

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND RECREATE SECTION 4.055 OF THE MUNICIPAL CODE OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, RELATING TO ATV/UTV OPERATION AND ROUTES

THE VILLAGE BOARD OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section I: Section 4.055 of the Municipal Code shall be and hereby is repealed and recreated to read as follows:

“4.055 OPERATION OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLES AND ESTABLISHMENT OF ROUTES

(1) Authority and Purpose. The purpose of this ordinance is to establish all-terrain vehicle (ATV) routes in the Village and to provide safe and enjoyable ATV/UTV recreation consistent with public rights and interests pursuant to Wis. Stat. §23.33.

(2) Applicability and Enforcement; Authorization of Routes.

(a) The provisions of this ordinance shall apply as described below:

(i) Under Wis. Stat. sec. 23.33(8)(b), the Village designates all Village-maintained roads and streets as ATV routes.

(ii) Under Wis. Stat. sec. 23.33(11)(am)4., the Village authorizes the operation of ATVs on any county or state highway within the Village territorial boundaries that has a speed limit of 35 mph or less.

(iii) Under Wis. Stat. sec. 23.33(1m)(c), utility terrain vehicles (UTVs) may be operated on all roads and streets in the Village on which ATVs may be operated.

(b) The operation of ATVs and UTVs with snow removal devices attached is permitted on any roadway, or adjacent to any roadway, if the applicable roadway speed limit is greater than 45 miles per hour, and regardless of whether the Village has jurisdiction over the roadway.

(c) The provisions of this section shall be enforced by the Grant County Sheriff's Department. Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed under this section.

(3) Rules of Operation. The following rules of operation apply on all routes:

(a) Speed. No ATV/UTV shall be operated at a speed greater than the speed limit on any road.

(b) Lights. No ATV/UTV may be operated on the routes without fully functional headlights, tail-lights, and brake lights.

(c) Roadway Travel. On any ATV route, all ATV/UTV operation 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. All ATVs and UTVs must operate in single file. Operation on paved shoulders intended for bicycle or pedestrians, gravel shoulders, grassy in-slope, ditches or other highway right-of-way is prohibited.

(d) Operation. ATV/UTV operation on the routes shall be in accordance with the provisions of the Wisconsin State Statutes, the Wisconsin Administrative Code and all other applicable ordinances, as the same may be amended from time to time.

(e) Open Intoxicants. No person may possess on his or her person or in or on an ATV or UTV upon any route, any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken or the contents of the bottle or receptacle have been partially removed or released.

(f) Hours of Travel. No ATV/UTV may be operated on any route between the hours of 1:00 a.m. and 5:00 a.m. daily.

(g) Age of Operator; Driver's License Required. No person under the age of 16 may operate an ATV/UTV on any designated route. All operators must possess a valid driver's license.

(h) Protective Headgear. No person under the age of 18 may operate, or ride as a passenger in or on an ATV/UTV on any route unless wearing approved protective headgear.

(i) Noise. No ATV/UTV may be operated on any route which ATV/UTV does not meet

(j) Seatbelts. All occupants in a UTV are required to wear a seatbelt.

(4) Route Signs.

(a) The Village will install signs on each highway that crosses its territorial boundary in a position to be viewed by motorists as they enter the Village that alerts motorists that all highways under the jurisdiction of the Village have been designated as all-terrain vehicle routes. Signs shall conform to the requirements of Wisconsin law, the Manual on Uniform Traffic Control Devices, the Wisconsin Department of

Transportation and the Wisconsin Department of Natural Resources, at locations required under this ordinance as designated by the Village Board or its authorized representative.

(b) No person may erect, remove, obscure, or deface any official designated route sign unless authorized by the Village Board.

(5) Penalties.

(a) The penalties under Wis. Stat. §23.33(13) are adopted by reference. Deposits for violations shall be required in accordance with the Revised Uniform State Traffic Deposit Schedule, as the same may be amended from time to time.

(b) Juvenile penalties shall be as permitted under Wis. Stat. §938.17. Deposits for violations shall be required in accordance with the Revised Uniform State Traffic Deposit Schedule, as the same may be amended from time to time and as the same may apply to juveniles.

(c) The penalty for any violation of this ordinance for which no statutory penalty is provided shall be \$50.00 together with court costs, fees and assessments.

(6) Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provision or application of this ordinance that can be given effect without the invalid provision or application, and to this end, the provision of this ordinance are severable.

(7) Copies to Be Distributed to Law Enforcement. The Village Clerk shall immediately send a copy of this ordinance to the Department of Natural Resources, to the state traffic patrol, and to the Grant County Sheriff's Department."

Section II: This ordinance shall take effect upon its passage and posting as required by law.

Adopted and approved this _____ day of September 2019.

David Schott, Village President

COUNTERSIGNED:

Amber Martin, Village Clerk

Date adopted: _____
Date recorded: _____
Date posted: _____
Date affidavit filed: _____
Effective date: _____

