

The Town of Silver Cliff does hereby ordain as follows:

## **SECTION 1.0 INTRODUCTION**

### **Section 1.01. Title/Purpose.**

The title of this ordinance is the Town of Silver Cliff All-Terrain Vehicle and Utility-Terrain Vehicle Ordinance. The purpose of the ordinance is to identify town roads being utilized as ATV/UTV routes and trails and to regulate the operation of ATV and UTV use thereon.

### **Section 1.02. Authority.**

The Town Board of the Town of Silver Cliff, Marinette County, Wisconsin has the specific authority to adopt this ATV/UTV ordinance under S.23.33(8)(b) and (11), Wisconsin statutes.

**Section 1.03. Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing covenants, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

The utilization of county highways for ATV operation within the Town of Silver Cliff is subject to Marinette County Ordinance 461 (Chap. 7). Please contact the County of Marinette for information on county highways open to ATV/UTV operation.

**Section 1.04. Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Silver Cliff, Marinette County, and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.

**Section 1.05. Severability.** If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

**Section 1.06. Repeal.** All other ordinances or parts of ordinances of the Town of Silver Cliff, Marinette County, inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.

**Section 1.07. Effective Date.** This ordinance shall be effective after adoption by the Town Board of Silver Cliff and publication or posting as provided by law.

## **SECTION 2.0 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 on 3 or more low-pressure or non-pneumatic tires.

Highway All public ways, thoroughfares, and bridges on said roadways. It includes the entire width between the boundary lines of every way open to the public as a matter of right for the purpose of vehicle traffic. Generally, Federal and State highways are designated by a number; County highways are designated by letter or letters; Town highways are generally designated by a name.

Roadway That portion of a highway between the regularly established curb line or that portion which is improved, designed, or ordinarily used for vehicle travel, excluding the berm or shoulder.

Route A highway designated for use by ATV and/or UTV operators by the governmental agency having jurisdiction. Routes are identified at the beginning point by a sign showing the white silhouette of an ATV on a green background. White directional arrows on a green background show the continuation of the route.

Trail 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 which are not seasonally maintained for motor vehicle traffic. Trails are identified by signs showing a white silhouette of an ATV on a brown background.

Utility-terrain vehicle (UTV) 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 (pursuant to *SS. 349.18*), 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 net weight, without fluids, of 2,000 pounds or less

Four or more low-pressure or non-pneumatic tires

A steering wheel

A tail light

A brake light

Two headlights

A width of not more than 65 inches

A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident

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

### **SECTION 3.0 OPERATION OF ATVs AND UTVs**

Pursuant to s.23.33(4)(d)4., Wis. stats, except as otherwise provided in s.23.33(4), Wis. stats., a person may operate an ATV or UTV on all town roadways that are designated as ATV/UTV routes by this ordinance.

No person shall operate any off-road vehicle in such a manner as to cause damage to public or private property or to any public road in the Town of Silver Cliff. Offenders are responsible to pay for any damages they cause. (see Silver Cliff Public Nuisance Ordinance)

Pursuant to *S.S.346.61*, no person may operate any off-road vehicles on town roads in such a manner as to endanger public safety. Off-road vehicles are not to continually run back and forth on town roads or otherwise operate in a reckless or careless manner.

S.S.895.525(3)&(4) states: ‘a participant in a recreational activity.. accepts the risks inherent in the recreational activity of which the ordinary is or should be aware. The Town of Silver Cliff expects ATV/UTV recreation participants heed all warnings, and act responsibly while utilizing our town roads. Violation of the aforementioned state law constitutes a negligence for which the town is not liable.

#### **SECTION 4.0 DESIGNATION OF ATV/UTV ROUTES**

All Town of Silver Cliff roads are hereby designated routes. At any time, any roads may be posted by the Town to be exempt based on possible dangers, misuse, public health, liability aspects, terrain involved, traffic density, and traffic accident history.

At any time, designated routes in the Town of Silver Cliff may be declared open or closed in an emergency by the Town Chairman, Marinette County or state of Wisconsin emergency officials. Such closure and opening information shall be posted in the town.

#### **SECTION 5.0 DESIGNATION OF ATV/UTV TRAILS**

The following roadways are designated ATV/UTV trails in the Town of Silver Cliff:

Brandywine Ln. from the power lines south to trail cutoff  
Benson Lake Rd. from power lines west to Goodman Park Rd.  
Goodman Park Rd. from Benson Lake Rd. to Goodman Park parking lot  
Benson Lake Rd. west from Swede John Rd. to Forest County line  
Parkway Rd. from County Rd. C to Stephenson town line

#### **SECTION 6.0 CONDITIONS APPLICABLE TO ATV ROUTES**

Pursuant to s.23.33(8)(d), Wis. stats., the following restrictions are placed on the use of the town ATV/UTV routes designated by this ordinance:

- A. Routes shall be marked with uniform ATV/UTV route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code.
- B. Operation shall be subject to all provisions of s. 23.33(11), Wis. stats., which is adopted as part of this ordinance by reference, pursuant to s. 23.33(11), Wis. stats.
- C. All ATV/UTVs shall operate on extreme right of roadway and in a single file.
- D. All ATV/UTV operators shall observe posted speed limits.
- E. ATV/UTV's are now required to have a lighted headlight and tail lamp at all times during operation.

- F. ATV/UTV auxiliary restrictions include lamps that emit color of light than white, red, yellow and amber, visible from directly in front or behind the ATV/UTV.
- G. No flashing or oscillating or rotating lamp that emits any color other than yellow or amber.
- H. Public lands Owned by the Town of Silver Cliff, shall remain closed to ATV/UTVs except for personal visitations or burial services at the cemetery, and public events at the park.
- I. All dead-end town roads opened to ATV/UTV in the Town of Silver Cliff shall be used primarily to access other designated routes and trails, not for misuse such as nuisance joyriding or reckless behavior.
- J. ATV/UTV hours of operation on town roads in Silver Cliff shall be 24-7, year around.
- K. Landowners must collectively approve the opening of private roads.

**SECTION 7.0  
ENFORCEMENT**

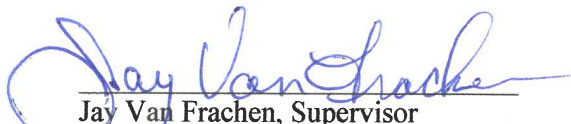
This ordinance may be enforced by any law enforcement officer authorized to enforce laws of the State of Wisconsin or ordinances of the Town of Silver Cliff.

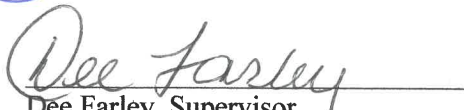
**SECTION 8.0  
PENALTIES**

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

Adopted this 9<sup>th</sup> day of July, 2024 by the Town Board of the Town of Silver Cliff.

  
Bruce Weber, Chairman

  
Jay Van Frachen, Supervisor

  
Dee Farley, Supervisor

  
Amy Van, Clerk