

TOWN OF BELL, BAYFIELD COUNTY, WISCONSIN

All-Terrain Vehicle Route Ordinance

Amended Ordinance No. 19-01

The Town Board of the Town of Bell, Bayfield County, State of Wisconsin, being duly assembled at a regular Town Board meeting on February 12, 2019, does hereby ordain that the All-terrain vehicle Route Ordinance No. 2010-2 is hereby repealed and recreated, in accordance with all Wisconsin statutes defined in Sec. 340.1(2g) and including 23.33(8) and (11) and NR 64.12 (1-6) to read as follows:

Section 1 - Intent

The Town of Bell, Bayfield County, adopts the following all-terrain vehicle route for the operation of All-terrain and Utility-terrain Vehicles (hereinafter ATV's and UTV's, respectively) upon roadways listed in Section 4. 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, these routes and regulations have been created.

Section 2- Statutory Authority

These routes are created pursuant to village authority under section 1.1.01 of the village code of ordinance as authorized by Wis. Statutes Sec. 23.88(8)(b) and (11). The applicable provisions of 23.33 regulating ATV operation pursuant to routes are hereby adopted.

Section 3 – Restricted Use of ATV/UTV's

Section 3.1

No person shall drive any ATV/UTV on any town roads in the Town of Bell which have not been designated as ATV/UTV routes pursuant to Section 4 of this Ordinance.

Section 3.2

All signs required to be installed by the Town of Bell on any authorized ATV/UTV route roads shall be installed by town employees or by a local ATV/UTV club, if directed to do so by the Town Board.

Section 3.3

No person shall operate an ATV/UTV with tire chains or studded tires on any town road in the Town of Bell.

Section 3.4

No person shall deface, destroy or remove any ATV/UTV sign posted on any approved ATV/UTV route.

Section 3.5

No person shall operate an ATV/UTV at a rate of speed that is unreasonable or improper under the circumstances or in any careless way so as to endanger the person or property of another.

Section 3.6

All persons operating ATV's/UTV's in the Town of Bell shall obey all posted speed limits. If a speed limit is posted on a road for ATV's/UTV's, that is the speed limit that must be followed by those operating ATV's or UTV's. If there is no posted ATV/UTV speed limit for said road, all persons operating ATV's/UTV's must follow the limit posted for vehicular traffic or travel at the speed of 35 miles per hour, whichever speed is lower.

Section 4 – Routes

Section 4.1

All town road in the Town of Bell are considered open to ATV/UTV unless said road is posted with signage indicating it is closed to ATV/UTV operation in accordance with Wisconsin Statute Sec. 2333(8)(e)2.

Section 4.2

The Town Board may, on its own motion, consider approving a road and making it part of the designated route.

Section 5 – Regulations

Section 5.1

Except as otherwise provided herein, all of the provisions of Sec. 23.33, Wis. Stats., and NR 64 Wis. Ad. Code and all regulations contained therein shall apply to the operation of ATV/UTVs on town roads approved for ATV/UTV use pursuant to the terms of this Ordinance and such statutes and rules are adopted by reference herein and made a part hereof as if fully set forth herein. A violation of such statutes or rules shall be a violation hereof.

Section 5.2

No person shall operate an ATV/UTV at a speed in excess of 35 miles per hour, unless a lower speed limit is posted or applicable on the designated roads, in which case the lower speed limit shall apply.

Section 6 – Enforcement

Section 6.1

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of Bayfield County and the State of Wisconsin.

Section 6.2

The State of Wisconsin ATV/UTV penalties as stated in Sec. 23.33(13)(a) Wis. Stats. And NR 64, are adopted by reference and any future amendments thereof are also adopted by reference.

Section 6.3

The Wisconsin State ATV/UTV penalties as found in Sec. 30.80, Wis. Stats., and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference are hereby

adopted by reference with all references to fines amended to forfeitures and all references to imprisonment deleted.

Section 7 – Annual Review

Section 7.1

Each year, the Town of Bell may review all ATV/UTV designated routes for compliance with this Ordinance. At that time, the Board shall have the discretion to cancel the authorization to operate ATVs/UTVs on any road in the designated route based upon input received from residents, visitors or law enforcement agencies.

Section 7.2

The Town of Bell reserves the right to close any or all town roads to designated ATV/UTV usage if the Town Board believes that such ATV/UTV use of the roads results in excessive damage to the roadway or if the Town Board feels that usage of the route is not in compliance with this ordinance or for any other reason based upon the best interests of the Town of Bell.

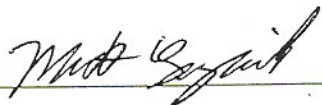
Section 8 – Severability

The provisions of this ordinance shall be deemed severable and it is expressly declared the Town of Bell 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 and circumstances shall not be deemed affected.

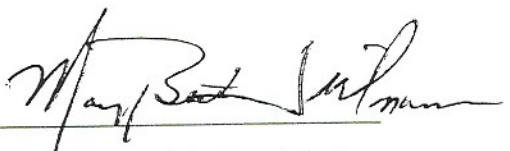
Section 9 – Effective date

This ordinance shall be effective upon its passage and publication. This ordinance replaces and supersedes any and all previous ATV or UTV ordinances.

Adopted by the Town Board of Supervisors for the Town of Bell on the 12 day of February 2019.

By: 
Matt Lazorik, Chairperson

Date Published: 3/27/19

Attest: 
Mary Beth Tillmans, Clerk