

Public Hearing on Ordinance Amendment to Town Ordinance Chapter 7.10, All Terrain Vehicles, As It Relates To ATV/UTV Use on Specific Town Roads

Newbold Town Hall, 4608 Apperson Drive and Hwy 47, Rhinelander, Wisconsin 54501
Saturday, April 7, 2018 at 10:00 a.m.

The public hearing was called to order at 10:05 a.m. by Chairman, Dave Kroll. The purpose of the public hearing was to allow public comment in consideration of amending town ordinance Chapter 7.10(5). The proposed revision is as follows:

The Town of Newbold Town Board will be in attendance to take public comment in consideration of amending Town Ordinance CHAPTER 7.10(5), ALL TERRAIN VEHICLES (**sub. 5 only**), as it relates to ATV/UTV use on specific town roads. The proposed revision reads as follows:

7.10 ALL TERRAIN VEHICLES.

- (1) Intent. Following due consideration of recreational purpose/value, public safety liability aspects, the Town may designate ATV/UTV routes on certain town roads.
- (2) Statutory Authority. The Town is authorized to create ATV/UTV routes pursuant to section 23.33 (8)(b), Wisconsin Statutes.
 1. General. It shall be unlawful to operate any ATV on the Town parks, parking lots, or on any public lands, roads or parking lots held open to the public unless designated as an ATV route. The operator shall at all times have the consent of the owner before operation of an ATV on private lands unless the owner has agreed, in writing, with an ATV club to establish an ATV trail.
- (4) Conditions. Operation of ATV/UTV vehicles on designated highways of the Town shall be subject to the following conditions:
 - (a) Routes must be signed in accordance with NR 64.12 and NR 64.12(7)(c)
 - (b) In addition to (a), all designated routes shall have signs posted advising operators of the conditions required by (c), (d), (f), (g), (h) and (i) below. Such signs shall be posted immediately beneath route designation signs at each end of such routes.
 - (c) ATV/UTV operation shall not exceed 25mph
 - (d) All ATV/UTV operations shall be single file
 - (e) All ATV/UTV operators shall slow to 10mph or less when operating within 150 feet of a dwelling.
 - (f) All operators must possess a valid driver's license.
 - (g) All operators under the age of 18 must wear a helmet
 - (h) All ATVs/UTVs must operate with headlights and taillights on at all times.
 - (i) All ATVs/UTVs must operate on the paved portion of the roadway.
- (5) The following town roads are designated as ATV routes:
 - (a) **Autumn Lane**
 - (b) **Fallen Wood Lane**
 - (c) **Flannery Lake Road**
 - (d) **Hook Lake Road**
 - (e) **Pine Grove Drive**

~~(f) Rainbow Lake Road from November 1 through March 31~~

(g) Surf Drive

(h) Valley Court

(i) Velvet Lake Road

(j) Vets Memorial Drive

- (1) Enforcement. This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.
- (2) Penalties. Wisconsin state All-Terrain Vehicle penalties as found in section 23.33(13)(a), Wisconsin Statutes, are adopted by reference.
- (3) Severability. 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 or circumstances shall not be affected.
- (4) Effective Date. This ordinance become effective upon passage and publication.

Town Board members present were Chairman Dave Kroll; Supervisors, Bob Metropulos, Jim Staskiewicz, Ed Hammer and Mike McKenzie; Clerk, Kim Gauthier. Treasurer, Jodie Hess was absent and excused. There were approximately one hundred twenty-five citizens in attendance. Chairman Kroll asked that public comment be limited to Newbold residents. Notice was published in the paper, posted on all three bulletin boards in the town. The Clerk also mailed notice to each property owner along the proposed routes/roads indicated.

Chairman Kroll provided a brief description of the history behind the citizen request to open an ATV route and the citizen petitions submitted to the town board for the roads indicated in the notice.

The meeting was then opened to public comment, row by row.

Kris Wendt, Velvet Lake Road, spoke against the use on town roads and requested a sunset clause be considered for one year with review by the board if this moves forward.

Elgard Bartelt, Velvet Lake Road, spoke in favor of ATV use and circulated the petition for Velvet Lake Road and Flannery Lake Road, as he is looking to access the town of Crescent and Enterprise.

Rick Rustad, Flannery Lake Road, spoke in favor of ATV use as being good for economy and agreed there are safety concerns.

Bob Willging, Autumn Lane, spoke against the use of this area in the subdivision for ATV use and indicated many concerns about the amendment.

Tammy Graves, Autumn Lane, spoke against use in this area due to safety concerns and felt other recreation activities require trailering and ATV's may have to do the same to get to trails.

Gwen Harron, River Road, spoke against the use, although she personally owns an ATV felt they do not belong on paved roadways for many reasons indicated, along with her extensive search to build in a town with strict zoning regulations for a retirement community.

Jim Winkler, Troy Haven Road, spoke on behalf of residents he has heard from as a County Board Representative for Newbold who are both for and against the ordinance proposal.

Tim Rudowski, Vets Memorial Drive, spoke in favor of the proposed ATV ordinance and noted anyone needing petition forms may obtain them from him.

Chad Swanson, Flannery Lake Road, spoke in favor of the proposed ATV routes and indicated he is the Vice Chairman for the Oneida County Club. Mr. Swanson spoke of his involvement with the club and the trail patrol system in place.

Steve Anderson, Vets Memorial Drive, spoke in favor of the proposal and agreed with Mr. Rudowski.

Mrs. Swanson, Flannery Lake Road, spoke in favor of the proposed routes and spoke on safety being addressed through the laws in place.

Kenny Unertl, Rainbow Lake Road, spoke in favor of Rainbow Lake Road open to full time use and indicated he would like all roads in Newbold open for ATV use.

Roy Kelling, property owner Autumn Lane, spoke against the proposal and indicated he owns an ATV for property work use and has had experience with those not following the law and it's nearly impossible to get a plate number on a moving ATV who is not abiding by the laws.

Kathy King, Rapids Road, spoke neither for or against the proposal, however expressed concern for safety and the need for laws and restrictions.

John Dailey, Valley Court, spoke in favor of the proposed ordinance for the purpose of accessing the Wisconsin River, snow plowing, the need for insurance coverage if a route is established and indicated he circulated the first petition.

Mike Wendt, Valley Court, spoke in favor of the proposed ordinance.

Baird Cook, Velvet Lake Road, indicated he was neither for or against the ordinance, however indicated the ordinance does not support a purpose as written and was not sought out for the petition on his road.

Nick Voss, Redpine Subdivision, spoke in favor of the proposal.

Jon Danner, Larson Drive, spoke for opening all town roads as he believes it would be good for businesses.

Stacy Robinson, Autumn Lane, spoke in favor of the proposed ordinance, as she would like access to routes as a mode of transportation.

Roger Watson, Hillside Court, spoke in favor of the proposal and indicated the clubs will put trail monitors on the trails for enforcement.

Diane DeGram, Bucktail Lane, spoke in favor of the proposed ordinance and indicated accidents are trending downwards.

Roland DeGram, Bucktail Lane, spoke in favor of the proposed ordinance being good for the community.

G. Larson, Timber Drive, spoke in favor and wishes to access Rainbow Lake Road from Timber Drive.

John Nowak, Rainbow Lake Road spoke in favor of the proposed ordinance.

Nancy Wattry, Hillside Court, spoke in favor and would like the whole town open for ATV use.

David Haenel, Lake Mildred Road, spoke in favor of the proposal and indicated the noise of ATV's are the same as that of a lawnmower.

Wayne Fairfield, Highway K, spoke in favor however, is not currently able to access trails from his county road. He commented on Newbold being a central location for ATV access to other towns.

Mike Isselman, Hook Lake Road, spoke neither for nor against the proposal but indicated there are a lot of hills and turns on Pine Grove which may be a safety issue.

Trisha Ford, Cedar Lane, asked why Lake Mildred was not included in the proposal.

Tyler Young, Redpine Subdivision, spoke in favor of the proposal and asked that all roads be open in Newbold.

Frank Johnson, Larson Drive, spoke in favor of the proposal, formerly from Nokomis where he indicates there were no problems.

Todd Habberman, Vets Memorial, spoke in favor along with opening Coon Lake Road.

Tony Santilly, Highway 47, spoke in favor of the proposal and indicated he would use Valley Court.

Dale Mountjoy, Valley Court, spoke in favor of the proposal.

Mr. Otterman, Coon Lake Road, spoke in favor of the proposal.

Kyle Sanick, Autumn Lane, spoke neither for nor against the proposal, but as concern of road damage, property values, and a convenience that would out way safety and there being no need for this route since Hwy K cannot be accessed to get to Crescent.

Brian Brock, Apperson Drive, spoke in favor of the proposal and had no concern of safety.

Pat Wilson, Fallenwood Lane, spoke in favor of the proposal for access to trails, a family activity and access to businesses for tourists looking for this activity.

Mike Roach, Meadow Drive, spoke in favor of the proposal and had no concerns of safety.

Jennifer Radomski, Vets Memorial Drive spoke in favor of all roads being open for a family activity. Mrs. Rudowski commented on safety being addressed through the ATV course requirement for those born after 1989.

Dale Collins, Black Lake Road, spoke in favor even though he is not on the proposed route and believes there is a fear of the unknown and the board should give it a try and open all roads.

Josh Pudlowski, Hook Lake Road, spoke in favor of all roads in Newbold being open, as we are one in three municipalities not open.

Frank Kovac, Bass Bay Drive, spoke in favor of the proposal as other towns are open and the majority should win.

Jeff Smoczko, Meadow Drive, spoke in favor of opening all town roads to ATV use and believes it would be more democratic to open up all and work backwards if needed.

Ryan Rezny, Autumn Lane, spoke in favor of the proposal as he would like to access other towns and not run up and down his road. Mr. Rezny noted he circulated the petition in his area and noted that Eagle River is very welcoming to ATV/UTV users which this attitude would benefit Newbold also.

Nate Fiebke, Roy Lane, spoke in favor of the proposal and spoke on starting backwards and opening all roads and see what happens.

Chairman Kroll asked about County Highway K, to which Mr. Rudowski indicated it would be a priority of the club once the proposed Newbold routes are established.

Chairman Kroll asked for discussion on Hook Lake Road and Autumn Lane specifically and proposed corridors to connect to which would allow residents access to corridor routes/roads with signage only needed in the corridor roads. There was further discussion by the audience and board on attending town board meetings, which are held every second and last Thursday of the month. Discussion on ATV club enforcement, trail patrol vs. law enforcement powers. Discussion on Newbold being boxed in for access purposes due to county roads and state highways surrounding the town. Discussion on compromises and access issues.

Chairman Kroll indicated the town board will make a formal decision on the proposed ordinance amendment at the town board meeting of April 12, 2018 at 6:30 p.m.

There was no other public comment, therefore, a motion was made by Mr. Hammer and Mr. Staskiewicz to adjourn at 12:18 p.m.

Respectfully submitted by, Kim Gauthier, Newbold Town Clerk