

**TOWN OF ROUND LAKE
SAWYER COUNTY, WISCONSIN
ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES
ORDINANCE NO. 2024-02**

AN ORDINANCE REPEALING ORDINANCE NO. 2023-01 ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES AND ORDINANCE NO. 2024-01, AN ORDINANCE AMENDING ORDINANCE NO. 2023-01 ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES.

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Round Lake All-Terrain Vehicle and Utility Terrain Vehicle Routes.

The purpose of this ordinance is to establish All-Terrain Vehicle (hereinafter "ATV") and Utility Terrain Vehicle (hereinafter "UTV") routes in the Town of Round Lake, and to regulate the operation of ATVs and UTVs on these routes. All town roads not included in this ordinance are closed to ATV and UTV traffic.

SECTION II - STATUTORY AUTHORITY, STATE AND COUNTY REGULATIONS

These ATV/UTV routes are created pursuant to Wis. Stats. §§ 23.33(8)(b) and (11). In addition, the provisions of Wis. Stats. § 23.33, the provisions of Wis. Admin. Code § NR 64, and the provisions of Sawyer County Ordinances, Section 28, Article III All-Terrain Vehicles and Utility Terrain Vehicles, regulating ATV/UTV operation are hereby adopted as follows:

A. Any act required to be performed or prohibited by any statute or administrative code incorporated in this section by reference shall be required or prohibited by this section.

B. Any future amendments, revisions, or modifications of statutes or administrative code incorporated herein are intended to be made part of this section in order to secure regulation of ATVs and UTVs between the statewide and county regulations and those of the town.

SECTION III – 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 provide for the regulation of the use of ATV and UTV routes in the town.

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SECTION IV – OPERATION OF ATVs AND UTVs

Pursuant to Wis. Stats. § 23.33(4)(d), except as otherwise provided in Wis. Stats. § 23.33(4), no person may operate an ATV or UTV on the roadway portion of any highway in the town except on roadways that are designated as ATV and UTV routes by this ordinance. Operation of ATVs and UTVs on a roadway in the town that is an ATV and UTV 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.

SECTION V – DESIGNATION OF ALL-TERRAIN VEHICLE ROUTES AND UTILITY TERRAIN VEHICLE ROUTES

A. Unless clearly signed as closed to ATV & UTV traffic, all Town of Round Lake roads are designated ATV & UTV routes, not including tribal lands.

B. ATV & UTV routes will be clearly marked with signs designating beginning and ending, as well as other directions as needed. Signage will be provided and installed by those interested parties requesting the ordinance.

SECTION VI – CONDITIONS APPLICABLE TO ATV & UTV ROUTES

Pursuant to Wis. Stats. § 23.33(8)(d), the following restrictions are placed on the use of the town ATV & UTV routes designated by this ordinance:

A. Routes shall be marked with uniform ATV & UTV route signs in accordance with Wis. Stats. 23.33(8)(e), and Wis. Admin. Code § NR64.12(7). 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 operation of any uniform ATV & UTV route or trail sign or standards 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 for the warning, instruction, or information of the public, unless he or she obtained the uniform ATV & UTV route or trail sign or standard in a lawful manner. Possession of the 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 Wis. Stats. § 23.33, which is adopted as a part of this ordinance by reference, pursuant to Wis. Stats. § 23.33(11).

C. A copy of this ordinance shall be sent by the town clerk to the Department of Natural Resources, the Sawyer County Sheriff's Department, and any other law enforcement agency serving the Town of Round Lake's jurisdiction.

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SECTION VII - REGULATED OPERATION OF ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES

A. Pursuant to Wis. Stats. § 23.33 (4)(b), except as provided in Wis. Stats. § 23.33, no person may operate an ATV or UTV on any part of Town of Round Lake roads except those portions of roads that are designated as ATV/UTV routes in Section V.

B. The operation of ATVs and UTVs on any portion of Town of Round Lake roads designated as an ATV/UTV route shall be subject to the following:

1. ATVs and UTVs shall be operated on the extreme right side on the roadway on the paved surface. Operation on the gravel shoulder, grassy inslope, ditches, or other highway right-of-way is prohibited and illegal (unless designated a route or trail).

2. ATVs and UTVs shall be operated in compliance with all applicable Wisconsin laws, orders, regulations, restrictions, and rules, including Wis. Stats. § 23.33 and Wis. Admin. Code § NR64, as amended.

3. ATVs and UTVs shall be operated within applicable speed limits.

4. All ATV/UTV operators shall ride in single file.

5. All ATVs/UTVs are required to display a lighted headlamp and tail lamp while operating on a town road.

6. All ATV/UTV operators and passengers under the age of 18 are required to wear a minimum DOT standard ATV or motorcycle helmet with the chin strap properly fastened.

7. No person under 12 may operate an ATV, unless specifically excepted under Wis. Stats. § 23.33 (5)(a) 1.a. and b. No person under 16 may operate a UTV, unless specifically excepted under Wis. Stats. § 23.33 (5)(am) 1.a. and b. All ATV safety certified operators aged 12-15 must also be accompanied by their parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian, while operating on a designated ATV route. Accompanied to be defined as subject to continuous verbal direction or control, but not necessarily on the same machine.

8. All ATV/UTV operators who are at least age 12 and born on or after January 1, 1988 and operating on a town road must possess a valid ATV safety certificate issued by this state or any other state or province.

C. ATVs/UTVs are able to be operated 24 hours a day on Town of Round Lake routes except those identified as being within the reservation boundaries of the Lac Courte Oreilles Band of the Lake Superior Chippewa Indians (LCO).

SECTION VIII – ENFORCEMENT

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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 Wis. Stats. § 66.0113).

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SECTION IX - PENALTIES

The penalties as set forth in Wis Stats. § 23.33(13), as amended, are adopted by reference.

SECTION X – RELEASE OF LIABILITY

The Town of Round Lake shall not be responsible for accidents and/or injuries incurred while operating an ATV or UTV on any designated ATV or UTV route within the Town of Round Lake.

SECTION XI – 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 XII – EFFECTIVE DATE

This ordinance becomes effective upon passage and publication as required by law.

This ordinance shall repeal and replace any and all ATV and UTV route ordinances heretofore enacted by the Town of Round Lake, Sawyer County, Wisconsin.

The town clerk shall properly post or publish this ordinance as required under Wis. Stats. § 60.80.

ADOPTED this ____ day of _____, 2024.

Rolfe Hanson, Chairperson

James Strandlund, Supervisor

Daniel Palmer, Supervisor

Marvin Scott Verbeck, Supervisor

Kay Wilson, Supervisor

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Round Lake, Sawyer County, Wisconsin, on the ____ day of _____, 2024.

Kathy McCoy, Town Clerk



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