ORDINANCE NO.: 1183

INTRODUCED BY:

SECONDED BY:

THE COMMON COUNCIL OF THE CITY OF CLINTONVILLE, WISCONSIN, DO ORDAIN
that CHAPTER 7, TRAFFIC CODE, 7.20 ATVS AND UTVs REGULATED, is hereby amended as follows:

7.20 ATVS AND UTVS REGULATED. The use of ATVs and UTVs on public roads within the city limits is prohibited except as listed.

(a) 7th Street from its intersection with Klemp Road to Airport Road

(b) Airport Road from 7th Street to CTH I

(1) PURPOSE. The purpose of this ordinance is to establish all-terrain and utility terrain vehicle routes in the City of Clintonville and to regulate the operation of all-terrain and utility terrain vehicles in the City of Clintonville.

(2) 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, 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). 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 tires

(b) City. The City of Clintonville, the Common Council, or any other City of Clintonville official(s) or agent(s) authorized by the Common Council to act on behalf of the City of Clintonville.

(c) Utility Terrain Vehicle (UTV). 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 was originally manufactured with all of the following:

(1) A weight, without fluids, of 2,000 pounds or less
(2) Four or more tires
(3) A steering wheel
(4) Tail lights
(5) 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 a result of a rollover of the device.

(3) DESIGNATION OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTES. Pursuant to s. 23.22(4)(d)4., Wis. Stats., except as otherwise provided in s. 23.33(4), Wis. Stats., no person may operate an ATV or UTV 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 Clintonville are open to ATVs/UTVS except U.S. Route 45/State Highway 22, locally known as South Main Street, State Highway 22 locally known as North Main Street, and U.S. Route 45, locally known as West Madison Street.

(b) The route(s) does not include public properties, cemeteries, or City-owned parks, except for those with designated parking areas where motorized vehicles normally park. Permission of any other public entity or private landowner is the obligation of the ATV/UTV user. Any use in a park must be on paved areas regularly used by motor vehicles. Use on the Clintonville Municipal airport property is restricted to use allowed by federal law and no use may be had of ATVs/UTVs on the runway except as part of aviation operations.

(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.

(4) ROUTE RESTRICTIONS. Pursuant to s. 23.33(8)(d), Wis. Stats., restrictions are placed on the use of the City ATV/UTV routes designated by this ordinance. Routes shall be marked with uniform ATV/UTV route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code. No person may, unless authorized to do so, do any of the following:

(a) Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of any ATV/UTV trail sign or standards if the sign or standard is legally placed by the State, the 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 ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.

(5) MAINTENANCE OF ATV/UTV 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 ATVs/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.

(6) OPERATION OF ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES.

(a) Operation shall be subject to provisions of s. 23.33, Wis. Stats., which is adopted as part of this ordinance by reference, pursuant to s. 23.33(11), Wis. Stats.

(b) Operators must abide by all traffic laws set forth under chapter 346 of the Wisconsin Statutes, notwithstanding the provisions of s. 346.02(11), Wis. Stats., or any additional restrictions of the Ordinance.

(c) The speed limit for ATVs and UTVs shall be established at not greater than thirty-five miles per hour (35 MPH) or the speed limit for automobiles, whichever is lower, on all segments of City roads designated as ATV/UTV routes.

(d) ATVs/UTVs may be operated on paved surfaces only, unless yielding the right of way.

(e) All ATV/UTV operators shall ride single file.

(f) No ATV/UTV may be operated on any designated route(s) without fully functional headlights turned on, tail lights, and brake lights.

(g) An ATV/UTV may not be operated within the city limits, other than for snow removal, between the hours of midnight and 5am.
(h) 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 the right of way.

(i) 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.

(j) No person under the age of eighteen (18) may operate an ATV/UTV on any designated route unless wearing approved protective head gear.

(k) No person may operate a ATV/UTV with a passenger if the vehicle is not intended or designed for carrying a passenger.

(7) LICENSING, INSURANCE, AND REGISTRATION.

(a) 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 (probationary or regular only) and shall display the license document upon demand from any law enforcement officer, conservation warden, or state patrol officer.

(b) 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 the current requirements of s. 344.62, Wis. Stats. Proof of insurance shall be able to be provided to law enforcement upon demand. For purpose of this subsection, an ATV/UTV defined in s. 6.22(3)(a)&(c) above are motor vehicles as defined by s. 344.01(2)(b) and a vehicle as defined by section 344.01(2)(g) Wis. Stats. Further, notwithstanding s. 344.61(1) Wis. Stats., for the purposes of this ordinance, an ATV/UTV is a motor vehicle.

(8) DISTURBING OF THE PEACE AND NUISANCE ACTIVITIES.

(a) 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.

(b) 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.

(c) No person may operate, 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.

(d) 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 to be in violation of this section.

(e) For purposes of municipal ordinance 7.12 (Display of Power) and 7.122 (Disorderly Conduct with a Motor Vehicle) of the City of Clintonville, an ATV or UTV as defined in sections 7.22(3)(a) & (c) is a motor vehicle and those ordinances specifically apply to the operation of ATVs and UTVs.

(9) 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 Clintonville Police Department, the Waupaca County Sheriff’s Department, the Department of Natural Resources, and any other law enforcement agency serving the City of Clintonville’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.

(10) 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 Clintonville Municipal Code.

(11) 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.

(12) EXPIRATION. This ordinance shall expire within one year of its adoption unless an affirmative vote of the City Council is made to continue this ordinance.
This Ordinance shall take effect upon passage and publication as provided by law.

CITY OF CLINTONVILLE

By _______________________

Mike Hankins, Acting Mayor

By _______________________

Peggy Johnson, Clerk

Adopted:

Published: