
AN ORDINANCE TO AMEND CHAPTER 454 VEHICLES AND TRAFFIC, ARTICLE VI. ALL-TERRAIN VEHICLES AND OFF-ROAD MOTOR VEHICLE OPERATION, §454-38 ATV/UTV ROUTE OF THE CITY OF WEYAUWEGA CODE OF ORDINANCES

THE CITY COUNCIL OF THE CITY OF WEYAUWEGA, WAUPACA COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: Chapter 454-38 ATV/UTV Route of the City Code of the City of Weyauwega is hereby amended to read as follows:

- A. Title and purpose. This ATV/UTV Route section is adopted to establish ATV/UTV routes on city streets and to promote public health and safety by providing for the regulation of ATVs/UTVs, within the City of Weyauwega, Wisconsin. The establishment of this section is for the convenience of the ATV/UTV-riding public only and the Common Council of the City of Weyauwega makes no warranty express or implied that the aforementioned routes are safe for ATV/UTV operation.
- B. Adoption of state statutes. The City of Weyauwega hereby adopts, except as otherwise specifically provided in this chapter, and pursuant to the authority granted in Chapter 23 and Chapter NR64 of the Wisconsin Statutes, the Common Council of the City of Weyauwega does hereby adopt Chapter 23 and Chapter NR64 of the Wisconsin State Statutes which deals with all-terrain vehicles, to be applied on all city streets designated as ATV/UTV routes in the City of Weyauwega.
- C. Authorization. This section is authorized by Wisconsin State Statutes Chapter 23 and NR64; specifically §23.33 and all subsections of same.
- D. Definitions. As used in this section, the following terms shall have the meaning indicated:

ATV (ALL-TERRAIN VEHICLE)

A commercially designed and manufactured engine-driven device which has a net weight of 900 pounds or less, which has a width of 50 inches or less, which is equipped with a seat designed to be straddled by the operator and which is designed to travel on three or more low-pressure tires. A low-pressure tire is a tire which has a maximum width of six inches, which is designed to be mounted on a rim, with a maximum diameter of 12 inches and which is designed to be inflated with an operating pressure not to exceed pounds per square inch as recommended by the manufacturer.

ATV/UTV CLUB

A club consisting of individuals that promote the recreational use of ATVs/UTVs.

ATV/UTV Route

A highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction as authorized under this section.

ATV/UTV TRAIL

A marked corridor on public property or on private lands subject to public easement or lease, designated for use by ATV/UTV operators by the governmental agency having jurisdiction, but excluding roadways or highways except those roadways that are seasonally not maintained for motor vehicle traffic.

UTV (UTILITY TERRAIN VEHICLE)

Not a golf cart. "Golf cart" means a vehicle whose speed attainable in one mile does not exceed 20 miles per hour on a paved, level surface, and that is designed and intended to convey one or more person and equipment to play the game of golf in an area designated as a golf course. Not a low-speed vehicle. "Low-speed vehicle" means a low-speed

vehicle, as defined in 49 CFR 571.3, that satisfies the equipment standards under 49 CFR 571.500 and that was originally manufactured to meet the applicable equipment standards under 49 CFR 571.500. Commercially designed and manufactured with the following: between 900 pounds and 2,000 pounds or less, four or more low-pressure tires, cargo or dump box, steering wheel, tail light, brake light, two headlights, seat belts or similar device, maximum width of 65 inches, seating for at least two occupants, nonstraddled seats and a roll bar or similar device.

- E. Application. This section is binding on all individuals traveling in and through the City of Weyauwega in any manner on any and all City streets.
- F. Route.
- (1) All streets in the City of Weyauwega are open to ATVs/UTVs.
 - (2) The aforementioned route does not include private roads or driveways nor any private property in the City of Weyauwega. The City of Weyauwega shall retain the right to close any City street to ATV/UTV operation for special events or street construction/repair without advance notice.
- G. Laws. The City of Weyauwega accepts no liability for the operation of ATVs/UTVs on any city streets under the provisions of this section. ATVs/UTVs that operate on the aforementioned streets shall abide by all state laws regulating ATV/UTV operation, including the following:
- (1) Operate in the extreme right-hand portion of the traveled part of the road and single file.
 - (2) All ATV/UTV operators on routes shall observe posted roadway speed limits; not to exceed 35 mph.
 - (3) ATVs/UTVs operated on City streets pursuant to this section shall have the following property working equipment:
 - (a) One or more headlights;
 - (b) A red rear light, and a working red brake light;
 - (c) Brakes in good mechanical condition;
 - (d) A muffler system and such other equipment or devices that comply with the noise level standards as set forth in 23 V.S.A §3505 (b), and regulations adopted pursuant thereto.
 - (4) ATVs/UTVs operated on City streets shall be currently registered by the State of Wisconsin in accordance with Wisconsin State Statutes. Registration does not constitute a license to cross or operate an ATV/UTV on public or private lands.
 - (5) At all times while operating an ATV/UTV on City streets or sidewalks, operators born after January 1, 1988 shall have passed an approved Wisconsin ATV/UTV safety course. The driver of an ATV/UTV shall obey all State of Wisconsin laws regarding the operation of ATVs/UTVs. Children 12-15 must be accompanied by an adult, regardless of a safety certificate.
 - (6) Except as otherwise provided in this section, a person may only operate or permit an ATV/UTV owned by him/her or under their control to be operated in accordance with Wisconsin State Statutes and all regulations adopted pursuant thereto.
 - (7) When operating an ATV/UTV under this section, if the ATV/UTV has no turn signals and/or brake lights, the operator shall use hand signals when making turns or stopping.
 - (8) No public or private landowner shall be liable for any property damage or personal injury sustained by any person operating or riding as a passenger on an ATV/UTV or upon a vehicle or other device drawn by an ATV/UTV upon the public or private landowner's property, whether or not the public or private landowner has given permission to use the land unless the public or private landowner charges a cash fee to the operator or owner of the ATV/UTV for the use of the property or unless damage or injury is intentionally inflicted by the landowner.

(9) ATV/UTV operator must remain on an approved marked trail or route or Wisconsin DNR and other penalties will apply.

- H. Severability. Should any portion of this section be declared unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.
- I. Enforcement. The City of Weyauwega Common Council give the authority to enforce this section to the Weyauwega Police Department, or its designee, as allowed by Wisconsin Statutes. The enforcement officer may order the owner or operator of any vehicle being operated on a highway to suspend operation. Verbal or written warning may be allowed at the discretion of the enforcement authority in this Subsection I.

SECTION 2. Ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

SECTION 3: This ordinance shall take effect upon passage and publishing as provided by law.

PASSED AND ADOPTED by the City Council of the City of Weyauwega, Waupaca County, Wisconsin this 15th day of June, 2020.

CITY OF WEYAUWEGA

BY: _____

Jack Spierings, Mayor

ATTEST:

Rebecca Loehrke, Clerk

Introduced by: Shani Appleby
Seconded by: Keith Najdowski

Date Adopted: June 15, 2020
Date Published: June 25, 2020