

**AN ORDINANCE CREATING SECTION §9.49  
ALL-TERRAIN VEHICLE AND UTILITY VEHICLE USE**

*PURPOSE: The purpose of this Ordinance is to designate ATV/UTV routes and legal operations on roadways within the City of New London.*

The Common Council of the City of New London, Outagamie and Waupaca Counties, Wisconsin do ordain as follows:

Section 1. That §9.49 of the Municipal Code be created to read as follows:

**§9.49 All-Terrain/Utility Terrain Vehicle**

- 1) Purpose. The purpose of this ordinance is to establish all-terrain and utility terrain vehicle routes in the City of New London and to regulate the operation of all-terrain and utility terrain vehicles in the City of New London.
- 2) Authority. The City Council of the City of New London, Waupaca/Outagamie County, Wisconsin, has the specific authority to adopt this All-Terrain and Utility Vehicle Ordinance under s. 23.33(8)(b) and (11), Wis. Stats.
- 3) Definitions. For this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The words "shall", "will", and "must" are always mandatory. The words "may" and "should" are discretionary terms. The masculine shall include the feminine. Terms not defined in this section, shall be interpreted based on common usage.
  - a. All-Terrain Vehicle (ATV): 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 tires.
  - b. 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.
  - c. Utility Terrain Vehicle (UTV): means any of the following:
    - i. 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 a highway, and that has, and was originally manufactured with, all the following:
      1. A weight, without fluids, of 2,000 pounds or less.
      2. Four or more tires.
      3. A steering wheel.
      4. A tail lights.

5. A brake lights.
  6. Two headlights.
  7. A width of not more than 65 inches.
  8. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
  9. 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.
- ii. A commercially designed and manufactured motor driven device to which all of the following applies:
    1. It has a weight, without fluids, of more than 900 pounds but not more than 2000 pounds.
    2. It has a width of 50 inches or less.
    3. It is equipped with a seat designed to be straddled by the operator.
    4. It travels on 3 or more tires.
- 4) Designation of All-Terrain and Utility Terrain Vehicle Routes. 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 all-terrain or utility terrain vehicle on any road, freeway, or highway in the City, except on those roadways that are designated as all-terrain and utility terrain vehicle routes by this ordinance.
- a. All streets in the City of New London are open to ATVs/UTVs except the following: CTH S, CTH T/Mill St (south of Beckert Rd), N. Shawano St. (north of Partridge Dr.), HWY 45, STH 54/Fairview Dr.; N. Shawano St (from N. Water St to Partridge Dr. is point to point travel only).
  - b. The route(s) does not include public properties, City-owned parks, School District property, etc. except for those with designated parking areas where motorized vehicles normally park. ATV/UTV operators must receive permission from the New London School District to utilize parking lots on school district properties.
  - c. The routes do not include private roads or driveways nor any private property in the City. The City or Chief of Police shall retain the right to close any City street to ATV/UTV operation for special events or street construction/repair without notice.
- 5) Route Restrictions. Pursuant to s. 23.33(8)(d), Wis. Stats, the following restrictions are placed on the use of the City all-terrain and utility terrain vehicle routes designated by this ordinance. Routes shall be marked with uniform all-terrain and utility terrain vehicle route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code. No person may do any of the following regarding signs marking City ATV/UTV routes unless authorized to do so.
- a. 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/UTV route or trail sign or standards if the

sign or standard is legally placed by the State, any municipality, or any authorized individual.

- b. Possess any uniform ATV/UTV 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/UTV 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.

6) Maintenance of All-Terrain and Utility Terrain Vehicle Routes.

- a. Designation of segments of the City road system as ATV/UTV 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.
- b. Operators of ATV/UTVs on City roads assume all the usual and normal risks of ATV/UTV operation.
- c. The City accepts no liability for the operation of ATVs/UTVs on any city streets under the provisions of this ordinance.

7) Operation of All-Terrain and Utility Vehicles.

- a. 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.
- b. Operation of ATV/UTV's on city streets will not be legal until official signage is installed designating ATV/UTV routes within the New London municipal boundaries.
- c. Operators must abide by all traffic laws unless further restricted by this Ordinance.
- d. Operators will be held to the same enforcement, expectations, permissions, penalties, restrictions, in addition to all other standards adopted by Wisconsin Statutes., which apply to the offense of driving a motorized vehicle under the influence of alcohol, drugs, and/or other chemical agents which impair an operator's safe use of a motorized vehicle, including but not limited to s. 346.63, Wis. Stats., Operating under influence of intoxicant or other drugs.
- e. The speed limit for ATVs and UTVs shall be established at not greater than 35 (thirty- five) miles per hour or the speed limit for automobiles, whichever is lower, on all segments of City roads designated as ATV/UTV route.
- f. ATVs/UTVs may be operated on paved surfaces only, unless yielding the right of way.
- g. All ATV/UTV operators shall ride single file.

- h. No ATV/UTV may be operated on any designated route(s) without fully functional Headlights (turned on), tail-lights, and brake lights.
- i. No ATV/UTV may be operated on any designated route(s) between the hours of 10:00 p.m. and 6:00 a.m. daily, unless a different restriction on hours of operation has been specified by the City and notice of the same is duly posted on the segment. Routes will be closed from December 15<sup>th</sup> -April 1<sup>st</sup>. ATVs/UTVs but may still be used for plowing snow.
- j. All ATV/UTV operators shall ride on the right-hand side of the paved portion of the highway, unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way is prohibited, unless yielding right of way.
- k. No ATV/UTV may be operated on any designated ATV/UTV route if the ATV/UTV does not meet all applicable Federal noise and air pollution standards.
- l. No person under the age of sixteen (16) may operate an ATV/UTV on any segment of City road which is a designated ATV/UTV route unless accompanied by an adult.
- m. No person under the age of eighteen (18) may operate an ATV/UTV on any designated route unless wearing approved protective head gear.
- n. No person may operate an ATV/UTV with a passenger if the vehicle is not intended for a passenger. 23.33 (3) (em) With Except as provided in sub. (11m), with a passenger riding in or on any part of a an all-terrain vehicle or utility terrain vehicle that is not designed or intended to be used by passengers while the all-terrain vehicle or utility terrain vehicle is being operated on an all-terrain vehicle route, all-terrain vehicle trail, or roadway as authorized in this section.

8) Licensing, Insurance, and Registration.

- a. *Driver's License.* Every person who operates an ATV/UTV on a segment of City road which is designated as an ATV/UTV route shall have in his or her immediate possession a valid motor vehicle operator's license and shall display the license document upon demand from any law enforcement officer or official described in s. 23.33(12), Wis. Stats.

Reference s. 23.33(12), Wis. Stats. regarding All-terrain vehicles and utility terrain vehicles, Enforcement.

Reference s. 346.04, Wis. Stats. regarding Obedience to traffic officers, signs /signals; fleeing from officer.

- b. *Insurance.* Every person who operates an ATV/UTV on a segment of City road which is designated as an ATV/UTV route, and/or every ATV/UTV operated on a segment of City road which is designated as an ATV/UTV route, shall carry

liability, and/or other insurances consistent with Wisconsin state law for the operation of a motorized vehicle.

Reference s. 344.62, Wis. Stats. regarding Motor vehicle liability insurance required.

#### 9) Disturbing of the Peace, and Nuisance activities

- a. Cruising prohibited. No person shall, while operating an ATV or UTV, engage in the practice of cruising on any authorized road. Cruising is defined as running all or part of the length of a roadway multiple times, per day, back and forth, for any purpose other than departing or arriving at their residence, or place of lodging, or departing or arriving, at a public boat landing. ATV/UTV travel should be limited to going from point A to point B in a direct route.
- b. Exhaust system/Muffler modifications prohibited. No person shall operate on a City route any ATV/UTV unless such ATV/UTV is equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise or annoying smoke.

Reference s. 347.39(1) Wis. Stats.

- c. Radios or the electric sound amplification devices: No person may operate or park, stop or leave standing an ATV/UTV vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is audible under normal conditions from 75 feet or more, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition.

Reference s. 346.94(16), Wis. Stats.

- d. Use of trailers or sleds prohibited. No person shall operate an ATV /UTV upon any street within the city with any person, trailer or sled attached or trailing said vehicle, unless it is designed for such activities. Anyone operating such conveyance in an unsafe or reckless manner shall be deemed in violation of this section.

#### 10) Enforcement

- a. This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin. A copy of this ordinance shall be sent by the City Clerk, to the New London Police Department, the Waupaca and Outagamie County Sheriff's Department, and the Department of Natural Resources, and any other law enforcement agency serving the City of New London's jurisdiction.
- 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 ordinance by court actions seeking injunction orders or restraining orders and/or pursuing nuisance actions against the violator.

Reference s. 23.33(12), Wis. Stats. regarding All-terrain vehicles and utility terrain vehicles, Enforcement.

Reference s. 346.04, Wis. Stats. regarding Obedience to traffic officers, signs/signals; fleeing from officer.

11) Penalties. The penalties under s. 23.33(13)(a), Wis. Stats. are adopted by reference. Any person who shall violate this section shall pay a forfeiture plus costs established in Ordinance 25.04 of the New London Municipal Code.

12) Severability. Should any portion of this ordinance be declared unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Section 2. This ordinance shall take effect upon passage and publication.

BY: \_\_\_\_\_  
Mark Herter, Mayor

ATTEST: \_\_\_\_\_  
Jackie Beyer, City Clerk

1<sup>st</sup> Reading: \_\_\_\_\_, 2020

2<sup>nd</sup> Reading: \_\_\_\_\_, 2020

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