

Town of Cleveland, Marathon County
Article 1
All-Terrain and Utility Terrain Vehicles
ORDINANCE #2020-01

**ADOPTING THE PROVISIONS OF MARATHON COUNTY ORDINANCE 7.125 TO BE APPLIED IN THE TOWN
OF Cleveland**

WHEREAS, on December 17, 2019, the Marathon County Board repealed and replaced Section 7.125 of the Marathon County Code of Ordinances; and

WHEREAS, § 7.125 of the General Code of Ordinances for Marathon County addresses the regulation of ATVs and UTVs in Marathon County; and

WHEREAS, Wis. Stat. §§ 23.33(8)(b) and 23.33(11)(a) provides Towns in Wisconsin authority to designate certain roadways or highways as ATV/UTV routes and regulate the use and operation of ATVs and UTVs on certain routes within Towns; and

WHEREAS, the Town of Cleveland recognizes that having a uniform set of regulations for the use of ATVs and UTVs within Marathon County would support public safety; and

WHEREAS, the Town of Cleveland has reviewed the updated provisions of § 7.125 of the General Code of Ordinances for Marathon County and finds it appropriate to adopt the provisions and regulations therein in full within the jurisdiction of the Town; and

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED that the Town of Cleveland does hereby adopt the provisions of § 7.125 of the General Code of Ordinances for Marathon County in full to be applied to all ATV and UTV routes and trails designated as such within the jurisdiction of the Town; and

NOW, THEREFORE, BE FURTHER IT ORDAINED AND RESOLVED that the Town of Cleveland does hereby adopt in full the regulations on ATV and UTV use and the rules of operation as expressed in § 7.125 of the General Code of Ordinances for Marathon County to be applied to the use and operation of ATVs and UTVs within the Town on designated ATV and UTV routes or trails; and

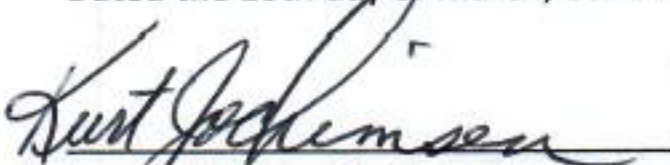
NOW, THEREFORE, BE IT FURTHER ORDAINED AND RESOLVED that the Town of Cleveland does hereby adopt the application process for ATV and UTV route and trail designation outlined in § 7.125 of the General Code of Ordinances for Marathon County to be applied to the designation of ATV routes and trails within the jurisdiction of the Town; and

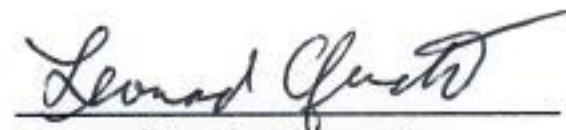
NOW, THEREFORE, BE IT FURTHER ORDAINED AND RESOLVED that the Town of Cleveland does hereby approve the enforcement of the regulations and rules of operations in § 7.125 of the General Code of Ordinances for Marathon County by the Marathon County Sheriff's Office; and

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED that a copy of this Ordinance shall be sent to the State of Wisconsin and local law enforcement as required by law; and

BE IT FURTHER RESOLVED that the ordinance shall take effect upon passage and publication as required by law.

Dated the 10th day of March, 2020.


Kurt Jochimsen, Chairman


Leonard Austin, Supervisor


Paul Drexler, Supervisor

Article I

All-Terrain and Utility Terrain Vehicles

[Adopted at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]

§ 216-1 Authority.

This article is enacted under the authority of § 60.22(1) and (3), Wis. Stats., in which the Town Board is given charge of all affairs of the Town, together with the village powers it has adopted. Additionally, specific authority is given to adopt all terrain and utility terrain vehicle routes under § 23.33(8)(b) and (11), Wis. Stats.

§ 216-2 Purpose.

The purpose of this article is to establish all-terrain and utility terrain vehicle routes in the Town and to regulate the operation of these vehicles on Town roads.

§ 216-3 Operation restricted.

Pursuant to § 23.33(4)(d)4, Wis. Stats., except as otherwise provided in § 23.33(4), Wis. Stats., no person may operate an all-terrain vehicle (ATV) or utility terrain vehicle (UTV) on the roadway portion of any highway in the Town except on roadways that are designated and signed using the Town standard ATV route signs as all-terrain and utility terrain vehicle routes by this article.

§ 216-4 Designation of routes.

All Town roads within and maintained by the Town of Cleveland are designated all-terrain and utility terrain vehicle routes.

- A. Routes shall be marked with uniform all-terrain vehicle route signs in accordance with § NR 64.12(7), Wis. Adm. Code.
- (1) No person(s), club or organization may do any of the following in regard to all-terrain and utility terrain vehicle route signs: intentionally remove, damage, deface, move or obstruct or intentionally interfere with the effective operation of a sign.
- (2) No person(s), club or organization may possess any uniform all-terrain vehicle route sign or any warning, instruction, or information sign of the standard established by the Town. Possession of a uniform all-terrain vehicle route sign or other sign standards adopted by the Town creates a rebuttable presumption of illegal possession.
- B. This article applies only to Town of Cleveland roads and does not give access or imply access to any county or state roads or private or public lands.
- C. A Town road must be signed with standardized ATV route signs to be considered a "route."

§ 216-5 Standards for operation.

- A. Operation shall be subject to all provisions of § 23.33, Wis. Stats., which is adopted as part

of this article by reference, pursuant to § 23.33(11), Wis. Stats.

- B. All ATV and UTV operators must carry insurance.
- C. All ATV and UTV operators shall observe posted roadway speed limits.
- D. All ATV and UTV operators shall ride single file.
- E. All ATV and UTV operators shall slow the vehicle to 10 miles per hour or less when meeting pedestrians on the roadway.

§ 216-6 Copy to be filed.

A copy of this article shall be sent to the Marathon County Sheriff's Department and the Wisconsin Department of Natural Resources.

§ 216-7 Enforcement.

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