

6.12 - OFF ROAD VEHICLES.

(1) Purpose and Intent. The City of Waupun adopts the following all-terrain vehicle trails and routes and restrictions for the operation of all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) on roadways and city-owned property throughout the City of Waupun. Following due consideration of the recreational value to connect trail opportunities, and weighed against the possible dangers, public health, liability issues, terrain, traffic density and history of vehicular traffic, these routes and trails have been established.

(2) State Laws Adopted. 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.

(3) Definitions. The following definitions shall apply with respect to this ordinance:

(a) "Off road vehicles" shall include, without limitation, off-highway motorcycles, minibikes, all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs).

(b) "All-terrain vehicle" or "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 three or more low-pressure or non-pneumatic tires.

(c) "City" means the City of Waupun, a Wisconsin municipal corporation. All references to the City in this ordinance shall apply only within the jurisdictional limits of the City of Waupun, and the City makes no attempt to exercise authority outside of the jurisdictional limits of the City of Waupun.

(d) "Utility terrain vehicle" or "UTV" means any of the following:

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 weight, without fluids of 2,000 pounds or less; four or more low-pressure or non-pneumatic tires; a cargo box installed by the manufacturer; a steering wheel; a taillight; a brake light; two headlights; a width of not more than 65 inches; a system of seatbelts or a similar system for restraining each occupant of the device in the event of an accident; and a system of structural members designed to reduce the likelihood that an occupant would be crushed as a result of a rollover of the device.

2. A commercially designed and manufactured motor driven device that has all of the following: a weight, without fluids, of more than 900 pounds but not more than 2,000 pounds; a width of 50 inches or less; is equipped with a seat designed to be straddled by the operator; and travels on three or more low- pressure or non-pneumatic tires.

(d) All other applicable words and phrases defined in Section 23.33 and Section 340.01 of the Wisconsin Statutes are incorporated by reference in this ordinance.

(4) Designation of ATV and UTV Routes. No person shall operate an off road vehicle on any City street, alley, park or parking lot, on any public lands or parking lots held open to the public, or on any land within the City that is zoned residential, except as provided below:

(a) 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 City are designated ATV and UTV routes, except all county highways, state trunk highways or connecting highways with a speed of 40 MPH or greater, unless the applicable County or State authority approves such a designation.

(b) In accordance with section 23.33(11)(am)(4) of the Wisconsin Statutes, the City authorizes the operation of ATVs and UTVs on all approved ATV and UTV routes within the City as identified in subsection (a) 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.

(c) The City or its designee reserves the right to close or modify ATV and UTV routes within its jurisdiction at any time.

(d) 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 City or its designee shall maintain all ATV route signs within the City, including without limitation, on state trunk highways within the City.

(5) Conditions and Restrictions on Operation. In addition to the provisions contained in section 23.33 and Chapters 340 to 348 of the Wisconsin Statutes, and as a condition for the use of ATV and UTV routes designated and authorized above, the following conditions and restrictions shall apply to all ATV and UTV operators and passengers, as applicable:

(a) 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.

(b) All ATV and UTV operators shall observe all applicable rules of the road governing motorized vehicles operating on municipal streets in accordance with section 23.33 and Chapter 346 of the Wisconsin Statutes.

(c) No person shall operate an ATV or UTV within the City from 10:00 p.m. to 6:00 a.m., except as permitted in section 23.33(4)(f) of the Wisconsin Statutes, or as otherwise authorized in writing by the City or its designee on a temporary basis.

(d) No ATV or UTV shall be operated at a speed greater than the maximum permitted speed limit within the City, except that where the posted limit is greater than 25 mph, no ATV or UTV shall be operated at a speed greater than 35 mph.

(e) All ATV and UTV operators are subject to and shall abide by applicable provisions of the Wisconsin Statutes and DNR regulations pertaining to age, safety and safety certificate requirements.

(f) No person shall operate an ATV or UTV on any trail or route without fully functional headlights, taillights and brake lights. All operators shall display a lighted headlight and taillight at all times while on the trail or route.

(g) 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.

(h) 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 City or its designee.

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

(j) No person shall operate an ATV or UTV within the City 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.

(k) ATV and UTV operators or passengers under the age of 18 years of age shall wear protective headgear as required under Section 347.485(1)(a) of the Wisconsin Statutes, with a chin strap securely fastened, at all times of operation.

(l) 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.

(m) No ATV or UTV operator or passenger shall be in possession of an open intoxicant while the ATV or UTV is in operation. No person shall operate an ATV or UTV while under the influence of an intoxicant, a restricted controlled substance, a controlled substance analog, or

any combination of these elements, to a degree which renders the person incapable of safely operating the ATV or UTV.

(6) Enforcement. The penalty for any violation identified in Section 23.33(13) or Chapters 340 through 347 of the Wisconsin Statutes shall be as set forth in the Wisconsin Statutes. Deposit amounts for such violations shall be as set forth in the current Revised Uniform State Traffic Deposit Schedule. The penalty for any violation of this ordinance not addressed in Section 23.33(13) or Chapters 340 through 347 of the Wisconsin Statutes shall be a forfeiture as set forth in Section 18.04 of the Waupun Municipal Code, together with all applicable costs, surcharges and assessments.