

**Plan Commission Minutes  
Town of Tilden  
10790 100<sup>th</sup> Avenue, Chippewa Falls  
October 23, 2024 at 7:00 PM**

**Meeting called to order at 7 p.m.** by Chairman, Dave Hartman.

**Roll call:** Dave Adams, Gary Meinen, Dawn Briskey, Eric Bohl, Dean Gullickson, Dan Reischel, Dave Hartman were present. Jackie Boos was not present. There is a quorum.

**Verification of public notice:** the Town Web site and at the front of the Tilden Town Hall.

**Approve Minutes:** Dean Gullickson moved to approve the minutes of the November 1, 2016 and seconded by Dawn Briskey. Only ayes heard in the voice vote.

The Committee reviewed and made the following changes to the following Ordinances:

**ATV/UTV Ordinance – Chapter 32:** The Committee reviewed Chapter 32 Of the Code of Ordinance – All-Terrain/Utility Vehicle Route(s) and Regulations. Discussions were had on designating all town roads as all-terrain/utility terrain vehicle routes within the limits of the Town of Tilden. A question was brought up about how to handle roads that dead ends at private property. It was stated that the town road may be removed from the approved routes if a majority, more than half, of property owners that live on the road or section of road in question, petition the town board to consider changing the designation.

The proposed Amendment to Chapter 32 of the Code of Ordinance are as follows:

**THE TOWN OF TILDEN ORDINANCE-CHAPTER 32 – Amendment**

**Designation of All-Terrain Vehicle/Utility Terrain Vehicle Routes and Regulation  
of All Terrain/Utility Terrain Vehicle Operation**

**32.1 Authority**

This Ordinance is adopted pursuant to the authority vested in the Town of Tilden pursuant to Sec.23.33 Wis. Stats.

**32.2 Purpose**

The purpose of this ordinance is to designate all town roads as all terrain/utility terrain vehicle routes and regulate the operation of such all-terrain/utility terrain on such routes within the corporate limits of the Town of Tilden. The Town Board of the Town of Tilden deems the enactment of this Ordinance 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.

### **32.3 Definitions**

- a. "All-terrain vehicle" has the meaning specified under Wis. Stat. § 23.33(1)(b).
- b. "Utility terrain vehicle" means any of the following: has the meaning specified under Wis. Stat. §23.33(1) (ng).
- c. "All-terrain vehicle route" means a town road designated for use by all-terrain/utility terrain operators by the Town of Tilden.
- d. "Operate" means to exercise physical control over the speed or direction of an all-terrain/utility terrain to physically manipulate or activate any of the controls of an all-terrain/utility terrain vehicle necessary to put it in motion.
- e. "Operation" means the exercise of physical control over the speed or direction of an all- terrain/utility terrain vehicle or to physically manipulate or activate any of the controls of an all-terrain/utility terrain vehicle necessary to put it in motion.
- f. "Operator" means a person who is 16 years of age or older and has a valid driver's license, who operates an all-terrain/utility terrain vehicle, who is responsible for the operation of an all-terrain/utility terrain vehicle or who is supervising the operations of an all-terrain/utility terrain vehicle.

### **32.4 Routes**

The following are designated as all-terrain/utility terrain routes as authorized by sec. 23.33 (8)(b) Wis. Stats.

- a. All Town Roads in the Town of Tilden that are not posted as closed.
- b. A town road may be removed from the approved routes if a majority, more than half, of property owners that live on the road or section of road in question, petition the town board to change the designation of any road or section thereof as an all-terrain/utility terrain vehicle route. Such petition shall be in writing clearly stating the facts and circumstances justifying the request, based on roadway safety factors. The petition shall be signed by all property owners who live on the road or section of the road and are supporting closure of the route in question. If the town board receives such a petition, the town board shall conduct a public hearing within 60 days. Following such public hearing, the town board may, in its sole discretion, amend this Ordinance and change the designation of any road designated as an all-terrain/utility terrain vehicle route.

- c. The Town Board may establish a safety ambassador program to educate operators and promote safe operating practices on behalf of the Town Board. Any such appointments would be on a volunteer basis serving at the discretion of the Board and be reviewed annually.
- d. All Tilden Town Roads will be annually inspected for All-Terrain Vehicle/Utility Terrain Vehicle usage.

**32.5 Regulations of All-Terrain/Utility Terrain Vehicles Designated Routes** The following regulations apply to the operation of all-terrain/utility terrain vehicles on designated route(s) as follows:

- a. The operation of all-terrain/utility terrain vehicles on designated routes is subject to all provisions of Wis. Stat. § 23.33, which is adopted as part of this Ordinance by reference.
- b. All all-terrain/utility terrain vehicle operators and riders under 18 years must wear a DOT rated helmet.
- c. All all-terrain/utility terrain vehicle operators shall ride single file.
- d. All four wheels of the all-terrain/utility terrain vehicle must stay on the extreme right side of the roadway on the paved portion of the roadway unless the operator is yielding the right-of-way to other traffic traveling in the same direction.
- e. Roads will be open one-half hour before sunrise and one-half hour after sunset.
- f. All all-terrain/utility terrain vehicle operators shall be 16 years of age and have a valid driver's license.
- g. All all-terrain/utility terrain vehicle operators shall have their headlights and taillights turned on at all times.
- h. All all-terrain/utility terrain vehicles shall have operating brake lights.
- i. All all-terrain/utility terrain vehicles should have liability insurance.
- j. All all-terrain/utility terrain vehicle operators shall operate at a reasonable and prudent speed not to exceed 45 MPH or the posted speed limit, whichever is less on all designated routes.
- k. No person shall operate or ride in any part of an all-terrain/utility terrain vehicle that is not designed or intended to be used by passengers.
- l. No person may operate an all-terrain vehicle or utility terrain vehicle on any designated route that is not equipped with an adequate muffler in constant operation that is properly maintained to prevent any loud, excessive or unusual noise or annoying smoke or exhaust.
- m. All occupants riding in a utility terrain vehicle must be seated with a seatbelt fastened in a manner prescribed by the manufacturer.

- n. All utility vehicles shall be equipped with a rear-view mirror.
- o. No operator or passenger shall consume or transport open intoxicants or controlled substances.
- p. No person shall use or operate an ATV/UTV while under the influence of intoxicating liquor, fermented malt beverages or controlled substances.

### **32.6 Liability**

In enacting this Ordinance, the Town of Tilden does not accept any liability for any damages arising from or in connection with the operation of any all-terrain/utility terrain vehicles on any town roadway or road right of way.

### **32.7 Enforcement**

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

### **32.8 Penalties**

- a. The penalties as set forth in Wis. Stats. § 23.33(13)(a) are adopted by reference. Any forfeiture for a violation of a state statute adopted by reference in this section shall conform to the forfeiture permitted to be imposed for violation of such Statutes, including any variations or increases for subsequent offenses.
- b. The penalty for exceeding a posted or fixed speed limit in violation of subsection(g)(2) shall be a forfeiture as set forth in the following schedule:
  - (1) 1-10 miles per hour over posted or fixed speed - \$25.00
  - (2) 11-15 miles per hour - \$50.00
  - (3) 16-19 miles per hour - \$75.00
  - (4) 20-24 miles per hour - \$100.00 (5) 25 miles per hour and over - \$125.00
- c. Any violation of this Chapter not included for which no forfeiture is specified shall result in a forfeiture of \$75.00 for each offense.
- d. Penalties. The penalties as set forth in § 23.33(13)(a) Wis. Stats., are adopted by reference.

This ordinance shall take effect upon its adoption and publication as required by law.

**Code of Ordinance – Chapter 2 – Penalties.** It was noted that - First Offense Penalty should coincide with the penalties outlined in Chapter 32. The Committee proposed that the First Offence Penalty should state: Any person who shall violate any provision of the Tilden Code of Ordinances subject to a penalty shall, upon conviction thereof, forfeit not less than twenty-five dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) together with costs of prosecution.

**Code of Ordinance – Chapter 14 – Dog Control.** The Committee discussed changing Section 7: Restrictions on Keeping of Dogs to:

- A. **Not run at Large.** No person owning or harboring a dog shall permit it to run at large within the Town of Tilden. A dog shall not be considered at large when on a leash, chain, rope, cord or like material, or an electronic device or when the dog remains solely on the property of the owner. Dogs that are engaged in hunting are regulated by the State of Wisconsin.

Al Goettl made a motion to bring the recommended changes of Chapter 32 All-Terrian Vehicle/Utility Vehicle, Chapter 2 Penalty and Chapter 14 Dogs to the Tilden Town Board at the next Town Meeting on November 13, 2024. Dean Gullickson seconded the motion. Only ayes heard in the voice vote.

Eric Bohl moved to adjourn and Gary Meinen seconded. Only ayes heard in the voice vote. Meeting adjourned at 9:20 P. M.

Submitted by: Mary Hartman, Town of Tilden Clerk