

**ALL-TERRAIN VEHICLE (ATV)/UTILITY TERRAIN VEHICLE (UTV)**

**Ordinance**

**Town of Delta Ordinance Number 2**

**Bayfield County, Wisconsin**

AN ORDINANCE DESIGNATING ATV, UTV ROUTES AND REGULATING THE OPERATION OF ATV, UTVs WITHIN THE TOWN OF DELTA.

**Section I - Intent**

The Town of Delta adopts the following ATV, UTV ordinance for the operation of ATV, UTVs upon the roadways listed in Section III. 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, this ordinance has been created.

**Section II - Statutory Authority**

The routes are created pursuant to authority under authorized in Section 23.33 of the Wisconsin State Statutes. The applicable provisions of Chapters 23 and 350 regulating ATV, UTV operation pursuant to routes are adopted.

**Section III - Routes**

The following roads within the Town of Delta are designated approved ATV, UTV routes and shall be marked by uniform marking signs per Wisconsin Statutes:

1. Basswood Road
2. Beck Road
3. Canthook Lake Road
4. Cutoff Road
5. Delta Drummond Road
6. Delta Park Road
7. Eagle Lake Road
8. Finger Lake Road
9. Horstman Road
10. Mason Delta Road
11. Musky Lake Road
12. North Delta Road
13. Pike River Road
14. Rocky Run Road
15. Scenic Drive
16. Sutherland Road
17. West Delta Road (Residential dust abatement speed limit in effect from Basswood Road for one mile south on West Delta Road)
18. Knutsen Road

The following dead end roads shall be designated approved ATV, UTV routes open to the general public according to Wisconsin State Statutes but intended primarily for the residents of Delta to provide ATV, UTV access to the above listed routes.

- A. Brennan Road
- B. Camp One Road from County H to Todd Baker driveway
- C. Camp Two Road
- D. Delta Cemetery Road
- E. Grummet Road
- F. Kern Lake Road
- G. Knolls Road
- H. Pine Point Road
- I. Visocky Road
- J. West Bellevue Road
- K. West Fork Road
- L. Weikal Road
- M. White River Road
- N. Bednarik Road
- O. JP Road
- P. 1800 Road
- Q. Knabe Road
- R. Evergreen Lane

The following roads within the Town of Delta are designated closed to ATV, UTV use and shall be marked by uniform marking signs per Wisconsin Statutes:

- A. CCC Camp Road
- B. Phillips Road
- C. Camp One road boat landing

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- D. Warner Road
- E. Premo Road
- F. Black Bear Road

**Section IV - Conditions**

As a condition for the use of these routes, the following conditions shall apply to all operators (and passengers where applicable);

- A. All ATV, UTV operators shall observe all regulations and laws required by the State of Wisconsin.
- B. All ATV,UTV operators shall observe maximum speed limits of 35 mph unless otherwise posted.
- C. All ATV,UTV operators shall ride single file.
- D. All ATV,UTVs shall be operated on routes (roads) designated by approved ATV,UTV route signs and must stay out of ditches and adjacent properties.
- E. All ATV,UTV operators shall slow the vehicle to 10 mph or less when operating within 100 feet of pedestrians, bicyclists, horses and ice shanties.
- F. All ATV,UTVs shall come to a complete stop at all intersections.
- G. All ATV,UTVs shall be operated on the extreme right side of the road and shall display a lighted headlamp and tail light.
- H. Owners of ATV,UTVs shall be responsible for the safe operation of their machines at all times whether they are on them or not.
- I. All ATV,UTVs shall yield the right-of-way to other vehicular traffic and pedestrians.
- J. All ATV,UTVs operating within the Town of Delta shall be equipped with a US Forest Service approved spark arrestor with a maximum noise level of 96 decibels.
- K. All ATV,UTVs must display proper registration as required by the State of Wisconsin.
- L. All persons under the age of 18 must wear a helmet when operating or riding an ATV,UTV.
- M. Persons at least 12 years old and born on or after January 1, 1988 shall have safety certification.
- N. Dust and health abatement for unpaved gravel roads. All ATV,UTV operators shall slow the vehicle to 10 mph or less when operating within 100 feet of residential dwellings.

**Section V - Enforcement**

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the Town of Delta or Bayfield County or State of Wisconsin.

**Section VI - Penalties**

Wisconsin state ATV, UTV penalties as found in Chapters 23 and 350, Wisconsin State Statutes are adopted by reference.

**Section VII - Severability**

The provision of this ordinance shall be deemed severable and it is expressly declared that the Town of Delta 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 persons circumstances shall not be deemed affected.

**Section VIII - Effective Date**

This ordinance becomes effective upon passage, publication and proper signing of the road.

Amended August 1, 2021

\_\_\_\_\_ Wayne Seeger, Chairman

\_\_\_\_\_ Attested by Lindsay Dykstra, Clerk

**Addendum A**

The Plan Commission shall use the following criteria when reviewing and deciding if a Town of Delta dead end road should be opened or closed for ATV, UTV travel.

1. If all property owners with land adjacent (abutting) to the road or with legal easement to the road in question, agree to have it opened, then the road shall be designated open for ATV, UTV travel.

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2. If all property owners with land adjacent (abutting) to the road or with legal easement to the road in question, agree to have it closed, then it shall be designated closed for ATV, UTV travel.
3. If there is no agreement between property owners with land adjacent (abutting) to the road or with legal easement to the road in question, the road shall be designated open for ATV, UTV travel.

**Addendum B**

The Plan Commission shall review the ATV, UTV Ordinance annually and recommend revisions to the Town Board if necessary.