

**ORDINANCE # 2023-1**

**AN ORDINANCE REGULATING THE USE OF ALL-TERRAIN AND UTILITY-TERRAIN VEHICLES IN THE CITY OF ARCADIA**

The common council of the City of Arcadia, Wisconsin, do ordain as follows:

**SECTION 1.** Authority; Purpose. This ordinance is adopted pursuant to the authority under *Wis. Stat. §23.33(11)* and *Wis. Admin. Code ch. NR 64* to authorize a route for the use of ATVs and UTVs on certain streets within the City and to regulate the use of ATVs and UTVs within the City.

**SECTION 2.** *Section 284-4* (intro.) of the City of Arcadia Code of Ordinances is amended to read as follows:

“No person shall, within the City of Arcadia, on public or private property, by or through the use of a motor vehicle, motorcycle, all-terrain vehicle, utility-terrain vehicle, snowmobile, or minibike, engage in unreasonably loud or otherwise disorderly conduct, including but not limited to unnecessary, deliberate, or intentional.”

**SECTION 3.** *Section 360-9* of the City of Arcadia Code of Ordinances is amended to add the following definitions:

“‘All-terrain vehicle’ or ‘ATV’ shall have the meaning specified under *Wis. Stat. §340.01(2g)*.

“‘Utility terrain vehicle’ or ‘UTV’ shall have the meaning specified under *Wis. Stat. §23.33(1)(ng)*.”

**SECTION 4.** *Sections 360-21 to 360-28* of the City of Arcadia Code of Ordinances are renumbered as *Sections 360-29 to 360-36*.

**SECTION 5.** *Section 360-21* is created to read as follows:

“§360-21 Designated Routes for ATVs & UTVs

“A. **Operation on Streets and Designated ATV Routes.**

No person shall operate an ATV within the corporate limits of the City of Arcadia except upon a street maintained by the City which is the shortest and most reasonable normal travel course as between the individual’s place of residence or place they are staying and to the closest designated ATV route. ATVs may be operated on streets maintained by the City that are not designated ATV routes only for the purposes of direct access to or from a designated ATV route.

Pursuant to *Wis. Stat. §23.33(11)(am)*, ATVs and UTVs are authorized to operate only upon the designated portions of the following streets within the City of Arcadia:

1. County Highway J, from the southern municipal boundary line to its intersection with West Cleveland Street.
2. West Cleveland Street, from its intersection with County Highway J to its intersection with Commercial Street.
3. Commercial Street, from its intersection with West Cleveland Street to its intersection with West Main Street.
4. West Main Street, from its intersection with Commercial Street to its intersection with Grant Street.
5. Grant Street, from its intersection with West Main Street to its intersection with West River Street.
6. West River Street, from its intersection with Grant Street to its intersection with County Highway A.
7. County Highway A, from its intersection with West River Street to the northern municipal boundary line.
8. Gavney Road, from its intersection with County Highway J, to Pearl Street.
9. Pearl Street, from its intersection with Gavney Road, to Wilson Avenue.
10. Wilson Avenue, from its intersection with Pearl Street, to Harvest Lane.
11. Harvest Lane.
12. Nelson Road (a/k/a Nelson Drive).

“B. In addition, pursuant to *Wis. Stat. §23.33(11)(am)*, ATVs and UTVs are authorized to operate only upon the following streets within the City of Arcadia:

1. West Street, from its intersection with West River Street to its intersection with State Highway 95, but solely for the purpose of accessing the convenience store located on the south side of State Highway 95.
2. West Main Street, from its intersection with Commercial Street, to Grant Street.
3. Wilson Avenue, from the West side of State Highway 93, to the East side of State Highway 93.”

**SECTION 6.** *Section 360-22* is created to read as follows:

“§360-22 Regulations on Use of ATVs & UTVs

“A. The following regulations apply on all areas designated in §360-21 of the City of Arcadia Code of Ordinances:

1. No person shall operate an ATV/UTV in the City unless such ATV/UTV and the operation of such ATV/UTV complies with

Wisconsin law applicable to ATVs/UTVs, including but not limited to *Wis. Stat. §23.33*, which is hereby adopted and made applicable within the City of Arcadia.

2. No person shall operate an ATV/UTV in the City except on an approved route under §360-21 of the City of Arcadia Code of Ordinances.
3. No ATV/UTV shall be operated at a speed greater than posted speed limits.
4. No ATV/UTV may be operated on any designated route without fully functional headlights, taillights, and brake lights.
5. No ATV/UTV may be operated within the City between the hours of 1:00 a.m. and 7:00 a.m.
6. No person under the age of eighteen (18) years may operate, or ride as a passenger in or on an ATV/UTV in the City unless wearing approved, protective head gear.
7. No person shall operate an ATV/UTV in the City unless such person has successfully completed any safety course required by the State of Wisconsin.
8. No ATV/UTV may be operated in the City which ATV/UTV is not currently registered as required under Wisconsin law or which does not display registration information required under Wisconsin law.
9. All occupants of an UTV operated in the City are required to wear a seat belt.
10. The routes designated in §360-21 of the City of Arcadia Code of Ordinances are open year-round.
11. No open intoxicants are allowed while operating, or as a passenger in, any ATV/UTV on any road or approved route under §360-21 of the City of Arcadia Code of Ordinances.
12. No person shall operate an ATV/UTV in the City without valid proof of liability insurance.
13. ATVs/UTVs operated in the City shall not park in any location which has not been marked or designated as a location for parking of motor vehicles.

“B. The authority to operate an ATV/UTV under §360-21 of the City of Arcadia Code of Ordinances does not apply to snowmobiles, golf carts, or go-carts and the operation of snowmobiles, golf carts, or go-carts on the route authorized under §360-21 of the City of Arcadia Code of Ordinances is expressly prohibited.”

**SECTION 7.** Section 360-21 G. is renumbered 360.21 H.

**SECTION 8.** Section 360-21 G. is created to read:

“G. **Forfeitures for violations of §§360-21 or 360-22.** In addition to the penalties imposed under *Wis. Stat. §23.33(13)*, the penalty for a violation of §§360-21 or 360-22 shall be as follows:

1. For a first offense, a forfeiture of not less than \$50.00.
2. For a second offense within twelve (12) months of a previous offense, a forfeiture of not less than \$100.00.
3. For a third or subsequent offense within twelve (12) months of a previous offense, a forfeiture of not less than \$200.00.”

Whenever a person is convicted of a violation of City of Arcadia Code of Ordinances chapter 360, the clerk of the court in which the conviction occurred shall forward to the Wisconsin Department of Natural Resources (the “Department”) the record of such conviction. The record of conviction forwarded to the Department shall state whether the offender was involved in an accident at the time of the offense.

**SECTION 9. SIGNAGE.** The City’s operations department is hereby directed to obtain, install, and thereafter maintain signage to identify the designated routes for operating ATVs and UTVs within the City in accordance with *Wis. Stat. §23.33(8)(e)*.

**SECTION 10. EFFECTIVE DATE.** This ordinance shall take effect upon passage and publication as provided by law.

  
Kevin Mayzek, Mayor

ATTEST:   
Angela Berg, Clerk

Passed and adopted: January 4, 2023  
Published: January 11, 2023