

Ordinance # 543
AMENDING ORDINANCE 528
All-Terrain Vehicle Trails and Routes
City of Eagle River, Vilas County

AN ORDINANCE DESIGNATING ALL-TERRAIN VEHICLE TRAILS, ROUTES AND
REGULATING THE OPERATION OF ALL TERRAIN VEHICLES

Section I – Intent

The City of Eagle River adopts the following all-terrain vehicle trails and routes for the operation of all-terrain vehicles and utility terrain vehicles upon the roadways and city owned property throughout Eagle River. 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 trails have been created.

Section II - Statutory Authority

These routes and trails are created pursuant to municipal authority under section 1.1.01 as authorized by 23.33 (8) (b), Wis. Stats. The applicable provisions of 23.33 regulating ATV/UTV operation pursuant to routes and trails are adopted.

Section III – Definitions

All-terrain vehicle (ATV) - 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 low-pressure tires or non-pneumatic tires.

All-terrain vehicle route - means a highway or sidewalk designated for use by all-terrain vehicle or utility terrain vehicle operators by the governmental agency having jurisdiction as authorized under this section.

All-terrain vehicle trail - means a marked corridor on public property or on private lands subject to public easement or lease, designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction, but excluding roadways of highways except those roadways that are seasonally not maintained for motor vehicle traffic.

Utility terrain vehicle (UTV) - means any of the following:

1. 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, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:

- a. A weight, without fluids, of 2,000 pounds or less.
 - b. Four or more low-pressure tires or non-pneumatic tires.
 - c. A cargo box installed by the manufacturer.
 - d. A steering wheel.
 - e. A tail light.
 - f. A brake light.
 - g. Two headlights.
 - h. A width of not more than 65 inches.
 - j. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
 - k. 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.
2. A commercially designed and manufactured motor driven device to which all of the following applies:
- a. It has a weight, without fluids, of more than 900 pounds but not more than 2000 pounds.
 - b. It has a width of 50 inches or less.
 - c. It is equipped with a seat designed to be straddled by the operator.
 - d. It travels on 3 or more low-pressure tires or non-pneumatic tires.

All other applicable words or phrases defined within chapter 23.33 and 340.01 of the Wisconsin State statutes are incorporated within this ordinance.

Section IV – Routes and Trails

1. The City of Eagle River reserves the right to close or modify routes and trails at any time.
2. The City of Eagle River or its designee shall maintain all route and Trail signs within the City of Eagle River.
3. All ATV/UTV routes and trails shall be signed in accordance with NR 64.12, and NR 64.12 (7) (c).
4. All municipal roads, alleyways and transportation corridors within the City of Eagle River are designated as ATV/UTV routes/trails **except the following;**

X A. Cannot cross the intersection at Sundstein and State Highway 70.

A. Pleasure Island Road one way segment from 7 a.m. to 9 a.m. and 2 p.m. to 4 p.m. on school days.

B. Designated Bike Trail on Railroad Street South from STH 70 to Fern St and the entire railroad grade from Fern St South to City Limits

C. Forrest Street from Division Street to STH 70

X ~~E. Country Club Road in its entirety~~

D. Off road access to the Golf Course off McKinley.

E. Designated Bike Trail from Maple Street to Sheridan Street running parallel with Silver Lake Road.

F. Designated Bike Trail through the leased parking lots behind computer number 221-1020 (5-

G. legally described as Section 33 Town 40 Range 10 PRT NE NW EXC 470-643 behind the Historic Train Depot and the municipal parking lot directly to south of Wall Street.

H. Michigan Street from Illinois Street north to Mill Street.

I. Any other streets, roadways, alleyways and transportation segments as designated with a no ATV/UTV signage as determined by the Police Chief, Public Works Forman or Common Council.

5. All ATV/UTV Trails shall be designated by simple motion of the Eagle River Common Council.

Section V – Conditions

As a condition for the use of these routes/trails, the following conditions shall apply to all operators and passengers as applicable;

A. All ATV/UTV units shall be registered in accordance with WI DNR regulations.

B. All ATV/UTV operators shall observe all applicable rules of the road governing motorized vehicles on municipal streets in accordance with WI State Statute Chapter 346 and WI State Statute 23.33.

C. All operators of ATV's or UTV's are subject to WI State Statute and/or DNR rules and regulations pertaining to age, safety and safety certificate requirements.

D. All ATV/UTV operators shall ride single file.

E. Operation within any municipal park unless specifically designated is prohibited.

F. Operation on golf course property is prohibited.

G. Unless designated, ATV/UTV operation is prohibited.

Section VI – Enforcement

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

Section VII – Penalties

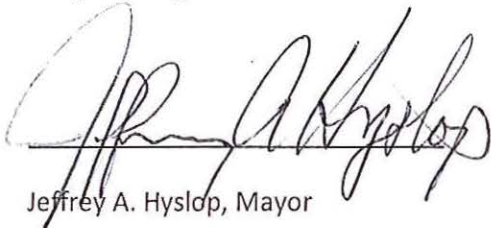
Wisconsin state ATV & UTV penalties as found in the Uniform State Traffic Deposit Schedule are adopted by reference.

Section VIII – Severability

The provision of this ordinance shall be deemed severable and it is expressly declared that the City of Eagle River 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 person's circumstances shall not be deemed affected.

Dated this 12TH day of July, 2016.

City of Eagle River



Jeffrey A. Hyslop, Mayor



Debra A. Brown, Clerk/Treasurer

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