posted, the maximum speed limit on any ATV Route shall be 35 mph.
- e. Additional conditions;
 - i. All ATV operators shall be at least 16 years of age and possess a valid Driver’s License.
 - ii. All ATV operators shall observe posted ATV Route speed limits.
 - iii. All ATV operators shall ride single file.

VI. Enforcement

- a. This Ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

VII. Penalties

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

VIII. Severability

- a. If any provision of this Ordinance is held invalid, the invalidity shall not affect other provisions of this Ordinance that can be given effect without the invalid provision.

Effective Date. This Ordinance shall take effect upon passage and publication.

Passed this _____ Day of _____, 20_____.

Doug Curler, Chairperson

Attest:

Kristen Rolling, Clerk