

MINUTES

ATV/UTV TASK FORCE

TFM = Task Force Member

1. Call the meeting to order: The meeting was called to order by Chairperson John Holdridge. Others present: Supervisor Jan Way, Mary Olson, Brett Boehnlein, Dan Dieterich, Larry Barikmo, Victor Cejka, Jon Wroblewski, Bill Glodowski, Matt Johnson, Jim Kalpinski & Barb Brilowski/Deputy Clerk.
2. Approve Minutes – December 4, 2019: Motion by Jan Way to approve minutes. Mary Olson seconded: Motion Carried!
3. Review of Draft of Minutes from Board of Supervisors meeting on 12/9/19:
-Board sent it back to the ATV/UTV Task Force to discuss and “consider” roads for ATV/UTV use in the Town of Hull.
4. ATV/UTV usage in Hull – critical road data for consideration (no action required)
 - a. Hull Road Traffic Counts: Road counts were provided to you for collector roads. It indicates the daily usage of the road of which some are quite high. There is also data for bicycles and trucks. This is the basic information we need to talk about ATV’s/UTV’s usage on Hull roads.

TFM: Is there a certain time of the year that the road crew are repairing the roads after the winter or certain time of the year when you see damage on Hull roads? Pete K.: If we see a pothole, we try to repair right away but mainly during spring break up.

- b. Green Circle Trails in Hull: Trails are by Wilshire Dr., Old Wausau Rd., and Plover Terrace Estates (John Holdridge’s subdivision). This is a use of our roads.
- c. Adopt-A-Highway: There are three schools involved. Bannach School picks up along Brilowski Road, P.J. Jacobs picks up on Wilshire Dr. and SPASH has two groups that pick up on North Second Dr. and Old Wausau Rd. The pickup is done in the spring and the fall.
- d. Adopt-A-Road: Seven households participate picking up 1-2 miles twice per year. These are other users of our roads.
- e. Weight Limit Controls – truck traffic in Hull: We are the largest town and the third largest municipality in Hull. We have identified and adopted a weight limit ordinance since October, 2007. Any vehicle over the weight of a Class B Weight Limit, needs to get a road permit from the Town of Hull. We route them so if there is road damage, we can track who did the damage.

- f. Pedestrian usage of Hull roads (Bicycles, Walkers, Joggers & Students): We have schools, many groups (i.e: YMCA) that use Hull roads.
 - g. Physical condition of Hull roads (no sidewalks, narrow shoulder, etc.): We have a few sidewalks and the shoulders are relatively narrow.
- Other: **John H** – *Town of Hull* – Population: 5,401, Five Member Board, 82 miles of roads of which 4 miles is dirt/gravel.

Spoke to Tim Karcheski, Town of Plover Chairperson on Jan. 6th. They have a three (3) member board. *Town of Plover* has 1,271 residents, 71 miles of roads of which 42 miles are dirt/gravel. Tim Karcheski indicated all of their roads in the Town of Plover are open to ATV's/UTV's. My biggest problem is people coming in from outside the area going to their bars.

Talked to Maurice King, Chairperson of the *Town of Dewey*. They have a three (3) member board. The Town of Dewey has 953 residents, 52 miles of roads of which 25 miles are dirt/gravel. If Hull opens our roads, the Town of Dewey people could come into Hull. That is an issue with me.

TFM: What are your specific concerns?

John H: Going to the bars.

TFM: We heard from the DNR and the Portage County Sheriff's Department that largely in Portage County that is not a concern.

TFM: Why is that a concern instead of a benefit? This is bringing business into our community.

John H: I am not so sure having ATV's on our roads is a benefit. If people go to the bars in Hull, perhaps having too much to drink and then driving on our roads.

TFM: The ordinance we are preparing will address the hours of operation, so this will hopefully deter that behavior.

TFM: We also have a clause in the ordinance about sobriety.

George Pliska: John, what do you have against the people in the Town of Dewey? What is the issue?

John H: We are going to have more traffic coming into Hull with ATV/UTV usage.

George Pliska: Do you think that there is that many ATV's and UTV's that are going to come into Hull and take over. You have been fighting this for a year now with delay after delay. I believe this is your personal value that you are trying to stuff down everyone else's throat.

John H: I never thought about the Town of Dewey and their right to come into Hull with their ATV's /UTV's and that is a concern.

5. ATV/UTV proposal from Task Force drafted by Mary Olson: Mary read through (with explanation) the following proposed ordinance:

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State of Wisconsin

Town of Hull

Portage County

Ordinance Designating All-Terrain Vehicle and Utility-Terrain Vehicle Routes and Regulating the Operation of All-Terrain and Utility-Terrain Vehicles

*Section 1: Intent*

The Town of Hull, Portage County adopts the following All-Terrain Vehicle (hereon referred to as ATV) and Utility-Terrain Vehicle (hereon referred to as UTV) routes for the operation of ATVs and UTVs upon the roadways as listed in Section 5 and to regulate such operation of ATVs and UTVs in the Town of Hull.

*Section 2: Authority*

The Town Board of the Town of Hull, Portage County, Wisconsin has the specific authority to adopt this ATV and UTV Route Ordinance under s23.33 (8) (b) and (11), Wis. Stats.

*Section 3: Adoption of Ordinance*

This Ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides the Town of Hull the authority to designate ATV and UTV routes in the Town of Hull and provides for the regulation of the use of those routes and of ATVs and UTVs in the town.

*Section 4: Operation of ATV and UTV*

Pursuant to s.23.33 (4) (d) 4., Wis stats., except as otherwise provided in s 23.33 (4), Wis Stats., no person may operate an ATV/UTV on the roadway portion of any highway in the town except on roadways that are designated as ATV/UTV routes by this ordinance. Operation of ATV/UTV on a roadway in the town that is and ATV/UTV route is authorized for the center of the appropriate lane of travel and single file only.

*Section 5: Designation of All-Terrain Vehicle and Utility-Terrain Vehicle Route:*

All Town of Hull roads are open to ATV and UTV travel.

## *Section 6* Conditions

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

A. Routes shall be marked with uniform ATV/UTV route signs in accordance with s.NR 64.12(7), Wisconsin Administrative Code. B. No person may do any of the following to signs marking ATV/UTV routes: 1. Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard, or intentionally interfere with the effective operation of any uniform ATV/UTV sign or standard if the sign or standard is legally placed by any authorized individual. 2. Possess any uniform ATV/UTV route sign or standard of the type established by the department for the warning, instruction or information of the public unless he or she obtained the uniform ATV/UTV route sign or standard in a lawful manner. Possession of a uniform ATV/UTV route sign or standard creates a rebuttable presumption of illegal possession. C. Operation shall be subject to all provisions of s. 23.33, Wis stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33 (11), Wis stats. D. A copy of this ordinance shall be forwarded by the Town Clerk to the Portage County Sheriff's Department, the Wisconsin State Patrol and the Wisconsin Department of Natural Resources. E. This ordinance is probationary for 6 months from the date of adoption. It is reviewable annually at the Town Board meeting in April of each year. In addition, this ordinance is reviewable if any board member requests, with proper notice, that the ATV/UTV Ordinance review be added to the agenda to a Town Board meeting. Board members may request a review for, but not limited to, any of the following reasons: compliance issues, complaints, damage to Town roads, damage to property, accidents or injuries, signage concerns, and new apparent hazards. The Town Board may rescind this ordinance at any time with proper notice to the Portage County Sherriff's Department, Wisconsin State Patrol, and the Wisconsin Department of Natural Resources. F. Additional Restrictions are as follows: 1. All ATV/UTV operators of all ages are encouraged to complete a certification and safety course. Operators at least 12 years old, born after January 1, 1988 must possess a valid ATV Safety Certificate issued by the state and must possess this certificate while operating on Town of Hull Routes. 2. All ATVs and UTVs shall be registered for Public Use and shall display a plate attached to the rear of the vehicle with the identifying information. 3. All ATV/UTV routes are open from 5 a.m.- 10 p.m. 4. Maximum speed limit for ATV/UTVs on all town roads shall be 35 mph unless otherwise posted at a speed limit lower than 35 mph. 5. All ATV/UTV riders shall ride single file. 6. All ATV/UTV riders under the age of 18 must wear a helmet. All other operators are highly encouraged to wear a helmet. 7. All ATVs and UTVs must have headlights and taillights on at all times.

8. All ATV/UTV operators shall slow the vehicle to 10mph or less when operating within 100 feet of any person who is not on a motorized vehicle including a horse rider. Care must be taken not to spook the horse. All ATV/UTV operators shall slow the vehicle to 10mph or



less when operating within 150 feet of a dwelling. 9. ATV/UTV routes will be open all 12 months of a year. 10. Any and all ATV routes may be closed at any time at the discretion of the Town of Hull for temporary conditions that make ATV/UTV travel on the roads hazardous. 11. All Wisconsin Statutes related to the operation of an ATV/UTV while under the influence of alcohol or a restricted controlled substance will be strictly enforced, including absolute sobriety by ATV/UTV operators under the age of 21. No open intoxicants are allowed while operating on, or as a passenger in, any ATV/UTV while operating on Town roads. 12. Liability insurance is not required to operate an ATV/UTV in the Town of Hull. However, as an owner/operator of an ATV/UTV riding on Town roads the owner/operator assumes liability for any action or inaction on the part of the operator that causes accident or injury to self or others or damage to vehicle or other property. Therefore, having a liability policy covering the vehicle being operated and such operator having in his or her immediate possession a certificate or proof of insurance covering such vehicle would be strongly recommended.

*Section 7: Enforcement*

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

*Section 8: Penalties:*

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

*Section 9: Severability*

Should any provision of this ordinance or its application to any person or circumstance be held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

*Section 10: Effective Date:* \_\_\_\_\_

This ordinance becomes effective upon passage and publication.

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John H: If anyone has any thoughts on this, now is the time to bring it up.

TFM:

- Silly to open all roads not knowing answers to many questions. Consider connecting ATV routes. Too many unknowns to say all or none.

- Don't want survey of just 10 people. Identify issues and problems. Don't just move forward and see what happens. Look at issues. What possible mitigation strategies could we recommend to avoid potential problems?
- People that live in subdivisions will want to get to a trail. Let's make it legal for them to get there & make it easier for the sheriff's dept.
- Enforcement is an issue. It will be a complaint driven system. When reviewed in 6 months or a year, the complaints will help determine if it is not working in a specific area.
- Look at opening only one (1) route to connect to our neighboring towns to see how it works.
- Take advise of DNR and Sheriff's Dept. and open all roads. Less traffic on an individual road if you open up more roads than less.

Bob Enright: I thought the Task Force was going to identify their "10" issues (for instance). This is what I learned. This is the cost and the benefit of each item. What is the cost to sign 82 miles of roads? Who is going to pay for it? There were ten (10) questions I asked. (See questions & answers from Jan Way below).



- 1. Driver licensing requirements:** All ATV operators at least age 12 and born on or after January 1, 1988 must possess a valid ATV safety certificate issued by the state. Operators must be in possession of this certificate while operating in areas open to the public such as trails, routes and frozen waterways and display it to a law enforcement officer upon request. Certified operators may transport other passengers. NEW - All children age 12-15 must be accompanied by an adult while operating on a designated ATV Route regardless of they possess an ATV Safety Certificate.
- 2. Vehicle licensing requirements:** All UTV's and ATVs required to register for Public Use shall have a plate attached to the rear of the vehicle. Registrations may be done online, at a DNR Service Center or by mail.
- 3. Liability insurance requirements:** An ATV or UTV is **not** required to have liability insurance although we would encourage it. Generally speaking, the town is not liable for any accidents just because it chose to open its roads to ATVs/UTVs. Opening roads falls under a legislative immunity statute. This is not absolute, however. If the town does not properly maintain required signage or does not fix an extremely unsafe condition, it could be liable for an accident.
- 4. Law enforcement authority:*** The ATV statutes and codes fall specifically within the DNR's jurisdiction.

The DNR provides grant money to counties for ATV law enforcement purposes. Since most towns do not employ their own law enforcement officers, additional law enforcement responsibility is placed

upon the DNR and /or sheriff patrols. Failure to sign a route creates very difficult enforcement situations.

5. Using shoulders of roads: You must operate at the extreme right side of the **roadway surface**. Operation in the unimproved right-of-way or ditch, outside the regular traveled portion of the road, is highly restricted and in most cases illegal.

6. Why should the town authorize use when manufacturers state that they are not intended for non road use? This question was asked at a meeting and one response was that manufactures are protecting themselves from potential lawsuits in case an injury or property damage occurred. Some felt that if safety rules and state laws were followed, this is not generally an issue.

7. Criteria to use to determine which roads will be open. This is in process but these are some of the things we have discussed. * The town should look at how busy the highway is and whether opening a highway to ATVs will endanger users. A traffic study is one tool a town could use in helping make the determination. Certainly, the northern, less traveled roads in Hull would have fewer safety concerns if laws are followed.* The town can modify or create a separate speed limit for ATVS/UTVs. *If a public road is restricted, there is no residential access allowance that permits you to ride on a roadway from a dwelling to the nearest trail or route. * According to our Sheriff , for enforcement purposes, it is better to open all roads that can legally be opened, rather than some roads.

8. Towns Liability: Generally speaking, the town is not liable for any accidents just because it chose to open its roads to ATVs/UTVs. Opening roads falls under a legislative immunity statute. This is not absolute, however. If the town does not properly maintain required signage or does not fix an extremely unsafe condition, it could be liable for an accident.

9. Public Benefit: The benefit would be promotion of a recreational activity provided to those who enjoy riding and driving ATVs and UTVs just as we provide opportunity to bikers and pedestrians who ride walk and run on our roads. Other than recreation, some would use the roads to get from one of their properties to another or also to use them to go fishing or hunting.

10. Potential positive and negative consequences: Most positive consequences would be to the owners and users as well as some businesses that would welcome more recreational access to their establishments. Negative consequences would occur to non users and users alike if safety rules and state laws were not abided by. For example, riding during hours not allowed in the ordinance, not following speed limit laws, making unnecessary noise especially if the machine is altered to preform in a way that is not recommended by the manufacturer's specifications, driving recklessly and just simply not being courteous to other road users or residents in the area. This is one of the reasons we have felt that any ordinance, if passed, have a strict probationary period and be reviewed periodically. It is possible that many of us residents will see very little change in our quiet rural manner of living. On the other hand we would want things in place to help us keep a check on usage if it is allowed.

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**John H.:** I gave you lots of information tonight. My question is what is the criteria for selecting roads for ATV/UTV usage? There is a lot of activity in the urban area and we are going to put ATV's/UTV's into that mix? That raises concerns.

**B. Bowen:** I have a question for Mary O. Section 6, #8 – It says all ATV operators shall slow down the vehicle to 10mph when operating within 150 ft. of a dwelling. Is this statutory?

**TFM:** Yes, state statute.

**John H.** If an ATV is driving down North Second Dr. and they come upon a pedestrian, they are supposed to slow down to 10mph. Automobiles do not have to slow down to 10mph. What is that going to do to car traffic?

**TFM:** It will slow them down.

**John H.** It will make them angry. My concern is the enforcement. We can have the best policies and ordinances but we need to rely on the sheriff's department. So if we need to deal with speeding we have to hire our own. I hope we do not need to do this with ATV/UTV's. These roads were made for automobiles and trucks. To implement this is very challenging.

**TFM:** We would hope by giving our citizens all the information to correctly use their ATV/UTV's on the roads and letting them know this can be fully rescinded will help to enforce it.

**John H.:** My concern is the urban areas. In my area the person using an ATV now trailers it. If this passes it will be legal to use an ATV in that subdivision. We have an endless number of walkers.

**J. Janowski:** Isn't the speed limit in subdivisions 25mph? If you pass this why couldn't you pass it that ATV's need to go 15mph in subdivision? Most of them will do this because most likely it will be Grandpa giving the grandkids a ride.

**TFM:** One thing I do not like is in Section 6 is the time. You said the 5:00am to 10:00 pm is in conjunction with the Town of Dewey. Is there someone on an ATV at 10:00pm? With the change of seasons, it is dark at 4:30pm. Are we going to allow 6½ hrs. of night time riding according to this? I am wondering if riding an ATV should be a dusk to dawn thing.

**John H.** Or limit it to certain seasons.



**TFM:** Dusk to dawn is more visible. We have all been in that situation when in a car that time of day when your headlights are on but are not very effective. Then it gets darker and you can see a white light many miles.

**TFM:** When someone is hunting, they hunt until dark and then drive home in the dark. Same in the morning. They drive in the dark to their location and wait for the sun to come up.

**TFM:** I am looking at the safety aspect. Should we request dusk to dawn or incur specific hours?

**TFM:** During hunting season, the DNR has a time change each day. That complicates things but it does make it very black and white. Dusk to dawn allows for a gray area (interpretation). It simplifies it to just have it from 5:00am to 10:00pm.

**TFM:** What about one hour before dawn and one hour past dusk? That would give hunters that hour to go to and from hunting.

6. Task Force recommendation on ATV/UTV usage in Hull.

Jon D. I recommend this ordinance goes to the Board for consideration. All roads in the Town of Hull need to be open for ATV/UTV usage.

Victor: Second.

Voice Vote: 7 – yes, 3 – No.

Motion passed by voice vote.

7. Adjournment:

B. Boehnlein: Motion to adjourn.

M. Olson: Second.

Motion carried by voice vote.

Respectfully submitted:

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Barbara Brilowski, Deputy Clerk