

**TOWN OF PHELPS
ATV VEHICLE ROUTE ORDINANCE #2011-2**

STATE OF WISCONSIN

Town of Phelps
Vilas County

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Phelps All-Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle routes in the town and to regulate the operation of all-terrain vehicles in the town.

SECTION II – AUTHORITY

The Town Board of the Town of Phelps, Vilas County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle Route Ordinance under s. [23.33 \(8\) \(b\)](#) and [\(11\)](#), Wis. stats.

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 all-terrain vehicle routes in the town and to regulate the use of those routes and all-terrain vehicles in the town; and designates all-terrain vehicle routes in the town and provides for the regulation of the use of those routes and of all-terrain vehicles in the town.

SECTION IV – OPERATION OF ALL-TERRAIN VEHICLES

Pursuant to s. [23.33 \(4\) \(d\) 4.](#), Wis. stats., except as otherwise provided in s. [23.33 \(4\)](#), Wis. stats., no person may operate an all-terrain vehicle on the roadway portion of any highway in the town except on roadways that are designated as all-terrain vehicle routes by this ordinance. Operation of all-terrain vehicles on a roadway in the town that is an all-terrain vehicle 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

The following routes are designated all-terrain vehicle routes in the town:

County Hwy A from Forest County line to Strong Road
Mail Route Rd from County Hwy A to Livingston Rd
Livingston Rd from Mail Route Rd to where private roads branch off
Eagle Farm Road Loop from County Hwy A to County Hwy A
Sand Lake Lane from Eagle Farm Rd to County Hwy A
Sand Lake Rd from County Hwy A to Fort Eagle Estate Rd
St Louis Rd from County Hwy A to State Hwy 17
Deerskin Rd from border of Nicolet National Forest to State Hwy 17
Engberg Lane from County Hwy A to 1800 Engberg Lane
Strong Rd from County Hwy A to Co-op Rd
Co-op Rd from Strong Rd to State Hwy 17
Crossing State Hwy 17 from Co-op Rd to down town Phelps via Tower Road
Starting Downtown on County Hwy E to Kellogg Road

Coveyville Rd to County Hwy E
Kellogg Road from County Hwy E to Sugar Maple Road
Sugar Maple Road from Kellogg Road to South Shore Road
Simpson Road from Sugar Maple to Michigan border
South Shore Road from Sugar Maple to County Hwy E
County Hwy E from South Shore Road to Blong Road.
Blong Road from County Hwy E to the start of National Forest approximately at the Hay Meadow Creek
West Shore Road from County Hwy E to Michigan Border
West Shore Landing Road

SECTION VI – PROCEDURES FOR ADDING/DELETING TOWN ROADS AS ROUTES

Road and road segments may be added/deleted as all-terrain vehicle routes through the following process:

- A. A property owner or resident within the town must petition the town to add/delete a road or road segment. The petitioner must obtain blank petition forms from the town clerk. The petitioner must secure a majority of signatures of all the property owners/residents on the road.
- B. The town board shall, within 30 days of receipt of the petition, review the petition and make a determination as to whether the road or road segment in question is appropriate for use as permitted under this article.
- C. The town board shall hold a public hearing on the petition. This public hearing may be held in conjunction with a regularly scheduled town board meeting. That public hearing shall be considered first consideration of a proposed change to the town’s ordinance. The board shall make reasonable efforts to ensure residents on affected roads are given notice of the public hearing.
- D. If the town board gives tentative approval to the ordinance change at first consideration, the board shall bring the matter up for second consideration at the next regularly scheduled meeting of the board. All proposed changes are subject to Town Board approval.

SECTION VII – CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE ROUTES

Pursuant to s. [23.33 \(8\) \(d\)](#), Wis. stats. the following restrictions are placed on the use of the town all-terrain vehicle routes designated by this resolution:

- A. Routes shall be marked by the Landover ATV Club with uniform all-terrain vehicle route signs in accordance with s. [NR 64.12 \(7\)](#), Wisconsin Administrative Code. Signage to be inspected by and maintained annually by the Landover ATV Club. No person may do any of the following in regard to signs marking town all-terrain vehicle routes:
 1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle 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 all-terrain vehicle 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 all-terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

- B. 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.
- C. A copy of this ordinance shall be sent by the town clerk to the Vilas County Sheriff's Department.
- D. All ATV operators shall observe ATV posted roadway speed limits; and hours of operation are from 7 a.m. –10 p.m.
 All ATV operators shall ride single file.
 All ATV operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling and within 100 feet of a pedestrian.
 The routes will be open from May 1 to October 31.
 The Town reserves the right to close a road due to inclement weather conditions.
 (Grosser Lane to Boat Landing Lane and Millerville Lane up to STH 17 are open all year long.)

SECTION VIII - ENFORCEMENT

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

SECTION IX - PENALTIES

The penalties under in s. [23.33 \(13\) \(a\)](#), Wis. Stats., are adopted by reference.

SECTION X – EFFECTIVE DATE

This ordinance is effective for a trial period of two years on publication or posting. If County Board approval for use of County roads and property is not issued; this ordinance is null and void.

The town clerk shall properly publish this ordinance as required under s. [60.80](#), Wis. stats.
 Adopted this 10th day of October, 2011.

TOWN OF PHELPS, VILAS COUNTY, WISCONSIN.

 Colin Snook, Chairperson

 Donna Brand, Supervisor

 Steven Waier, Supervisor

 Eugene McCaslin, Supervisor

 Dorothy Kimmerling, Supervisor

Attest:

 Marjorie Hiller, Town Clerk/Treasurer

Published/Posted: _____

