

**All-Terrain Vehicle (ATV) Ordinance
Town of Delta Ordinance Number 2
Bayfield County, Wisconsin**

AN ORDINANCE DESIGNATING ATV ROUTES AND REGULATING THE OPERATION OF ATVs WITHIN THE TOWN OF DELTA.

Section I - Intent

The Town of Delta adopts the following all-terrain vehicle ordinance for the operation of all-terrain vehicles 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 is created pursuant to authority under Section I.1.01 as authorized by 23.33 (8) (b), Wisconsin Statutes.

The applicable provisions of 23.33 regulating ATV operation pursuant to routes are adopted. Routes must be signed in accordance with NR 64.12 and NR 64.12(7) c.

Section III - Routes

The following roads within the Town of Delta are designated approved ATV 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 from County H to Brennan 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

The following dead end roads shall be designated approved ATV routes open to the general public according to Wisconsin State Statutes but intended primarily for the residents of Delta to provide ATV 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 from Delta Drummond Road to 0.5 miles west
- H. Pine Point Road
- I. Visocky Road
- J. West Bellevue Road
- K. West Fork Road
- L. Weikal Road
- M. White River 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 operators shall observe posted speed limits of 35 mph.
- B. All ATV operators shall ride single file.
- C. All ATVs shall be operated on routes (roads) designated by approved ATV route signs and must stay out of ditches and adjacent properties.
- D. All ATV operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling and 100 feet of pedestrians, bicyclists, horses and ice shanties.
- E. All ATVs shall come to a complete stop at all intersections.
- F. All ATVs shall be operated on the extreme right side of the road and shall display a lighted headlamp and tail light.
- G. Owners of ATVs shall be responsible for the safe operation of their machines at all times whether they are on them or not.
- H. All ATVs shall yield the right-of-way to other vehicular traffic and pedestrians.
- I. All ATVs 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.
- J. All ATVs must display proper registration as required by the State of Wisconsin.
- K. All persons under the age of 18 must wear a helmet when operating or riding an ATV.
- L. Persons at least 12 years old and born on or after January 1, 1988 shall have safety certification.

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 All-Terrain Vehicle penalties as found in s. 23.33 (13) (a) Wis. Stats., 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 October 22, 2008

Tom Erickson, 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 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 travel.
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 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 travel.

Addendum B

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