

# "SHARE THE ROAD"

WISCONSIN'S EAST WILDERNESS  
PRESQUE ISLE

ORDINANCE NO.: Subchapter 502  
SPONSORED BY: N/A  
INTRODUCED BY: Carl Wolter  
SECONDED BY: John A. MacLean IV

THE TOWN BOARD OF THE TOWN OF PRESQUE ISLE, WISCONSIN, DO  
ORDAIN that Chapter 500 Subchapter 502 All-Terrain Vehicles (1) State Laws Adopted, (2)  
Town of Presque Isle All-Terrain/Utility Terrain Vehicle Use are hereby amended as follows:

- (1) State laws adopted. Except as otherwise specifically provided, the provisions of Chapters NR 45 (State Parks and State Forests), NR 50 (Administration of Outdoor Recreation Grants and State Aids), and the provisions of W.S.A. s. 27.01, are hereby adopted by reference, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which a statutory penalty is a fine or term of imprisonment are hereby adopted and by reference made a part of this section as if fully set forth herein. Any future amendments, revisions, modifications or renumbering of said statutes or rules incorporated herein are intended to be made a part of this section.
- (2) Town of Presque Isle All-Terrain/Utility Terrain Vehicle Use.
  - (A) Purpose. The purpose of this ordinance is to establish all-terrain and utility terrain vehicle routes in the Town of Presque Isle and to regulate the operation of all-terrain and utility terrain vehicles in the Town of Presque Isle.
  - (B) Definitions. For this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The words "shall", "will", and "must" are always mandatory. The words "may" and "should" are discretionary terms. The masculine shall include the feminine. Terms not defined in this section, shall be interpreted based on common usage.
    1. All-Terrain Vehicle (ATV): means a commercially designed and manufactured motor driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more tires.
    2. Town: means the Town of Presque Isle, the Town Board, or any other Town of Presque Isle official(s) or agent authorized by the Town Board to act on behalf of the Town of Presque Isle.

3. Utility Terrain Vehicle (UTV): means any of the following:

a. A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart-low-speed vehicle, dune buggy mini-truck and that has, and was originally manufactured with, all the following:

- i. A weight, without fluids, of 2,000 pounds or less.
- ii. Four or more tires.
- iii. A steering wheel.
- iv. A taillight(s).
- v. A brake light(s).
- vi. Two headlights.
- vii. A width of not more than 65 inches.
- viii. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
- ix. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.

b. A commercially designed and manufactured motor driven device to which all of the following applies:

- i. It has a weight, without fluids, of more than 900 pounds but not more than 2000 pounds.
- ii. It has a width of 50 inches or less.
- iii. It is equipped with a seat designed to be straddled by the operator.
- iv. It travels on 3 or more tires.

(C) Designation of All-Terrain and Utility Terrain Vehicle Routes. Pursuant to s. 23.33(4)(d)4., Wis. Stats., except as otherwise provided in s. 23.33(4), Wis. Stats., persons may operate an all-terrain or utility terrain vehicle on any road, freeway, or highway and designated parking lots on Town properties.

(CI) The route(s) does not include public properties, cemeteries, School District property, etc. except for those with designated parking areas where motorized vehicles normally park. Permission of any other public entity or private landowner is the obligation of any ATV/UTV user.

(D) Signage. Routes shall be marked with uniform all-terrain and utility terrain vehicle route signs in accordance with s. NR 64.12 (7), Wisconsin Administrative Code. Further, no person may do any of the following regarding signs marking Town ATV/UTV routes unless authorized to do so.

1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain and utility

vehicle 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.

(F) Maintenance of All-Terrain and Utility Terrain Vehicle Routes.

1. Designation of segments of the Town road system as ATV/UTV routes does not impose upon the Town a greater duty of care or responsibility for maintenance of those segments than for any other segment of Town road.
2. Operators of ATV/UTVs on Town roads assume all the usual and normal risks of ATV/UTV operation.
3. The Town accepts no liability for the operation of ATVs/UTVs on any Town roads under the provisions of this ordinance.

(G) Operation of All-Terrain and Utility Vehicles.

1. Operation shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33(11), Wis. Stats.
2. Operators must abide by all traffic laws set forth under chapter 346 of the Wisconsin statutes, notwithstanding the provisions of §346.02(11) and any additional restrictions of this Ordinance.
3. The speed limit for ATVs and UTVs shall be established at not greater than 35 (thirty-five) miles per hour or the speed limit for automobiles, whichever is lower, on all segments of Town roads designated as ATV/UTV routes.
4. All ATV/UTV operators shall ride single file if they are traveling in a group.
5. No ATV/UTV may be operated on any designated route(s) without fully functional Headlights (turned on), taillights, and brake lights.
6. All ATV/UTV operators shall ride on the right-hand side of the traveled portion of the highway, unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way is prohibited, unless yielding right of way.
7. No ATV/UTV may be operated on any designated ATV/UTV route if the ATV/UTV does not meet all applicable Federal noise and air pollution standards.
8. No person under the age of eighteen (18) may operate an ATV/UTV on any designated route unless wearing approved protective head gear.

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9. No person may operate an ATV/UTV with a passenger if the vehicle is not intended or designed for carrying a passenger(s).

(H) Disturbing of the Peace, and Nuisance activities

1. Cruising prohibited. No person shall, while operating an ATV or UTV, engage in the practice of cruising on any authorized road. Cruising is defined as running all or part of the length of a roadway multiple times, per day, back and forth.
2. Exhaust system/Muffler modifications prohibited. No person shall operate on a Town route any ATV/UTV unless such ATV/UTV is equipped with a muffler in constant operation and properly maintained to prevent any excessive or unusual noise or annoying smoke per state statute.
3. Radios or the electric sound amplification devices: No person may operate or park, stop or leave standing an ATV/UTV vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is audible under normal conditions from 75 feet or more, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition.
4. Use of trailers or sleds prohibited. No person shall operate an ATV /UTV upon any street within the Town with any person, trailer or sled attached or trailing said vehicle, unless it is designed for such activities. Anyone operating such conveyance in an unsafe or reckless manner shall be deemed in violation of this section.

4) Enforcement.

- (A) This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin. A copy of this ordinance shall be sent by the Town Clerk to the Vilas County Sheriff's Department, and the Department of Natural Resources, and any other law enforcement agency serving the Town of Presque Isle's jurisdiction.
- (B) Penalties. The penalties under s. 23.33(13)(a), Wis. Stats. are adopted by reference. Any person who shall violate this section shall pay a forfeiture plus costs established in Ordinance 502.4.2 of the Presque Isle Municipal Code.
- (C) Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

This Ordinance shall take effect upon passage and publication as provided by law.

Adopted: By the Town Board on June 3<sup>rd</sup>/2021

Published:

Signed: \_\_\_\_\_  
Town Clerk

Signed:   
Town Chairman