

ATTACHMENT TO JANUARY 12, 2021 MINUTES

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE # 32 ATV AND UTV ROUTE ORDINANCE # 32:

**Town of Namakagon
All Terrain (ATV) and Utility Terrain (UTV) Route Ordinance
32R
Amended January 12, 2021**

**Town of Namakagon
Bayfield County
Cable, Wisconsin**

THE TOWN DOES REPEAL AND RECREATE THE FOLLOWING:

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Namakagon ATV/UTV Route Ordinance. The purpose of this ordinance is to establish ATV/UTV routes in the town and to regulate the operation of ATV/UTV vehicles in the town.

SECTION II – AUTHORITY

The Town Board of the Town of Namakagon, Bayfield County, Wisconsin, has the specific authority to adopt this ATV/UTV Route Ordinance under s.23.33(8)(b) and (11), Wis. Stats.

A request must be in writing to the Town Board to consider opening an additional ATV/UTV route or a modification/amendment to an existing route that would use a town road in the Town of Namakagon and include a petition with two-thirds of the property owner's signatures of the requested route in support of opening the route. The request must be received two weeks prior to a regular scheduled Town Board meeting.

SECTION III - ADOPTION OF ORDINANCE

This ordinance adopted on proper notice with a quorum and roll call vote by a majority of the town board present and voting, provides the authority for the town to designate ATV/UTV routes in the town and to regulate the use of these routes and ATV/UTV's in the town.

SECTION IV – OPERATION OF ATV'S AND UTV'S

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 vehicle routes by this ordinance. Operation of ATV/UTV's on a roadway in the town that is an

ATV/UTV route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway this is safe given prevailing conditions.

SECTION V – DESIGNATION OF ATV/UTV VEHICLE ROUTES

The following are designated ATV/UTV routes in the Town of Namakagon:

1. Forest Rd. 193 Wilderness Rd. from Ashland County Line to Forest Rd. 191 Old Grade Rd.
2. Forest Rd. 191, Old Grade Rd., from County Highway M to Grand View Town Line.
3. Forest Rd. 341 Ehrman Rd. from Forest Rd. 191 Old Grade Rd. to Cty Hwy M.
4. Old Namakagon Rd. from transfer site road to Forest rd. 341 Ehrman Rd.
5. Garmisch Rd. from Birch Bend Rd. to Lakewoods via Marina Dr.
6. Forest Rd. 204 Ghost Creek Rd. from Cty Hwy M to Sawyer County/Spider Lake Town Line.
7. Forest Rd. 203 Lost Land Lake Rd. from Garmisch Rd. to Sawyer Cty/Spider Lake Town Line.
8. Forest Rd. 207 Rock Lake Rd. from Cty Hwy M to Sawyer County/Spider Lake Town Line.
9. Birch Bend Rd. from County Hwy D to County Hwy D.
10. Buffalo Lake Rd. to Forest Rd. 342 White Bass Lake Rd. to Ashland County Line.
11. Lake Five Rd.
12. East Lake Five Rd.
13. Girls Camp Rd.
14. Frels Rd. from Cty Hwy M to the town line.
15. Forest Rd. 1919, Job Corps Rd.
16. Forest Rd. 1740 Chippewa Landing Rd.
17. Crystal Lake Rd. from the town line to Junek's Point Rd.
18. Junek's Point Rd.
19. Birch Point Rd. to River Rd.
20. Dam Rd. from County Hwy M to Crystal Lake Rd.
21. Duck Point Rd.
22. Garden Lake Rd.
23. Crystal Lake Landing Rd.
24. FR1730.
25. Namakagon Sunset from Old Grade Rd. (FR 191) to S. Garden Ave. Speed limit 25mph on blacktop portion of road.
26. S. Garden Ave. from Namakagon Sunset to Lake Namakagon. Speed limit 25mph.
27. Harmon Drive
28. Circle Dr. S. from Junek's Point Road to Bay Drive
29. Bay Drive
30. Chicago Ave.

SECTION VI – CONDITIONS APPLICABLE TO ATV/UTV 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.NR64.12(7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking ATV/UTV routes:

1. Install or place signs without written permission of the Town Board.
2. 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 route or trail sign or standards if the sign or standard is legally placed by the state, any municipality or any authorized individual.
3. Possess any uniform ATV/UTV route or trail sign or standard of the type established by the department for the warning, instruction or information of the standard in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.

B. 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.

C. A copy of this ordinance shall be sent by the town clerk to the Bayfield County Sheriff's Department and Wisconsin DNR.

D. All ATV/UTV operators shall observe posted roadway speed limits unless and ATV/UTV specific speed limit is posted.

All ATV/UTV operators shall ride single file.

All ATV/UTV operators shall ride with head lights and tail lights on at all times.

All ATV/UTV operators shall slow the vehicle to 10mph or less within 100 feet of a pedestrian, bicyclist or any other non-motorized vehicle.

There is no residential access allowance to ride on a roadway from house to route. You must trailer the ATV/UTV to the route.

SECTION VII – ENFORCEMENT

Any violations while operating ATV/UTV's on roads in the Town of Namakagon will be enforced by the Town of Namakagon Enforcement Officer or any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

SECTION VIII – PENALTIES

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

SECTION IX – SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is 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 X – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly publish or post this ordinance as required under s.60.80, Wis. Stats.

This ordinance amends ATV Ordinances #32-32A through 32Q

A copy of this ordinance shall be sent by the Town Clerk to the Bayfield County Sheriff’s Department, the Law Enforcement Officer, the DNR and State Patrol.

Adopted this 12th Day of January 2021 at a regular Town Board meeting.

By the Town Board:

Robert Rasmussen, Town Chairman

Jack McGregor, Town Supervisor

James Krueger, Town Supervisor

Attest:

Laura Bjork, Town Clerk

- 32 – November 14, 2000
- 32A – May 8, 2001
- 32B – September 11, 2001
- 32C – May 11, 2006
- 32D – February 2010
- 32E – June 14, 2011
- 32F – May 11, 2010
- 32G – September 15, 2010
- 32H – June 14, 2011
- 32I – November 13, 2012

- 32J – May 12, 2013
- 32K – August 20, 2018
- 32L – October 9, 20018
- 32M – February 18, 2019
- 32N – April 9, 2019
- 32O – September 10, 2019
- 32P – June 9, 2020
- 32Q – October 13, 2020

**DISCUSSION AND POSSIBLE ACTION ON SNOWMOBILE ROUTE
ORDINANCE # 17:**

**Town of Namakagon
Snowmobile Route Ordinance
#17D
Amended January 12, 2021**

**Town of Namakagon
Bayfield County
Cable, Wisconsin**

The Town of Namakagon does repeal and recreate the following:

Section I Title and Purpose

The title of this ordinance is the Town of Namakagon Snowmobile Route Ordinance. The purpose of this ordinance is to establish snowmobile routes that use public roads/fire lanes in the Town of Namakagon and to regulate the operation of snowmobiles on these town roads.

Section II Authority

The Town Board of the Town of Namakagon, Bayfield County, Wisconsin, has specific authority to adopt this snowmobile route ordinance under s. 350.18(3)(a) Wis. Stats.

A request must be in writing to the Town Board to consider opening an additional snowmobile route or a modification/amendment to an existing route that would use a town road in the Town of Namakagon and include a petition with two-thirds of the property owner's signatures of the requested route in support of opening the route. The request must be received two weeks prior to a regular scheduled Town Board meeting.

Section III Adoption of Ordinance

This ordinance adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the town to designate snowmobile routes in the town and to regulate the use of these routes and snowmobiles in the town.

SECTION IV Operation of Snowmobiles

Pursuant to s. 350.18(3)(a) Wis. Stats. except as otherwise provided in s. 350.18, Wis. Stats., no person may operate a snowmobile on the roadway portion of any road in the town except on roadways designated as snowmobile routes by this ordinance or as a means for persons to travel from a residence or lodging establishment for the shortest distance that is necessary to gain access to a snowmobile route or trail.

Section V Designation of Snowmobile routes

The following town roads/fire lanes shall be open to snowmobile traffic:

1. FR 193 Wilderness Rd. from Ashland County line to FR 191, Old Grade Rd.
2. FR 191 Old Grade Rd. from FR 193 Wilderness Rd. to Grand View town line.
3. FR 341 Ehrman Rd. from FR 191 Old Grade Rd. to Hwy M.
4. Job Corps Rd. from FR 191 to Chippewa Lake.
5. Chippewa Landing Rd. from FR 341 to Chippewa Lake.
6. Old Namakagon Rd., from Hwy M at FR 341 Ehrman Rd. on East to Hwy M at West.
7. FR 204 Ghost Creek Rd. from town line to Old Namakagon Rd.
8. McCloud Lake Rd. where snowmobile trail intersects on East side of road East to where snowmobile trail intersects road on West side.
9. Birch Bend Rd. from junction of County Hwy D and County Hwy M North to County Hwy D.
10. FR 200 McCain Springs Rd. behind Town Hall to FR 203 Lost Land Lake Rd.
11. FR 203 Lost Land Lake Rd. from town line to Garmisch Rd.
12. Garmisch Rd. from FR 203 to Garmisch entrance.
13. FR 207 Rock Lake Rd. from town line to trail at Lakewoods.
14. FR 211 Dam Rd. from trail intersection South of Namakagon River bridge to FR 211B North of bridge.
15. Buffalo Lake Rd. (1.2 miles), aka Pohl Rd. ONLY for the 2020-2021 Season – Authorization will expire March 31, 2021 or when the trails are officially closed for the 2020-2021 Season.

The Town of Namakagon reserves the right to open any road in the town for a snowmobile route due to changing conditions and situations.

Section VI Conditions Applicable to Snowmobilers on Town Roads and Fire Lanes

The following restrictions are placed on the use of the town roads as snowmobile routes designated by this ordinance every year from December 1st to March 31st.

- A. Town roadways designated as snowmobile routes shall be marked with uniform snowmobile route signs in accordance with s. 350.13, Wis. Stats. No person may do any of the following in regard to signs marking town snowmobile routes:
 - a. Intentionally remove, damage, deface, move or obstruct any uniform snowmobile route or trail sign or standard of the type established by the State of Wisconsin, Department of Natural Resources or intentionally interfere with the effective operation of any uniform snowmobile route or trail sign or standard if the sign or standard is legally placed by the state, any municipality or any authorized individual.
 - b. Possess any uniform snowmobile route or trail sign or standard of the type established by the State of Wisconsin, Department of Natural Resources, for the warning instruction or information of the public, unless he or she obtained the uniform snowmobile route sign or standard in a lawful

manner. Possession of a uniform snowmobile route or trail sign or standard creates a rebuttable presumption of illegal possession.

- c. Only persons authorized by the Town of Namakagon may install trail signs on any snowmobile routes in the town.
- B. Operation shall be subject to all provisions of s. 350.04(2) Wis. Stats., and any other provision of chapter 350 Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to s. 350.18 Wis. Stats.
- C. Further restrictions:
 - a. Snowmobiles shall be operated on the right shoulder (where possible) of the roadway and travel with the flow of traffic.
 - b. Snowmobiles are to be operated in single file.
 - c. Headlights on at all times.
 - d. Snowmobile operators shall yield the right-of-way to other vehicular traffic and pedestrians.
 - e. All snowmobile operators shall observe posted roadway speed limits.
 - f. All snowmobile operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling.

Section VII **Enforcement**

Any violations while operating snowmobile's on roads in the Town of Namakagon will be enforced by the Town of Namakagon Enforcement Officer or any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

Section VIII **Penalties**

The penalties under s. 350.18(3)(a) Wis. Stats., are adopted by reference.

Section IX **Severability**

If any provision of this ordinance or its application to any person or circumstance is 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 X **Effective Date**

This ordinance is effective on publication or posting.

The town clerk shall properly publish or post this ordinance as required under s.60.80, Wis. Stats.

This ordinance amends Snowmobile Ordinances #17-32A through 17C and Ordinance #31 dated January 9, 1996 and any other snowmobile ordinances that the town may have on record that were written before the adoption of this ordinance.

A copy of this ordinance shall be sent by the Town Clerk to the Bayfield County Sheriff's Department, the Law Enforcement Officer, the DNR and State Patrol.

Adopted this 12th Day of January 2021 at a regular Town Board meeting.

By the Town Board:

Robert Rasmussen, Town Chairman

Jack McGregor, Town Supervisor

Attest:

James Krueger, Town Supervisor

Laura Bjork, Town Clerk

- 17 – February 12, 1971
- 17A – May 12, 1981
- 17B – October 3, 1990
- 17C – December 14, 2010

DISCUSSION AND POSSIBLE ACTION ON ORDINANCE # 55-20 TO APPOINT THE TOWN TREASURER:

Town of Namakagon
Ordinance No. 55-20
Ordinance to Appoint the Town Treasurer

The Town Board of the Town of Namakagon, County of Bayfield, State of Wisconsin, does hereby as follows:

That, pursuant to Wis. Stats. 60.30(1e)(a), the office of the Town Treasurer shall be filled by appointment of a majority of the members-elect of the Town Board.

The term of office for the appointed position shall be set by the Town Board but may not exceed 3 years per Wis. Stats. 60.30(1e)(c). The Town Board may re-appoint the officer for additional terms. However, removal by the Town Board during a given term of office may only be for "cause" as defined under Wis. Stats. 17.001 and required by Wis. Stats. 60.30(1e)(f).

The ordinance is subject to approval by the Town Electors in a referendum, which is hereby called by the Town Board to be held on April 6, 2021. The referendum question shall be:

“Shall the person holding the office of Town Treasurer in the Town of Namakagon be appointed by the Town Board?”

The salary of the appointed position shall be set by the Town Board and may not be reduced during the term of office.

This ordinance shall be in full force and effect from and after the date of its Town Board passage, notice after passage per Wis. Stats. 60.80 and also its referendum approval by the Town Electors as required by Wis. Stats. 60.30(1e)(b).

Ayes: _____ Nays: _____ Abstain: _____

Adopted this 12th day of January 2021.

Town of Namakagon, Bayfield County, Wisconsin

Robert Rasmussen, Town Chairman

James Krueger, Town Supervisor

Jack McGregor, Town Supervisor

Posted: _____

Attested: _____
Laura Bjork, Town Clerk

RESOLUTION 2021-01 AMENDING THE 2020 BUDGET:

Resolution #2021-01
Amending the 2020 Budget
Adopted by the
Town Board of the
Town of Namakagon of Bayfield County, Wisconsin

A resolution changing the 2020 budget of the Town of Namakagon, Bayfield County, Wisconsin, adopted by a two-thirds majority vote of the entire membership of the Town Board under s. 65.90(5), Wis. Stat.

Whereas, as of December 31, 2020, the General Checking Account Fund has a balance of \$95,660.53.

Whereas, as of December 31, 2020, the Conservation & development Expense Account has a deficit of \$7,200 and the Other Financing Use Expense Account has a deficit of \$14,500.

THEREFORE, the Town Board of the Town of Namakagon, Bayfield County does hereby resolve and order as follows:

That the sum of \$21,700 is hereby transferred from the General Checking Account as follows:

\$7,200 to the Conservation & Development Expense Account
\$14,500 to the Other Financing Use Expense Account.

Adopted this 12th day of January 2021.

By the Town Board: _____

Attested by Town Clerk: _____

Roll Call Vote:

Chairperson _____

Supervisor _____

Supervisor _____