

ORDINANCE #316, ATV & UTV REGULATIONS

Chapter 10.19 ATV/UTV Routes and Regulations

10.19.01 Intent

10.19.02 Statutory Authority/State Laws Adopted

10.19.03 Designation of ATV/UTV Routes

10.19.04 Definitions

10.19.05 Conditions

10.19.06 Enforcement

10.19.07 Penalties

10.19.08 Severability

10.19.09 Effective Date

10.19.01 INTENT. The Village of Lomira, Dodge County, adopts the following ATV and UTV routes for the operation of said vehicles on all Village Streets. Following due consideration of the recreational value to connect trail opportunities and weighed against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created.

10.19.02 STATUTORY AUTHORITY/STATE LAWS ADOPTED. Open usage of Village streets is done pursuant to Village authority as authorized in Wisconsin Statute §23.33 (8) (b). The statutory provisions of Section 23.33 and Chapters 340 to 348 of the Wisconsin Statutes, establishing definitions and regulations with respect to ATVs and UTVs and Chapter NR 64 of the Wisconsin Administrative Code are adopted here by reference. Unless otherwise specifically provided here, any act required to be performed or prohibited by any statute or administrative code provision incorporated here is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the Wisconsin Statutes or Wisconsin Administrative Code incorporated here are made a part of this ordinance in order to secure uniform statewide regulation of ATVs and UTVs.

10.19.03 DESIGNATION OF ATV/UTV ROUTES. No person shall operate an off road vehicle on any Village street, alley, park or parking lot, on any public lands or parking lots held open to the public, or on any land within the Village that is zoned residential, except as provided below:

1. In accordance with Section 23.33(8)(b)2 of the Wisconsin Statutes and unless otherwise posted, all streets, roads and public alleys within the Village are designated ATV and UTV routes, except all county highways, state trunk highways or connecting highways with a speed of 35 MPH or greater, unless the applicable County or State authority approves such a designation.
2. In accordance with section 23.33(11)(am)(4) of the Wisconsin Statutes, the Village authorizes the operation of ATVs and UTVs on all approved ATV and UTV routes within the Village as identified in subsection (1) above, and on all county highways, state trunk highways or connecting highways with a speed limit of 35 MPH or less where the applicable county or state authority approves such a designation.
3. The Village or its designee reserves the right to close or modify ATV and UTV routes within its jurisdiction at any time.
4. All ATV and UTV routes shall be signed in accordance with NR 64.12 and NR 64.12(7)(c) of the Wisconsin Administrative Code. The Village or its designee shall maintain all ATV route signs within the Village, including without limitation, on state trunk highways within the Village.

10.19.04 DEFINITIONS

Operator is defined as a person who operates an all-terrain vehicle or utility terrain vehicle, who is responsible for the operation of an all-terrain vehicle or utility terrain vehicle, or who is supervising the operation of an all-terrain vehicle or utility terrain vehicle.

All-terrain Vehicle (ATV) is defined as 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) is defined to mean any of the following:

1. A commercially designed and manufactured motor driven device that does not meet 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 weight, without fluids of 2,000 pounds or less
 - Four or more low-pressure tires or non-pneumatic tires
 - A steering wheel
 - A tail light
 - A brake light
 - Two headlights
 - A width of not more than 65 inches
 - A system of seat belts, or a similar system for restraining each occupant of the device in the event of an accident
 - 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.
2. A commercially designed and Manufactured motor driven device to which all of the following applies:
 - It has a weight, without fluids, of more than 900 Pounds but not more than 2000 pounds
 - It has a width of 50 inches or less
 - It is equipped with a seat designed to be straddled by the operator
 - It travels on 3 or more low-pressure tires or no-pneumatic tires

10.19.05 **CONDITIONS.** The following Conditions for the use of Village streets apply to all operators and passengers:

1. All ATV and UTV operators will observe posted speed limits; not to exceed 35MPH
2. All ATV and UTV units shall be registered for public use in accordance with Wisconsin Department of Natural Resources ("DNR") regulations, and proof of registration shall be displayed as required by statute during all times of operation.
3. No person under 18 years of age may operate or be a passenger on an ATV or UTV without wearing protective headgear of the type required under Wisconsin Statute §347.485(1)(a) and with the chin strap properly fastened, except as specifically exempted under §23.33(b)(c)(d) of Wisconsin State statutes.
4. ATV and UTV use is prohibited in the Village between the hours of 11 pm and 6 am unless the unit is licensed for agricultural use.

5. No person shall operate an ATV or UTV on any trail or route where the vehicle does not meet state or municipal noise and exhaust restriction requirements of 96 dB or per state statute of maximum noise level allowed.
6. No person shall operate an ATV or UTV unless the operator is 16 years of age or older and holds a valid driver's license issued by the Wisconsin Department of Transportation, or another state driver's licensing authority.
7. Operation of ATVs and UTVs on roadways designated as ATV and UTV routes are authorized only for the extreme right side of the roadway, on the paved surface (if the roadway is paved), except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
8. No person shall operate an ATV or UTV within any municipal park or on any sidewalk, designated bicycle or pedestrian lane, gravel shoulder, ditch or other area of any street right-of-way other than on the paved roadway, unless specifically designated and posted otherwise by the Village or its designee. Parking lots designed for normal traffic for parks, playgrounds or other municipal utilities are allowable for UTV/ATV traffic, as long as the machine does not leave the paved or gravel surface.
9. ATV and UTV traffic is strictly prohibited on any and all school grounds unless prior approval is received from the District Administrator.
10. All ATV and UTV operators will ride single file.
11. The operator of an ATV or UTV shall obey all traffic laws, local ordinances and DNR Regulations.
12. The operator of an ATV or UTV will display a lighted headlamp and tail lamps on the ATV or UTV and display the registration or license plate at all times.
13. ATV and UTV operation is at the risk of the operator. The Village of Lomira has no liability for any damage or injury to persons, real property or personal property, arising out of the operation of ATVs and UTVs on designated routes.
14. No person shall operate an ATV or UTV within the Village unless the owner or operator has in effect at the time a liability policy insuring operation of the ATV or UTV which policy meets the carrier and coverage requirements specified in Section 344.61 of the Wisconsin Statutes. No person shall operate an ATV or UTV without having proof of such liability insurance coverage readily available.

10.19.06 ENFORCEMENT. This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin, and under provisions of §23.33 (12)

10.19.07 PENALTIES. The penalties found in §23.33(13) (a) Wis. Stats., are adopted herein by reference. The penalty for operation of an ATV or UTV in violation of any provision of this Ordinance for which a penalty is not otherwise specified shall be a forfeiture of \$30 (thirty dollars) plus the costs and fees imposed under Ch. 814, Wis. Stats.

10.19.08 SEVERABILITY. If any section, clause, provision, or portion of this ordinance or any underlying statute or administrative code section adopted by reference herein is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

10.19.09 EFFECTIVE DATE. This ordinance becomes effective upon passage and publication.

Motion by Tr. Scharschmidt, seconded by Tr. Kohlmann to approve Ordinance # 316 as stated.

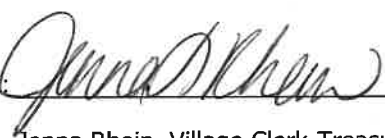
Ayes: Doman, Kohlmann, Luedtke, More, Presger, Ritger, Scharschmidt

Nay: —

Absent: —

Passed this 14 day of October, 2020

By: 
Donald Luedtke, Village President

Attest: 
Jenna Rhein, Village Clerk-Treasurer