

ORDINANCE 2016-1

AN ORDINANCE REGULATING THE USE OF ATV AND UTV VEHICLES IN THE VILLAGE OF POTTER, CALUMET COUNTY WISCONSIN

The Village of Potter does ordain as follows:

Sec. 94-466. - Speed and equipment.

- (a) Speed. No person shall operate an ATV or UTV within the village or on any trail or street or other public way designated at a speed in excess of any posted limit.
- (b) Restriction on equipment. No ATV or UTV may be operated on any street within the village limits unless it conforms to all noise, registration and other equipment requirements as stated in the Wisconsin Statutes or the Municipal Code.
- (c) Headlight. Every ATV or UTV operating within the village must display a lighted headlight and taillight at all times, day or night and said lights must conform to the requirements of the current Wis. Stats. requirements for ATV'S and UTV'S.

- Unattended vehicles.

No person shall leave or allow any ATV or UTV owned or operated by him/herself to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

- Operation on sidewalks prohibited.

No person shall operate an ATV or UTV upon any sidewalk, pedestrian way or upon the (skirt) area between the sidewalk and the curb line of any street in the city, except as specifically authorized for the purpose of legally crossing the street, from an area of private property with prior permission, to obtain immediate access to an authorized area of operation.

- Restrictions on operators of ATV's and UTV's.

- (a) Operation by non licensed or youthful operators provided under Ch. 23.33(5) Wis. Stat.
- (b) No person shall operate an ATV or UTV upon village streets, alley or public right-of-way within the corporate limits of Potter unless such person shall have a valid motor vehicle operator's license.
- (c) No person under the age of 12 years of age may operate an ATV or UTV on a roadway for any reason.
- (d) No person 12—15 years may operate an ATV or UTV on a roadway unless, the ATV or UTV is registered as an implement of husbandry and must either be accompanied by a person at least 18 years of age, on the same machine or closely followed in another vehicle;

OR, the ATV or UTV is registered for public use and the operator is in possession of an ATV safety course completion certificate and may only operate an ATV or UTV if wearing approved headgear designed for that purpose.

- (e) No persons under 18 years of age may operate or be a passenger on an ATV or UTV without wearing protective headgear with a chinstrap, which is properly attached.

Sec. 94-470. - ATV and UTV routes and trails designated.

- (a) Routes designated. Except as provided in Wis. Stats., or herein stated, no person shall operate any ATV or UTV upon any public right-of-way, in any public park or cemetery or on any other public or private property in the village except upon ATV or UTV routes and trails designated by the Village Board. These ATV or UTV routes shall be designated as ATV or UTV routes and are to be used only for that purpose, under any circumstances or at any time of day or night.
- (b) Operation prohibited in certain areas:
 - (1) No person may operate an ATV or UTV for any reason on the following streets:
 - c. Any street where operation is prohibited.

Note: Any of the above streets may be driven across from one side to the other, from a legal area to reach a street which is legal to operate upon.
 - (3) ATV and UTV routes are described as follows:
 - a. Trail status. Potter Village Board shall have the power to declare the stated ATV and UTV routes and trails either open or closed. This information may be posted on the village website and in the Brillion News.
 - b. Signs and markers to be obeyed. No person shall fail to obey any route or trail sign, marker or speed limit or other control device erected in accordance with this section or traffic sign or signal under authority of Wis. Stats.

- ATV and UTV travel within the village limits.

- (a) Statutory authority. State law allows towns, cities and villages to enact local regulations allowing ATV's and UTV's to travel designated routes and trails.
- (b) ATV or UTV travel upon village streets. Operation of ATV's or UTV's within the village limits shall be strictly limited to traveling along the extreme right side of village streets designated for that purpose. The authority to enact local ATV and UTV residential access regulations is found in the Wis. Stats. By authority of the Wis. Stats. The village does hereby provide for ATV and UTV access into and from residential areas, stores and lodging establishments within the village limits of Potter according to the guidelines set herein.
- (c) Operation authorized. This section allows for the operation of an ATV or UTV on a street, roadway and / or shoulder of a street or highway by persons residing in or staying at a lodging establishment, shopping at local businesses or obtaining personal needs, within the limits of the Village of Potter, Calumet County, Wisconsin or to travel to or from an established ATV or UTV trail or route within or connected to the corporate limits of the village.
- (d) Conditions. This section designates the roadways and / or shoulders of specific streets and highways for ATV and UTV travel by persons residing in the village, patronizing business or staying at a lodging establishment within the limits of the Village of Potter, Calumet County Wisconsin, to travel for the distance that is necessary to reach an ATV trail or route from that residence, business or lodging establishment subject to the following conditions:
 - (1) Uniformity. For the purpose of uniformity in this document the term ATV will have the same meaning as the term all terrain vehicle and utility vehicles
 - a. ATV's and UTV's shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
 - b. ATV'S and UTV's shall be operated in single file with headlights and taillights in operation at all times, day or night. If a trailer is towed behind an ATV or UTV, the trailer must conform to all lighting requirements for ATV's or UTV's.

- c. ATV and UTV operators shall yield the right-of-way to all other vehicular traffic and pedestrians.
 - d. ATV'S and UTV's violating any of the above conditions will be subject to the penalties outlined in Wis. Stats.
 - e. Speed. ATV'S or UTV's operated on any portion of any roadway or shoulder of a highway pursuant to this section shall observe the posted speed limit for that roadway.
 - f. Any ATV or UTV unable to reach a maximum speed of 25 mph, must display a slow moving vehicle triangle, visible on the rear of such vehicle according to Wisconsin State Statutes governing the SMV emblems at all times while in operation on any roadway.
- (2) Enforcement.
- a. Enforcement. This section shall be enforced by any law enforcement officer or such other local, county or state law enforcement officers.
 - b. Uniform traffic citation. The uniform traffic citation promulgated under the Wisconsin State Statutes, shall be used for violations of this chapter relating to highway use except as herein provided.
 - c. Parking violations. The special standardized village parking ticket shall be used for enforcement of violations of rules of the road relating to parking of vehicles.
 - d. Other violations. All violations of this chapter not described in subsections a. or b., above, shall be enforced in accordance with Wis. Stats. Stipulations of guilt or no contest may be made as provided in Wis. Stats. in substantially the form provided in the uniform traffic citation within five days of the date of the citation for such violation. Payment may also be made under Wis. Stats.

Penalty.

All provisions of section 23.33 of the Wisconsin Statutes describing and defining regulations with respect to all-terrain vehicles of which the penalty is a forfeiture only shall be incorporated by reference. Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not more than \$500.00, together with the costs of prosecution and, in default of payment thereof, may be imprisoned in the county jail for a term not to exceed ten days, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wis. Stats., for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under chapter 94 of this Code of Ordinances. Except as otherwise provided in Wis. Stats. and the deposit schedule adopted by the state board of circuit court judges hereunder, required penalties and deposits or bail not including costs or fees for violation of this chapter shall be as established by the schedule adopted by the village board.

This ordinance shall take effect upon passage by a majority vote of the members – elect of the Village Board and publication/posting as required by law.

ADOPTED this ____ day of _____, 2016.

Voting Aye: ____ Voting Nay: _____

Published/Posted on _____, 2016

Attest:

Village President

Village Clerk
