

Public Hearing on Ordinance Amendment to Town Ordinance Chapter 7.10, All Terrain Vehicles, As It Relates To ATV/UTV Use on ALL Town Roads

Newbold Town Hall, 4608 Apperson Drive and Hwy 47, Rhinelander, Wisconsin 54501
Saturday, May 19, 2018 at 10:00 a.m.

The public hearing was called to order at 10:00 a.m., by Chairman, Dave Kroll. The purpose of the public hearing was to allow public comment in consideration of amending town ordinance Chapter 7.10(5). The proposed revision is as follows:

The Town of Newbold Town Board will be in attendance to take public comment in consideration of amending Town Ordinance CHAPTER 7.10(5), ALL TERRAIN VEHICLES, as it relates to ATV/UTV use on ALL town roads. The proposed revision reads as follows:

7.10 ALL TERRAIN VEHICLES.

- (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.
- (1.2) Statutory Authority. The Town is authorized to create ATV/UTV routes pursuant to section 23.33 (8) (b), Wisconsin Statutes.
- (1.3) General. **Except as provided in this chapter,** 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.
- (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), (d), (f), (g), (h) and (i) 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.
 - (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.
 - (i) All ATVs/UTVs must operate on the paved portion of the roadway.
- (5) ~~The following town roads are designated as ATV routes:~~
 - ~~(a) — Rainbow Lake Road from November 1 through March 31—~~

Subject to the provisions of Wisconsin Statutes and the conditions of sub 4 of this ordinance, all Newbold town roads are open to ATV/UTV operations.

(a) ATV/UTV access to Town Parks is restricted to parking lot areas only and only for the sole purpose of parking ATVs/UTVs while riders utilize park facilities.

(b) ATV/UTV operation on the Hiking/Biking trail adjacent to State Highway 47 is prohibited.

(c) The Town Board shall continue to receive public input related to this chapter and shall, upon due consideration, make a determination to continue, discontinue or amend the authorization of ATV/UTV operation on town roads in in the third or fourth quarter of the 2020 calendar year. If the Town Board fails to take such action, Section 7.10(5) will expire and be considered repealed, effective December 31, 2020.

(6) Enforcement. This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

(7) Penalties. Wisconsin state All-Terrain Vehicle penalties as found in section 23.33(13) (a), Wisconsin Statutes, are adopted by reference.

(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.

(9) Effective Date. This ordinance become effective upon passage and publication.

Town Board members present were Chairman Dave Kroll; Supervisors, Jim Staskiewicz, Ed Hammer and Mike McKenzie; Clerk, Kim Gauthier. Treasurer, Jodie Hess and Supervisor, Bob Metropulos were absent and excused. There were approximately forty-three public citizens in attendance. Chairman Kroll asked that public comment be limited to Newbold residents. Notice was published in the papers and posted on all three bulletin boards in the town.

Chairman Kroll provided a brief description of the process to consider opening town roads to ATV/UTV use thus far, beginning with a citizen request to open an ATV route, then a survey in all tax bills, an advisory referendum question, public hearings on ordinance revisions for some town roads to open for ATV use, and currently the proposed ordinance revision to allow use on all Newbold town roads with a sunset clause allowing use until December 31, 2020.

The meeting was then opened for the town board to receive public comment.

John Daily, Valley Court, commented that he agreed that all road should be opened in Newbold with a petition process to remove roads if desired.

Sue Johnson, North shore Drive, agreed with opening all roads to ATV use in Newbold.

Nancy Watry, Hillside Court, agreed with the research the board has done, the sunset clause and the process to open all roads to ATV use.

Elgard Bartelt, Velvet Lake Road, agreed with the proposed ordinance to open all roads in the town and commented that there are no issue with the Oneida County club either.

Chairman Kroll asked for the sake of time, if anyone in the audience was against the proposed ordinance to open all roads to ATV/UTV use in the town. There was no comment.

John Hurmann, Flannery Lake Road, asked about the use of lights on ATV's and what licenses, etc. are required.

Chairman Kroll referred to the proposed ordinance for a complete description in Chapter 7.10. Mr. Kroll also noted that the town board is not taking formal action today, but will at the town board meeting on May 31, 2018, at 6:30 p.m.

Mr. Gileski asked when roads would be open if approved.

Chairman Kroll noted that if approved the ordinance will be posted and published prior to use being allowed. The Clerk noted that ordinance publication must take place within thirty-days after passage.

Mr. Springer asked if use was previously approved by the board. Chairman Kroll indicated, no.

There was no other public comment, therefore, a motion was made by Mr. Hammer and Mr. Staskiewicz to adjourn at 10:20 a.m.

Respectfully submitted by, Kim Gauthier, Newbold Town Clerk