

**ORDINANCE**

**AMENDING TITLE 5, CHAPTER 4 OF THE TOWN OF CLEVELAND CODE OF ORDINANCES  
REGARDING ALL-TERRAIN VEHICLES (ATV) and UTILITY TERRAIN VEHICLES (UTV)  
ROUTES AND OPERATION**

**THE TOWN BOARD OF THE TOWN OF CLEVELAND, CHIPPEWA COUNTY, DOES HEREBY  
ORDAIN AS FOLLOWS:**

The following Ordinance, Title 5, Chapter 4, of the Town of Cleveland Code of Ordinances is hereby amended as follows:

**CHAPTER 4  
ALL-TERRAIN VEHICLE and UTILITY-TERRAIN VEHICLE ROUTE DESIGNATIONS  
AND  
ALL-TERRAIN VEHICLE and UTILITY-TERRAIN VEHICLE OPERATION REGULATIONS**

- 5-4-1 Authority
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**SEC. 5-4-1 AUTHORITY**

This Ordinance is adopted pursuant to the authority vested in the Cleveland Town Board pursuant to Sec. 23.33 Wis. Stats. and pursuant to the grant of Village powers in accord with Sec. 61.34 Wis. Stats.

**SEC. 5-4-2 PURPOSE**

The purpose of this Ordinance is to designate the following All-Terrain Vehicle (ATV) and Utility-Terrain Vehicle (UTV) routes identified in Section 4 and regulate the operation of ATV's and UTV's on such routes within the corporate limits of the Town of Cleveland. The enactment of this Ordinance is deemed to be in the best interests of the health, safety, and welfare of the general public after due consideration of the recreational opportunities as weighed against public dangers, public health, liability aspects, terrain involved, traffic density, and history of automobile traffic.

**SEC. 5-4-3 DEFINITIONS**

As used in this Ordinance:

- a. Per Sec. 340.01(2g) Wis. Stats. an All-Terrain Vehicle (ATV) is defined as a commercially designed and manufactured motor-driven device which has a weight, without fluids, of 900 pounds or less, was originally manufactured with a width of not more than 50 inches as measured laterally between the outermost wheel rims on each side of the vehicle (exclusive of tires, mirrors, and accessories that are not essential to the vehicles essential operation), which is equipped with a seat designed to be straddled by the operator, and travels on 3 or more tires which are to be mounted on a rim with a maximum diameter of 12 inches and which is designated to be inflated to operating pressure not to exceed 6 pounds per square inch as designated by the manufacturer.
- b. Per Sec. 23.33(1)(ng) Wis. Stats. a Utility-Terrain Vehicle (UTV) is defined as either of the following:
  - 1. Commercially designed and motor-driven device designed to be used primarily off highway, and originally manufactured and equipped with all of the following:
    - i. A weight, without fluids, of 3000 pounds or less.
    - ii. Four or more low pressure tires.
    - iii. A cargo box installed by the manufacturer.
    - iv. A steering wheel.
    - v. A tail light.
    - vi. A brake light.
    - vii. Two headlights.
    - viii. A width of not more than 65 inches as measured laterally between the outermost wheel rims on each side of the vehicle (exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation).
    - ix. Seating for at least 2 occupants with the seating designed not to be straddled.
    - x. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.

- xi. A system of structural members designed to reduce the likelihood than 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:
  - i. It does not meet federal vehicle safety standards in effect on July 1, 2012.
  - ii. It is not a golf cart, low –speed vehicle, dune buggy, mini-truck, or tracked vehicle.
  - iii. It is designed to be used primarily off of a highway and has, and was originally manufactured, with a weight, without fluids, of not more than 3000 pounds.
  - iv. It has a width of 65 inches or less as measured laterally between the outermost wheel rims on each side of the vehicle (exclusive of tires, mirrors, and accessories that are not essential to the vehicle’s basic operation).
  - v. It is equipped with a seat designed to be straddled by the operator.
  - vi. It travels on 3 or more low-pressure tires.
  - vii. It is not an all-terrain vehicle as defined in Sec. 5-4-3(a) of this Ordinance or Sec. 340.01(2g) Wis. Stats.
- c. ATV/UTV Route means a roadway designated for use by All-Terrain Vehicle operators by the Town of Cleveland.
- d. Operate means to exercise physical control over the speed and direction of an ATV or UTV or to physically manipulate or activate any controls of an ATV or UTV necessary to put the vehicle in motion.
- e. Operation means the exercise of physical control over the speed and direction of an ATV or UTV or the physical manipulation or activation of any controls necessary to put an ATV or UTV in motion.
- f. Operator means a person who operates an ATV or UTV; who is responsible for the operation of an ATV or UTV; or who is supervising the operation of an ATV or UTV.

**SEC. 5-4-4 ROUTES**

The following roads are designated as routes as authorized by Sec. 23.33 Wis. Stats.:

- a. 153<sup>rd</sup> Street north of the intersection of 225<sup>th</sup> Avenue
- b. 157<sup>th</sup> Street north of the intersection of 225<sup>th</sup> Avenue
- c. 175<sup>th</sup> Street from the intersection of the 205<sup>th</sup> Avenue to the intersection of 225<sup>th</sup> Avenue
- d. 178<sup>th</sup> Street in its entirety
- e. 180<sup>th</sup> Street from the intersection of County Highway E to the intersection of 205<sup>th</sup> Avenue
- f. 205<sup>th</sup> Avenue from the intersection of 180<sup>th</sup> Street to the intersection of 175<sup>th</sup> Street
- g. 217<sup>th</sup> Avenue in its entirety

- h. 218<sup>th</sup> Avenue in its entirety
- i. 225<sup>th</sup> Avenue in its entirety
- j. 154<sup>th</sup> Street in its entirety
- k. 224<sup>th</sup> Avenue in its entirety
- l. 191<sup>st</sup> Avenue from the Eagle Point Town line to State Highway 64
- m. 200<sup>th</sup> Street in its entirety
- n. 190<sup>th</sup> Street in its entirety
- o. 210<sup>th</sup> Street from County R to 190<sup>th</sup> Avenue West to Cleveland Township border
- p. 205<sup>th</sup> Street from County R to 190<sup>th</sup> Avenue West to Cleveland Township border
- q. 221<sup>st</sup> Avenue east from 150<sup>th</sup> Street to dead end
- r. 177<sup>th</sup> Street in its entirety
- s. 215<sup>th</sup> Avenue in its entirety
- t. 190<sup>th</sup> Avenue east from 210<sup>th</sup> Street to Cleveland Town line
- u. 190<sup>th</sup> Avenue west from 205<sup>th</sup> Street to Cleveland Town line
- v. 235<sup>th</sup> Avenue in its entirety
- w. 220<sup>th</sup> Street from State Highway 64 to ½ mile north on 220<sup>th</sup> Street

**SEC. 5-4-5 REGULATION OF ALL-TERRAIN VEHICLES AND UTILITY-TERRAIN VEHICLES ON DESIGNATED ROUTES**

The Town of Cleveland, as authorized by Sec. 23.33(11)(a) Wis. Stats. regulates the operation of All-Terrain Vehicles and Utility-Terrain Vehicles on designated routes as follows:

- a. All ATV and UTV operators shall observe posted roadway speed limits as posted, but speeds shall not exceed 30 MPH.
- b. All ATV and UTV operators shall ride single file.
- c. All routes must be signed in accordance with NR 64.12, and NR 64.12(7)c.
- d. All ATV and UTV operators shall have their headlights and tail lights on at all times.
- e. ATV and UTV operators at least 12 years of age and who are born on or after January 1, 1983, shall have valid ATV/UTV safety certificate and be accompanied by a parent or legal guardian until possessing a valid driver's license.
- f. All ATV/UTV operators and riders under the age of 18 must wear a helmet approved by the Wisconsin Department of Transportation.
- g. Use of signed routes is only allowed during daylight hours which shall be defined as from one-half hour before sunrise to one-half hour after sunset.
- h. ATV/UTV operators shall drive only on the outside portion of the paved roadway surface.

**SEC. 5-4-6 SIGNAGE**

The Town of Cleveland shall maintain the supervisory responsibility of ensuring the ATV/UTV routes identified in Sec. 5-4-4 are signed in compliance with the standards, requirements, and

regulations established by federal, state, and local governments and their respective departments and agencies, including, but not limited to the Wisconsin Department of Natural Resources. All signage materials shall be subject to approval by the Town Board prior to installation.

**5-4-7 ENFORCEMENT**

This Ordinance shall be enforced by any law enforcement officer authorized pursuant to Sec. 23.33(12) Wis. Stats.

**5-4-8 PENALTIES**

The penalties as set forth in §23.33(13)(a) Wis. Stats., are adopted by reference.

**5-4-9 SEVERABILITY**

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town of Cleveland would have passed other provisions of this ordinance irrespective of whether one or 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.

**5-4-10 LIABILITY**

The Town of Cleveland will not be held liable for injuries incurred while operating any ATV or UTV on designated routes.

**5-4-11 ENACTMENT**

This Ordinance shall take effect upon its adoption and publication as required by law; and upon the proper signing of all routes within the Town of Cleveland, as required by this Ordinance, whichever occurs last.

Dated this 23<sup>rd</sup> day of September, 2022

BY: Michael Beighley

Michael Beighley, Town Chairman

BY: Linda Laird

Linda laird, Town Clerk