

TOWN OF EAU PLEINE

MARATHON COUNTY

ORDINANCE # 2012-02

UTILITY TERRIAN VEHICLE AND ALL-TERRAIN VEHICLE ROUTES ORDINANCE

Amended 8-13-19 See last page

23.33(8) All-terrain vehicle routes ordinance

State of Wisconsin

Town of Eau Pleine

Marathon County

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Eau Pleine Utility Terrain and All-Terrain Vehicle Routes Ordinance. The purpose of this ordinance is to establish Utility Terrain and All-Terrain Vehicle routes in the town and to regulate the operation of Utility and All-terrain vehicles in town.

SECTION II – AUTHORITY

The Town Board of the Town of Eau Pleine, Marathon County, Wisconsin, has the specific authority to adopt this Utility and All- Terrain Vehicle Routes Ordinance under s.23.33(8)(b) and (11), Wis. S.S.

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 utility and all- terrain vehicle routes in the town and to regulate the use of those routes and utility and all- terrain vehicles in the town, an provides for the regulation of the use of those routes and of utility and all- terrain vehicles in the town.

SECTION IV – OPERATION OF UTILITY AND ALL- TERRAIN VEHICLES

Pursuant to s.23.33(4)(d)4, Wis. S.S., except as otherwise provided in s.23.33(4), Wis. S.S. no person may operate an utility and all- terrain vehicle on the roadway portion of any highway in the town except on roadways that are designated as utility and all- terrain vehicle routes by this ordinance. Operation of utility and all- terrain vehicles on a roadway in the town that is a utility and 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 UTILITY AND ALL- TERRAIN VEHICLE ROUTES

The following roads in their entirety are designated utility and all- terrain vehicle routes in the town:

Balsam Street, Big Rapids Street, Drake Avenue, Eau Pleine Street, Elm Street, Equity Street, Frankfort Street, Galvin Avenue, Hemlock Lane, Hillside Street, Kingston Street, Lincoln Avenue, MacArthur Street, Maple Lane, March Rapids Avenue, Oak Lane, Pine Lane, Poplar Lane, Rock Street, Rose Lane, Scout Lane, Spruce Lane, Staadt Avenue, Webertown Avenue, Wescott Avenue, Willow Lane.

SECTION VI – CONDITIONS APPLICABLE TO UTILITY AND ALL-TERRAIN VEHICLE ROUTES

Pursuant to s. 23.33(8)(d), Wis. S.S., the following restrictions are placed on the use of the town utility and all- terrain vehicle routes designated by this resolution:

- A. Routes shall be marked with uniform all- terrain vehicle route signs in accordance with s.NR 6412(7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking town Utility and 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 lawful manner. Possession of a uniform all-terrain route sign 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. S.S., which is adopted as part of this ordinance by reference , pursuant to s.23.33(11), Wis. S.S.
- C. A copy of this ordinance shall be sent by the town clerk to Marathon County Sheriff's Department.
- D. All utility and all-terrain vehicle operators must carry insurance.
- E. All UTV and ATV operators shall observe posted roadway speed limits.
- F. All UTV and ATV operators shall ride single file.
- G. All UTV and ATV operators shall slow the vehicle to 10mph or less when meeting pedestrians on the roadway or when operating within 150 feet of a dwelling.
- H. This ordinance applies only to the specified public roadways and does not give access or imply access to any private or public lands.

SECTION VII- ENFORCEMENT

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

SECTION VIII – PENALTIES

The penalties under s.23.33(13)(a), Wis. S.S. are adopted by reference.

SECTION IX- SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application , and to this end the provisions of this ordinance are severable. This utility and all- terrain route ordinance is

effective for one year following passage and to be reviewed annually at a regular monthly town board meeting to be approved or to rescind.

SECTION X – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under s.6040, Wis. S.S.

Adopted this 13 day of March, 2012



Mark Landwehr, Chairman- Town of Eau Pleine



Kurt Schwarze, Supervisor- Town of Eau Pleine



Jamie Greenberg, Supervisor- Town of Eau Pleine

ATTEST: Sandra Joswiak Clerk

Sandra Joswiak, Clerk- Town of Eau Pleine

Town of Eau Pleine
Marathon County
State of Wisconsin

Amendment A pertaining to Ordinance #2012-02 UTV and ATV Vehicle Routes Ordinance

The Town Board of the Town of Eau Pleine does hereby ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Town of Eau Pleine Ordinance #2012-12

ARTICLE 2. Section V – DESIGNATION OF UTV/ATV VEHICLE ROUTES is amended to read as follows:

All town roads in their entirety are designated utility and all-terrain (UTV/ATV) vehicle routes in the town except for county and state highways other than County Highway P between March Rapids Road and Frankfort Street. The roads designated as UTV/ATV routes are as follows: Balsam Road, Cruze Lane, Big Rapids Road, Drake Avenue, Eau Pleine Road, Nomad Lane, Equity Street, Frankfort Street, Galvin Avenue, Hillside Street, Abe Lincoln Avenue, MacArthur Street, Biscayne Lane, March Rapids Avenue, Kingswood Lane, Impala Lane, Rock Road, Delray Lane, Greenbrier Lane, Beauville Lane, Stadt Avenue, Webertown Avenue, Wescott Avenue, Galaxie Lane, Kington Road, Conifer Lane, County Highway P between March Rapids Avenue and Frankfort Street.

ARTICLE 3. Section IX – SEVERABILITY is amended to read as follows:

If any provision of this ordinance or it's application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable. This utility and all-terrain route ordinance is effective indefinitely until rescinded by the town board.

This amendment adopted this 13th day of August, 2019



Mark Landwehr, Chairman – Town of Eau Pleine



Kurt Schwarze, Supervisor – Town of Eau Pleine



Mark Radke, Supervisor – Town of Eau Pleine

Attest:



Deanna Landwehr, Clerk – Town of Eau Pleine

Amendment to ATV/UTV Routes Ordinance

Eau Pleine Township

Thu 8/15/2019 2:30 PM

To: sheriff@co.marathon.wi.us <sheriff@co.marathon.wi.us>; parkforestry@co.marathon.wi.us
<parkforestry@co.marathon.wi.us>

Bcc Shirley Hein (townofeaupleine@outlook.com) <townofeaupleine@outlook.com>

 1 attachments (3 MB)

ATV_UTV Routes Ordinance 2012-02 Amended Aug 13 2019.PDF;

Please find attached copy of Eau Pleine Township ATV/UTV Routes Ordinance #2012-02 with the new Amendment signed on August 13, 2019. This updates the ordinance for the new road names. If you have any questions please feel free to contact me via Email or Phone. My phone number is 715-570-8481. Thank you.

Deanna Landwehr, Clerk

Town of Eau Pleine, Marathon County, Wisconsin

STATE OF WISCONSIN
Town of Eau Pleine
Marathon County

I, Deanna Landwehr, the town clerk of the Town of Eau Pleine, Marathon County, Wisconsin, attest and affirm:

That the following action was posted pursuant to s. 60.80, Wis. stats:

Amendment to ATV/UTV ordinance date 8-13-19

2. That the above-noted action was posted as required in the following 3 places in the Town of Eau Pleine, Marathon County, Wisconsin:

- B&I Lumber
- Town Recycling/Garbage Center *
- Town Hall

3. That the posting of this action occurred at the following times and dates:

8-14-19 4 pm

That I filed this affidavit in the records of the town clerk for the Town of Eau Pleine on 9-10, 2019

Dated this 14th day of Aug, 2019



Deanna Landwehr, Clerk

Personally came before me this 3rd day of sept, 2019 the town clerk of the Town of Eau Pleine, Marathon County, known to me to be the person who executed and acknowledged the foregoing instrument.

Signed by Mark Landwehr Print Name and Title Mark Landwehr - Chair