

**ATV/ UTV ORDINANCE
ORDINANCE NO. 2023-11
AN ORDINANCE CREATING CHAPTER 340**

The Village Board of the Village of Mishicot, Manitowoc County, Wisconsin, does hereby ordain as follows:

That Chapter 340 of the Village of Mishicot Municipal Code is hereby created to read as follows:

Chapter 340 All-Terrain Vehicle and Utility Terrain Vehicle Routes and Regulations.

1. Authority

The Village Board of the Village of Mishicot, Manitowoc County, Wisconsin has the specific authority to adopt this All-Terrain Vehicle and Utility Terrain Vehicle Ordinance under Wis. Stats. '23.33(8)(b) and (11).

2. Purpose

The purpose of this Chapter is to establish all-terrain vehicle routes in the Village of Mishicot and to regulate the operation of all-terrain vehicles and utility terrain vehicles in the Village.

3. Definitions

3.1. This Chapter adopts Chapter 23.33 Wis. Stats. and NR64.03 Wis. Adm. Code, describing and defining all-terrain vehicle and the definition of all-terrain vehicle found therein by reference as part of this ordinance.

3.2. "All-Terrain Vehicle" (ATV) means a commercially designed 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 tires or non-pneumatic tires.

3.3. "Utility Terrain Vehicle" (UTV) means:

- a. 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:
 - i. A weight, without fluids, of 2,000 pounds or less
 - ii. Four or more low-pressure tires or non-pneumatic tires
 - iii. A steering wheel
 - iv. A tail light
 - v. A brake light
 - vi. Two head lights
 - vii. A width of not more than 65 inches

- viii. A system of seatbelts or similar system for restraining each occupant or the device in the event of an accident
- ix. A safety system designed to reduce the likelihood that an occupant would be seriously injured as a result of a rollover of the device.

3.4. Seatbelt Use. All operators and passengers in a utility terrain vehicle must use seatbelts while the vehicle is operating.

4. 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.

5. Applicability of Rules of the Road to All-Terrain Vehicles and Utility Terrain Vehicles

These all-terrain vehicle regulations are created pursuant to Village authority by '23.33(8)(b), Wis. Stats. This ordinance is intended to facilitate the implementation of "23.33(8) and 23.33(11) of the Wisconsin Statutes. To the extent necessary to accomplish this, '23.33, Wis. Stats., is hereby adopted by reference as part of this ordinance. Additionally, this ordinance incorporates and adopts the provisions of Wisconsin Administrative Code NR 64. In the event that any provision of this ordinance is inconsistent, or conflicts with that statute, the statute shall govern, and not this ordinance.

6. Operation of All-Terrain Vehicles

Pursuant to Wis. Stat. '23.33(4)(d)4., except as otherwise provided in Wis. Stats. '23.33(4), no person may operate an all-terrain vehicle or utility terrain vehicle upon any public right-of-way, in any public park, in cemeteries, or on any other public property in the Village except upon all-terrain vehicle or utility terrain vehicle routes designated by the Village Board in this ordinance. All all-terrain vehicle routes shall be marked with uniform all-terrain vehicle route signs in accordance with Wis. Stat. '23.33(8)(e), and Wis. Admin Code NR 64.12(7).

7. Regulations Relating to All-Terrain Vehicle Signs

No person may do any of the following in regard to signs marking village all-terrain vehicle routes: intentionally remove, damage, deface, move or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.

No person may possess any uniform all-terrain vehicle route or trail sign or standard of the type established by the Department of Natural Resources for the warning, instruction, or information of the public, unless he or she obtain the uniform all-terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

8. Designation of All-Terrain Vehicle or Utility Terrain Vehicle Routes

All-terrain vehicles and utility terrain vehicles may operate on all roadways within the Village of Mishicot, except for the following:

- a. Any roadway which has a posted speed limit in excess of 35 miles per hour. These roads include:

- i. South Main Street from the 600 block south until it exits the village.
- ii. South State Street south of Samz Road.
- iii. West Main Street west of the address 330 West Main Street.

9. Route Maintenance

The designation of village roads as an all-terrain vehicle or utility terrain vehicle route does not impose upon the greater duty of care or responsibility for maintenance of those roads. Operators of all-terrain vehicles or utility terrain vehicles on village roads assume all the usual and normal risks of riding that vehicle. The Village accepts no liability for the operation of all-terrain vehicles or utility terrain vehicles on any village roads under this ordinance section.

10. Additional Conditions of Operation

Operation of an all-terrain vehicle or utility terrain vehicle on a posted all-terrain vehicle or utility terrain vehicle route shall, in addition to all of the statutory regulations found in Wis. Stat. '23.33, adhere to the following provisions:

10.1. The speed limit for all-terrain vehicles shall be established at the same speed limit as the speed limit posted for automobiles on each village road. All other all-terrain vehicle or utility terrain vehicle speeds shall conform to the speed limitations found in '23.33(3).

10.2. All-terrain vehicles and utility terrain vehicles shall be operated on paved surfaces only which are intended for motor vehicles, unless yielding the right-of-way.

10.3. No all-terrain vehicle or utility terrain vehicle may be operated on any designated village all-terrain vehicle route without fully functional headlights, taillights, and brake lights.

10.4. No all-terrain vehicle or utility terrain vehicle can be operated on any designated village all-terrain vehicle route between the hours of 10:00 p.m. and 5:00 a.m. daily, unless a different restriction on the hours of operation has been specified by the Village Board and notice of the same has been duly posted on the designated village all-terrain route.

10.5. All all-terrain vehicle operators and utility terrain vehicle operators shall ride on the right-hand side of the paved portion of the village all-terrain vehicle route unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches or other village road right of way is prohibited, unless yielding the right-of-way.

10.6. No all-terrain vehicle or utility terrain vehicle may be operated in any careless way so as to endanger the person or property of another.

10.7. No person under the age of eighteen (18) may operate or be a passenger on an all-terrain vehicle or utility terrain vehicle on any designated village all-terrain vehicle route unless wearing protective head gear, as defined in Wis. Stat. § 347.485(1)(a).

10.8. No person who is under current driver's license suspension, revocation, or cancellation for any reason, may operate an all-terrain vehicle or utility terrain vehicle upon any village roads. All operators must have valid drivers license status in the State of Wisconsin.

10.9. All all-terrain vehicle operators and utility terrain vehicle operators shall yield the right-of-way to all other vehicular traffic and pedestrians.

10.10. No all-terrain vehicle operator or utility terrain vehicle operator shall have a passenger riding in or on any part of an all-terrain vehicle that is not designated or intended to be used by passengers.

10.11. All-terrain vehicles and utility terrain vehicles cannot be operated on anything else other than rubber tires. Metal studded tires or tire chains are prohibited. This restriction does not apply to private property or frozen waters.

10.12. An all-terrain vehicle or utility terrain vehicle operating on a village road may not be modified so that its maximum width exceeds the width allowed for an all-terrain vehicle, or utility terrain vehicle respectively.

10.13. No person shall, while operating an all-terrain vehicle or utility terrain vehicle, engage in the practice of cruising on any village designated all-terrain vehicle route. Cruising is defined as running all or part of the length of a roadway multiple times, per day, back and forth, for any purpose other than departing or arriving at their residence, or place of lodging, or departing or arriving, at a public boat landing.

10.14. No all-terrain vehicle or utility terrain vehicle shall operate with windows tinted to a degree which does not permit the passage through the windows of at least 50% of the visible light striking the windows. Tinted windows may not be reflective.

11. License and Insurance

Unless otherwise stated elsewhere in this ordinance, every person who operates an all-terrain vehicle or utility terrain vehicle on a village designated all-terrain vehicle route shall have in his or her immediate possession a valid motor vehicle operator's license and shall display the license document upon demand from any law enforcement officer or official described in Wis. Stat. '23.33(12). Every person who operates an all-terrain vehicle or utility terrain vehicle on a village designated all-terrain vehicle route, and every all-terrain vehicle or utility terrain vehicle operated on a village designated all-terrain vehicle route shall carry liability, and/or other insurances consistent with Wisconsin State Law for the operation of an all-terrain vehicle, and must have proof of insurance on the driver or all-terrain vehicle while operating the all-terrain vehicle on all-terrain routes.

12. Alcohol Use

- a. No open intoxicants shall be allowed on any all-terrain vehicle or utility terrain vehicle, operating as a driver or passenger.

13. Noise Restrictions

No person may operate an all-terrain vehicle or utility terrain vehicle that is constructed in such a manner that noise emitted from the vehicle exceeds 96 decibels on the A scale as measured in the manner prescribed under rules promulgated by the WI DNR, Wisconsin State Statutes, Wisconsin Administrative Code, or the ordinances of the Village of Mishicot.

14. Reportable Accidents

Anyone operating an all-terrain vehicle or utility terrain vehicle involved in any crash which causes damage to any property and/or injury to any person shall report the accident to the Mishicot Police Department as soon as possible.

15. Prohibition Against Radio Use

No person may operate or park, stop, or leave standing an all-terrain vehicle or utility terrain vehicle while using a radio or other electronic sound, amplification devices which emit sounds from the unit that is audible under normal conditions from seventy-five (75) feet or more, unless the sound is being used to request assistance to warn against an unsafe condition.

16. Other Applicable Prohibitions

Any person operating an all-terrain vehicle or utility terrain vehicle must follow all rules of the road as outlined under Wisconsin Statute Chapters 340 to 384, as well as follow all rules promulgated by the Wisconsin DNR regarding the use of all-terrain vehicle or utility terrain vehicle.

17. Enforcement

This ordinance shall be enforced by any law enforcement official as set forth in '23.33(12), Wis. Stats., including the issuance of a citation under '66.0113, Wis. Stats.

18. Penalties


Whoever violates this section is subject to penalty as set forth in Section 1-2 of the Village Code.

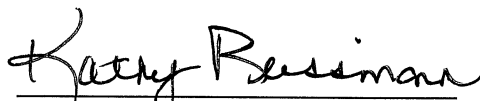
This ordinance is effective on the 21st day of June 2023.

The Village Clerk shall properly post or publish this ordinance
as required under '60.80, Wis. Stats.

Adopted this 20th day of June 2023.

VILLAGE OF MISHICOT


Bernie Samz
Village President


Kathy Reissmann
Village Clerk

