

Proposed Ordinance for All-Terrain Vehicle Routes or Trails

City of New London, Waupaca County

7.25 All-Terrain Vehicle Routes and Operation

Designation of All-Terrain Vehicle Routes and regulatory operation of All-Terrain Vehicles.

Section I - Purpose

The City of New London adopts the following all-terrain vehicle routes or trails for the operation of all-terrain vehicles and utility terrain vehicles upon the roadways listed in Section IV.

Section II - Statutory Authority

This ordinance is adopted as authorized pursuant to municipal authority under Wisconsin statutes § 23.33(4)(d)3.b, 23.33(8)(b) and 23.33(11)(am)(3),(4); and all provisions of 23.33 and 340.01 regulating all-terrain vehicle and utility terrain vehicle operation pursuant to routes and trails are herein incorporated.

Section III- Definitions

- A. **City** means the City of New London, the City Council, Common Council, or any other City of New London official(s) or agent authorized by the City Council to act on behalf of the City of New London.
- B. **All-terrain vehicle**, as defined by WI statutes 23.33(1)(b) and 340.01(2g), means a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more low-pressure tires or non-pneumatic tires.
- C. **Utility terrain vehicle**, as defined by WI statute 23.33(1)(ng), means a commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:
 - 1. A weight, without fluids, of 2,000 pounds or less
 - 2. Four or more low-pressure tires or non-pneumatic tires
 - 3. A cargo box installed by the manufacturer
 - 4. A steering wheel
 - 5. A tail light
 - 6. A brake light
 - 7. Two headlights
 - 8. A width of not more than 65 inches.
 - 9. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident
 - 10. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device

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- D. **All-terrain vehicle route** means a highway, roadway, or other transportation corridors designated for use by all-terrain vehicle or utility terrain vehicle operators by the governmental agency having jurisdiction as authorized under this Section. These will hereafter be referred to as ATV routes.
- E. **All-terrain vehicle trail** means a marked corridor on public property or on private lands subject to public easement or lease, designated for use by all-terrain vehicle or utility terrain vehicle operators by the governmental agency having jurisdiction as authorized under this Section. These will hereafter be referred to as ATV trails.
- F. All other applicable words or phrases defined within chapter 23.33 and 340.01 of the Wisconsin State statutes are incorporated within this ordinance.
- G. All ATV routes or trails within the City limits will be commonly referred to as ATV routes.

Section IV – City ATV Routes

- A. ALL STREETS WITH EXCEPTIONS. All city-maintained streets, roads, alleyways and transportation corridors within the City of New London are designated as ATV routes except the following:
 - 1. West Fairview Drive (Hwy 54)
 - 2. Hwy 45 from spur road to Hwy 15
 - 3. Mill Street from East Beckert Road to the intersection of Hwys 45 and 15
 - 4. North Shawano St from West Waupaca Street to West Wolf River Ave
 - 5. Klatt Rd from Pershing Road to Sunset Lane
 - 6. Sunset Lane from Klatt Road to Pershing Road
 - 7. Hatten Park
 - 8. Any other streets, roadways, alleyways and transportation segments as designated with “No ATV” signage as determined by the Police Chief, Public Works Forman or Common Council.
- B. The City shall retain the right to close any City street to all-terrain vehicle or utility-terrain vehicle operation for special events or street construction/repair without notice.
- C. The City of New London reserves the right to close or modify ATV routes at any time.

Section V – Conditions

Pursuant to Wis. Stats. § 23.33(8)(e), the following restrictions are placed on the use of the City ATV routes designated by Section IV. The conditions presented in this ordinance do not apply to all-terrain vehicles or utility terrain vehicles owned by the City of New London.

- A. **SIGNAGE.** The City of New London or its designee shall maintain all route and trail signs within the City of New London. All ATV routes shall be signed in accordance with NR 64.12, and NR 64.12(7)(c). No person may do any of the following regarding signs marking City ATV routes unless authorized to do so.
 - 1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain and utility vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV route or trail sign or standards if the sign or standard is legally placed by the State, any municipality, or any authorized individual.

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2. Possess any uniform ATV route or trail sign or standard of the type established by the City for the warning, instruction, or information of the public, unless he or she obtained the uniform ATV route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain and utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

B. MAINTENANCE OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTES.

1. Designation of segments of the City road system as ATV routes does not impose upon the City a greater duty of care or responsibility for maintenance of those segments than for any other segment of City road.
2. Operators of all-terrain vehicles or utility terrain vehicles on City roads assume all the usual and normal risks of all-terrain vehicle or utility-terrain vehicle operation.
3. The City accepts no liability for the operation of all-terrain vehicles or utility terrain vehicles on any City streets under the provisions of this ordinance.

C. RULES OF OPERATION OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLES

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| <ol style="list-style-type: none">1. OBSERVANCE OF WISCONSIN ATV STATUTES REQUIREMENT. Operation shall be subject to all provisions of Wis. Stats. § 23.33, which is adopted as a part of this Section by reference, pursuant to Wis. Stats. § 23.33(11).2. OBSERVANCE OF TRAFFIC LAWS REQUIREMENT. Operators must abide by all traffic laws unless further restricted by this Section.3. SPEED LIMIT REQUIREMENTS. The speed limit all-terrain vehicles or utility-terrain vehicles shall be established at not greater than 35 miles per hour or the speed limit for automobiles, whichever is lower, on all segments of City roads designated as ATV route.4. REGISTRATION REQUIREMENT. All all-terrain vehicle or utility-terrain vehicle shall be registered in accordance with WI DNR regulations.5. INSURANCE RECOMMENDATION. While Wis. Statute 23.33 does not require insurance for all-terrain vehicle or utility-terrain vehicles, it is recommended that every person who operates an all-terrain vehicle or utility-terrain vehicle on a segment of City road which is designated as an ATV route shall carry liability, and/or other | <p>23.33(13) Operators must abide by all traffic laws unless further restricted by this Section.</p> <p>23.33(11)(am)4. The speed limit all-terrain vehicles or utility-terrain vehicles shall be established at not greater than 35 miles per hour or the speed limit for automobiles, whichever is lower, on all segments of City roads designated as ATV route.</p> <p>23.33(2) All all-terrain vehicle or utility-terrain vehicle shall be registered in accordance with WI DNR regulations.</p> <p>Note: the vast majority of ATV/UTV operators carry insurance.</p> |
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- insurances consistent with requirements for the operation of other motorized vehicles.
6. AGE REQUIREMENTS UTV. No child under 16 years of age can operate a UTV on a roadway. Youth 16 and over may operate an ATV or UTV on roadways if they possess an ATV Safety Certificate, and if they wear a helmet.
7. AGE REQUIREMENTS ATV. No child under 12 years of age can operate an ATV on a roadway. Children operating an ATV between the ages of 12-15 must be accompanied by an adult designated by the parent or guardian. They must possess an ATV Safety Certificate, and if they must wear a helmet.
8. PROTECTIVE HEADGEAR REQUIREMENT. No person under the age of 18 may operate an all-terrain vehicle or utility-terrain vehicle on any designated route unless wearing approved protective headgear.
- 23.33(5)(am)3.3. Except as provided in par. (4) (d) 1., 2. (to cross a road or on a road seasonally not maintained for motor vehicle traffic), and 3. a. (to cross a culvert), no person who is under 16 years of age may operate a utility terrain vehicle on a roadway.
- 23.33(5)(a)3.3. No person who is under 12 years of age may operate an all-terrain vehicle on a roadway under the authorization provided under sub. (4) (d) 6. (hunting) under any circumstances. No person who is under 16 years of age may operate an all-terrain vehicle under the authority provided under sub. (4) (d) 4. (roadway ATV route) or 7 (roadways of highways that are all-terrain vehicle trails) unless the person is accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian. No person who is under 16 years of age may operate an all-terrain vehicle under the authorization provided under sub. (4) (f) (operation with snow removal device attached) under any circumstances.
- 23.33(3g)(3g) Use of headgear. No person may operate or be a passenger on an all-terrain vehicle or utility terrain vehicle without wearing protective headgear of the type required under s. 347.485 (1) (a) and with the chin strap properly fastened, unless one of the following applies:

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| 9. SAFETY CERTIFICATE REQUIREMENT. All operators of all-terrain vehicles or utility-terrain vehicles are subject to WI State Statute and/or DNR rules and regulations pertaining to age, safety and safety certificate requirements. No person who is born on or after January 1, 1988, may operate an all-terrain vehicle unless he or she holds a valid safety certificate issued by the department, another state, or a province of Canada. | (a) The person is at least 18 years of age.
23.33(5) |
| 10. SINGLE FILE OPERATION REQUIREMENT. All all-terrain vehicle or utility-terrain vehicle operators shall ride single file on paved surfaces only, unless yielding the right-of-way on a multiple lane roadway. | 23.33(4)(d)4 |
| 11. RIGHT SIDE OF THE ROADWAY REQUIREMENT. Operation of all-terrain vehicles and utility terrain vehicles on a roadway which is an all-terrain vehicle 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 which is safe given prevailing conditions. | 23.33(4)(d)4. |
| 12. YIELD THE RIGHT OF WAY REQUIREMENT. All-terrain vehicle and utility-terrain vehicle operators shall yield the right-of-way to pedestrians, electric scooters, and electric personal assistive mobility devices. | 23.33(11)(am)3.d. |
| 13. LIGHTS AND LIGHTS USAGE REQUIREMENTS. All all-terrain vehicles or utility-terrain vehicles must have fully functional headlights, taillights, and brake lights; the headlights and tail lamps shall be on at all times during operations. | 23.33(1)(ng)1.g.g |
| 14. NOISE AND POLLUTION STANDARDS REQUIREMENTS. All all-terrain vehicles or utility-terrain vehicles operating on any designated ATV route must meet all applicable federal noise and air pollution standards. | 23.33(6)(e)(e)
23.33(6m)(6m) |
| 15. BRIDGE CROSSING REQUIREMENTS. All-terrain vehicle or utility-terrain vehicle crossing a bridge shall:
(a) Cross the bridge in the most direct manner practicable and at a place where no | 23.33(11)(am)3.a. |

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- obstruction prevents a quick and safe crossing.
- (b) Stay as far to the right of the roadway or shoulder as practicable.
- (c) Yield the right-of-way to pedestrians and electric personal assistive mobility devices using the roadway.
16. UNATTENDED VEHICLES PROHIBITED. No person shall leave or allow an all-terrain vehicle or utility-terrain owned or operated by him to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.
17. OPERATION WHILE UNDER THE INFLUENCE PROHIBITED. No person may operate an all-terrain vehicle or utility terrain vehicle while under the influence of an intoxicant to a degree which renders him or her incapable of safe operation of an all-terrain vehicle or utility terrain vehicle.
18. OPERATION IN MUNICIPAL PARKS PROHIBITED. No person shall operate an all-terrain vehicle or utility-terrain vehicle within any municipal park, except for roadways that access designated perimeter parking areas where motorized vehicles normally park.
19. OPERATION ON SIDEWALKS OR PEDESTRIAN WAY PROHIBITED. No person shall operate an all-terrain vehicle or utility-terrain vehicle on any sidewalk or pedestrian way within the city, unless the operation is for the purpose of snow removal.
20. OPERATION ON PRIVATE PROPERTY WITHOUT PERMISSION PROHIBITION. No person shall operate an all-terrain vehicle or utility-terrain vehicle on any private property not owned or controlled by him within the city without the express consent or permission of the owner. All-terrain vehicles or utility-terrain vehicles violating any of the above conditions would be subject to the underlying violation of operating on the roadway.
- 23.33(4c)(a)1.1. 'Operating while under the influence of an intoxicant.' No person may operate an all-terrain vehicle or utility terrain vehicle while under the influence of an intoxicant to a degree which renders him or her incapable of safe operation of an all-terrain vehicle or utility terrain vehicle.
- 23.33(3)(c)(c) No person may operate an all-terrain vehicle or utility terrain vehicle on the private property of another without the consent of the owner or lessee. Failure to post private property does not imply consent for all-terrain vehicle or utility terrain vehicle use.

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Section VI - Enforcement

- A. This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.
- B. As a substitute for or in addition to forfeiture actions, the City Attorney may, on behalf of the City, seek enforcement of any and all parts of this Section by court actions seeking injunction orders or restraining orders and/or pursuing nuisance actions against the violator.

Section VII - Penalties

Wisconsin state all-terrain vehicle or utility-terrain vehicle penalties as found in the Uniform State Traffic Deposit Schedule and penalties under Wis. Stats. § 23.33(13) are adopted by reference.

Other State Law References — All-terrain vehicles and utility terrain vehicles, enforcement, Wis. Stats. § 23.33(12); motor vehicle liability insurance required, Wis. Stats. § 344.62; obedience to traffic officers, signs/signals; fleeing from officer, Wis. Stats. § 346.04; operating under influence of intoxicant or other drugs, Wis. Stats. § 346.63; exhaust system/muffler modifications prohibited, Wis. Stats. § 347.39(1).

Section VIII - Severability

The provision of this ordinance shall be deemed severable and it is expressly declared that the City of New London would have passed the other provisions of this ordinance irrespective of whether or not one or more 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.

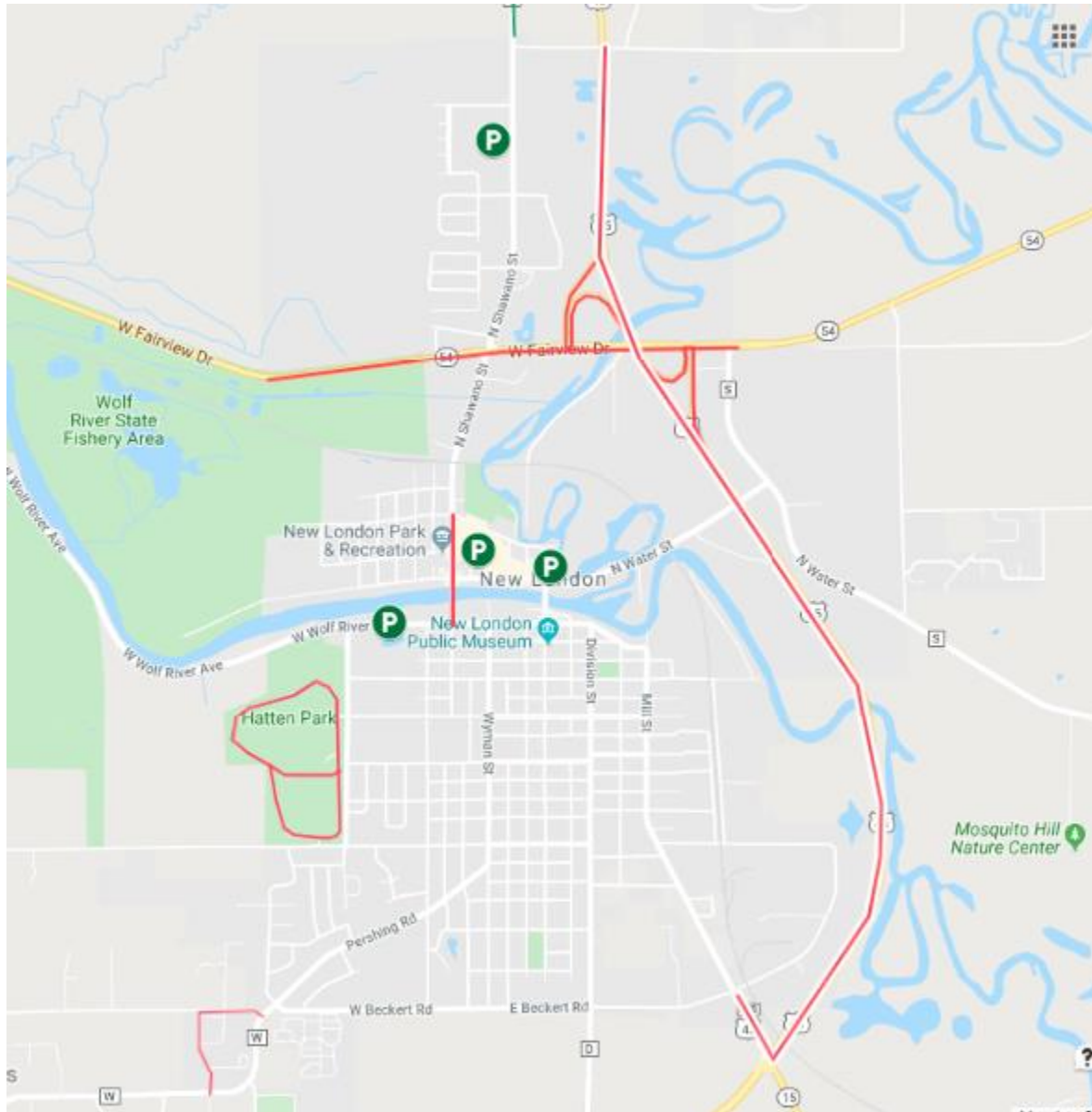
Dated this ___ day of ___ 2020.

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Annex A

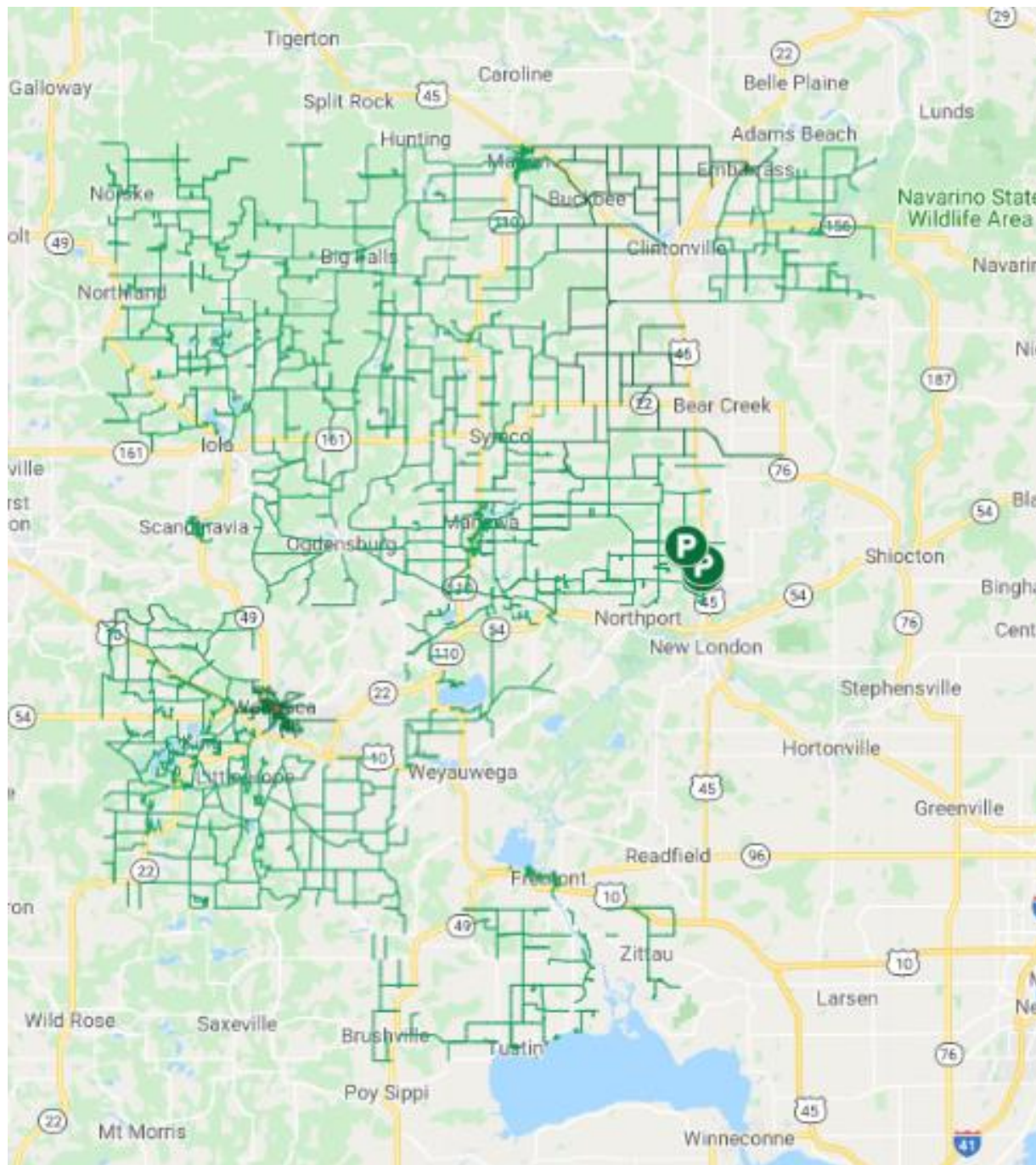
New London Prohibited Roads



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Annex B

Routes in Surrounding Cities, Towns and Townships



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Annex C

Ordinance No. 09-19

The Common Council of the City of Waupaca does hereby ordain as follows:

Municipal Code 7.20 is hereby created to read as follows:

7.20 All-Terrain Vehicle Routes and Operation

Designation of All-Terrain Vehicle Routes and regulatory operation of All-Terrain Vehicles.

- (1) The City of Waupaca, Waupaca County adopts the following All-Terrain and/or Utility Terrain Vehicle route and for the regulation of ATVs/UTVs operation upon the roadways listed in Section (4).
- (2) This ordinance is adopted as authorized under authority under Wis. Stat. ss. 23.33(4)(d)3.b., 23.33(8)(b), 23.33(11)(am)(3),(4) and all provisions of 23.33, regulating ATV/UTV operation are adopted.
- (3) Definitions

ALL-TERRAIN VEHICLE (ATV): A commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more low-pressure tires or non-pneumatic tires.

UTILITY TERRAIN VEHICLE (UTV):

1. A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:
 - a. A weight, without fluids, of 2,000 pounds or less.
 - b. Four or more low-pressure tires or non-pneumatic tires.
 - d. A steering wheel.
 - e. A tail light.
 - f. A brake light.
 - g. Two headlights.
 - h. A width of not more than 65 inches.
 - j. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
 - k. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.

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2. A commercially designed and manufactured motor driven device to which all of the following applies:

- a. It has a weight, without fluids, of more than 900 pounds but not more than 2000 pounds.
- b. It has a width of 50 inches or less.
- c. It is equipped with a seat designed to be straddled by the operator.
- d. It travels on 3 or more low-pressure tires or non-pneumatic tires.

ALL-TERRAIN VEHICLE ROUTE: A highway designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction as authorized under this section.

(4) All city-maintained streets are designated as ATV/UTV routes with the exception of the City's downtown area as follows:

1. North and south on Main Street, from Badger Street to Granite Street.
2. East and west on Union Street, from S. Division Street to Washington Street.
3. East and west on Fulton Street, from Jefferson Street to Washington Street.
4. North and south on Jefferson Street, from Badger Street to Fulton Street.
5. East and west on W. Session Street, from N. Washington to N. Main

Street. (5) Operation of ATV's/UTV's on any sidewalks and trails is prohibited.

(6) Under Wis. Stat. s. 23.33(11)(am)4., the City of Waupaca authorizes the operation of ATVs/UTVs on all state and county trunk highways that have a speed limit of 35 miles per hour or less.

(6) The City of Waupaca reserves the right to close or modify routes and operation on city streets at any time.

(7) Routes must be signed in accordance with NR 64.12, and NR 64.12(7)c., Wis. Adm.

Code. (8) The City of Waupaca or its designee will maintain all routes and related signage

within the City of Waupaca.

(9) The following conditions shall apply to all operators and passengers as applicable;

- A. Operation shall be subject to all provisions of 23.33, Wis. Stats.
- B. All ATV/UTV operators shall observe posted roadway speed limits and provisions of Wis. Stats. ss. 346.
- C. All ATV/UTV operators shall ride single file.
- D. Operation within any municipal parks or pedestrian trails unless specifically designated is prohibited.

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- (10) This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.
- (11) Wisconsin state All-Terrain Vehicle penalties as found in 23.33(13)(a) Wis. Stats., are adopted by reference.
- (12) The provision of this ordinance shall be deemed severable and it is expressly declared that the City of Waupaca would have passed the other provisions of this ordinance irrespective of whether or not one or more 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.

/s/Brian Smith

Brian Smith, Mayor

Adopted: November 5, 2019
Approved: November 5, 2019
Published: November 14, 2019

ATTEST:

/s/Sandy M. Stiebs _____ Sandy M. Stiebs, City Clerk