

Public Hearing on Proposed ordinance amendment to Town Ordinance Chapter 7.10, All Terrain Vehicles, as it relates to ATV/UTV use on town roads.

**Newbold Town Hall, 4608 Apperson Drive and Hwy 47, Rhinelander, Wisconsin 54501
Saturday, September 9, 2017 at 10:00 a.m.**

Meeting called to order at 10:00 a.m. by Chairman, Dave Kroll. Purpose of the meeting is to discuss the proposed ordinance amendment to Chapter 7.10, All Terrain Vehicles, as it relates to ATV/UTV use on Town Roads. The proposed revision is as follows:

7.10 ALL TERRAIN VEHICLES.

(1.1.1) **Intent. Following due consideration of recreational purpose/value, public safety liability aspects, the Town may designate ATV/UTV routes on certain town roads.**

(1.1.2) **Statutory Authority. The Town is authorized to create ATV/UTV routes pursuant to section 23.33 (8)(b), Wisconsin Statutes.**

~~(1)~~**(3)** General. It shall be unlawful to operate any ATV/UTV on the Town parks, parking lots, or on any public lands, roads or parking lots held open to the public unless designated as an ATV/UTV route. The operator shall at all times have the consent of the owner before operation of an ATV/UTV on private lands unless the owner has agreed, in writing, with an ATV/UTV club to establish an ATV/UTV trail.

(1.1.4) **Conditions. Operation of ATV/UTV vehicles on designated highways of the Town shall be subject to the following conditions:**

(a) Routes must be signed in accordance with NR 64.12 and NR 64.12(7)(c)

(b) In addition to (a), all designated routes shall have signs posted advising operators of the conditions required by (c), (f), (g) and (h) below. Such signs shall be posted immediately beneath route designation signs at each end of such routes.

(c) ATV/UTV operation shall not exceed 25mph

(d) All ATV/UTV operations shall be single file

(e) All ATV/UTV operators shall slow to 10mph or less when operating within 150 feet of a dwelling.

(f) All operators must possess a valid driver's license, a certificate of completion from a DNR approved ATV/UTV Operators Safety Course, and proof of insurance for the vehicle being operated.

(g) All operators under the age of 18 must wear a helmet

(h) All ATVs/UTVs must operate with headlights and taillights on at all times.

~~(2)~~**(5)** Pursuant to ~~§23.33(8), Wis. Stats.,~~ The following town roads are designated as ATV/UTV routes:

(a) Rainbow Lake Road from November 1 through March 31

- (1.1.6) **Enforcement. This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.**
- (1.1.7) **Penalties. Wisconsin state All-Terrain Vehicle penalties as found in section 23.33(13)(a), Wisconsin Statutes, are adopted by reference.**
- (1.1.8) **Severability. 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 or circumstances shall not be affected.**
- (1.1.9) **Effective Date. This ordinance become effective upon passage and publication.**

Chairman Kroll noted that only Newbold residents should only be allowed to comment on this matter. Notice has been published in the papers as indicate and provided on the town website and posting boards as indicated.

Public Comment:

Gary Glenetski, 8030 Timber Drive, asked why the proposed speed limit is not to exceed 25 mph.

Chairman Kroll commented that by law speed can be set by the board.

John Daley, Valley Court, presented State statute on speed limits and asked if the proposed ordinance is in compliance with State Statute. Comment on safety certificate. The courses are so full that if someone who doesn't need the course may be refused as they would not take those who aren't required to be certified.

Deputy Dave Siefeldt, Oneida County Sheriff's Office, commented that the course can be taken on line now regardless of age.

Tim Rodowski, Vets Memorial Drive, commented that all looks reasonable with the exception of the safety certification for those born after Jan. 1988, concern of overcrowding the course. The course on-line could be an obstacle for those who don't use a computer. On line courses are not the same as in-person courses and those in attendance receive much more from in-person course. Believe the course is a bit restrictive. Other point of concern/objection is the restrictions are more stringent for Newbold versus neighboring towns and could confuse people. Crowded classrooms and confusion on rules with neighboring townships are the two concerns. Speed zone is reasonable, 25 limit and distance from dwelling is reasonable.

Margaret Rath, Oak Run Road, questioned how a resident would go about getting an approved route?

Chairman specified the route must have a purpose and a destination on a route. Be pursued by the ATV club, and must have the support of the property owners along the route.

Trina Ford, Cedar Lane, commented on concern how others from other towns and visitors will know about the rules for use in Newbold. Start and end of a route? How would you determine where a sign is placed?

Chairman Kroll noted the proposed ordinance would require the signage be posted on that road with the requirements below the ATV/UTV route sign.

Les Felbab, Town of Pelican and certified Instructor. Believes the speed limit of ten mph may have been rescinded. Comment on the future of the town connecting to trails on the State Forest land. Younger ages would be permissible on trails, but a license would be required to cross a town road and younger people may not have a license. Think about the future.

(citizen unidentified) asked if the route would cross bike trails? Chairman Kroll reminded people that the bike trail is prohibited to ATV use because of a grant for that bike trail. Snowmobiles are allowed in areas.

Dave Haenel, (unidentified address) commented on snowmobile use on the bike trail currently and the outrageous speeds they travel.

Wayne Stevens, Northwestern Drive, commented that he does not own an ATV, but has property in Michigan where ATV's are allowed and there are a few who make it bad for everyone else. He used the example of the ones he has seen race up and down the roads not doing the speed limit. As a driver, he is concerned about the speed and number of people on the ATV's. Also asked what is the history of law for those who are abusing the law.

Deputy Siefeldt commented on ATV patrol this year and statistics on patrolling Oneida county along with the number of citations. Oneida county program hours of enforcement is high, about 1,000 hours logged thus far this year. He noted there will be people who violate the law and if that happens, then call the Sheriff's Office with vehicle registration, or where the driver went to their residence, etc.

Tim Radowski commented that the Sheriff's Office is very proactive.

John Knutson, Town of Pelican, commented that he is a trail patroller and watches for violations, however he cannot stop people but can discuss issues with a driver when they stop at an intersection. He patrols Enterprise two or three times per week. It's mostly family oriented, but there are always those who abuse it. Get the numbers on the ATV or pictures if possible of violators and send to the S.O.

Chairman Kroll reminded the audience to focus on the ordinance proposed today. There was a call for any other comments.

Greg Danner, 1910 Larsen Drive, asked what kind of timeline the town is looking at to get this in place.

Chairman Kroll indicated the first step is getting the ordinance in place and then look at specific requests.

Bruce Weber, Hwy 70 northern part of Newbold, asked if the ordinance has anything to do with the DNR corridor. Chairman Kroll indicated it does not have anything to do with the DNR corridor.

Another call for any other input. None, closed public hearing at 10:34 a.m.

Chairman Kroll noted that all town notices are on our website along with meeting minutes once approved. Town official's contact information can also be found on the website.

Closed meeting at 10:35 a.m.