

ORDINANCE NO. 0307-01-2019

**AN ORDINANCE CREATING ALL TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTE ORDINANCE,
SECTION 10-1-12 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF NEOSHO**

The Village Board of the Village of Neosho, Dodge County, Wisconsin, do ordain as follows:

10-1-12 All Terrain Vehicles is Hereby repealed and replaced with the following:

Section I: The Village Board of the Village of Neosho, Dodge County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle and Utility Terrain Vehicle Ordinance under s. 23.33(8)(b) and (11), Wis. Stats.

Section II: Section of the Code of Ordinances, of the Village of Neosho is hereby created to read as follows:

SEC. 10-1-12 ALL TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTE ORDINANCE

- (a) Definitions** – The terms “ATV,” “UTV,” “operator” and “ATV route” shall be defined as provided by Sec. 23.33, Wis. Statutes.
- (b) Operation of All Terrain Vehicles and Utility Terrain Vehicles:** Pursuant to Sec. 23.33(4)(d)(4), Wis. Statutes, except as otherwise provided in Sec. 23.33(4), Wis. Statutes, no person may operate an ATV or UTV on the roadway portion of any street in the Village of Neosho except on streets that are designated as ATV and UTV routes by this ordinance. Operation of ATV’s/UTV’s on a street in the Village of Neosho that is an ATV and UTV route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
- (c) Designation of All Terrain Vehicle and Utility Terrain Vehicle Routes** - All Village maintained roads and streets are designated ATV an UTV routes in the Village of Neosho, including CTH NN and STH 67.
- (d) Authorization of All Terrain Vehicle and Utility Vehicle Routes.** Under Wis. Stat. s. 23.33(11)(am)4., the Village of Neosho authorizes the operation of ATVs/UTVs on the segments of STH 67 and CTH NN that have a speed limit of 35 mph or less.
- (e) Conditions Applicable to All Terrain Vehicle and Utility Terrain Vehicle Routes** – Pursuant to Sec. 23.33(8)(d), Wis. Statutes, the following restrictions are placed on the use of the ATV and UTV routes designated in section “c” above.

- (1) All routes shall be marked with uniform ATV and UTV route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking Village ATV and UTV routes.

- (a) Intentionally remove, damage, deface, move or obstruct any ATV and UTV route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV and UTV route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
 - (b) Possess any uniform ATV and UTV route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform ATV and UTV route or trail sign or standard in a lawful manner. Possession of an ATV and UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.
- (2) Operation shall be subject to all provisions of s. 23.33 Wis. Statutes, which is adopted as a part of this ordinance by reference, pursuant to s. 23.33(11), Wis. Statutes.
- (3) No ATV/UTV may be operated on any designated ATV and UTV route between the hours of 11:59 PM and 5:00 AM daily.
- (4) The speed limit for ATV/UTVs shall be established at not greater than 15 miles per hour.
- (f) General Limitations** - The following limitations apply on all Village Streets, state trunk highways and county trunk highways that are ATV/UTV routes:
- (1) Operators must abide by all traffic laws unless further restricted by this Ordinance.
 - (2) ATV/UTVs may be operated on paved surfaces only, unless yielding the right of way.
 - (3) No ATV/UTV may be operated on any designated route without fully functional headlights, tail-lights and brake lights.
 - (4) All ATV/UTV operators shall ride in single file.
 - (5) No ATV/UTV may be operated on any designated ATV route if the ATV/UTV does not meet all applicable federal noise and air pollution standards.
 - (6) No person under the age of sixteen (16) may operate an ATV/UTV on any designated ATV route.
 - (7) No person under the age of eighteen (18) may operate an ATV/UTV on any ATV/UTV route unless wearing approved protective head gear.
 - (8) Every person who operates an ATV/UTV on an ATV/UTV route shall have in his or her immediate possession a valid motor vehicle operator's license or be compliant with DNR

licensing, and shall display the license document upon demand from any law enforcement officer or official described in Wis. Stats. Section 23.33(12).

(g) Conditions – Owner must have liability insurance on ATV/UTV.

(h) Signage –Quad County Runner’s or its succeeding group shall be responsible for all costs of all ATV/UTV and speed limit signs on all Village streets and for all costs of their proper installation and future maintenance.

Section III: A copy of this ordinance shall be sent to the Department of Natural Resources, the Dodge County Sheriff’s Department, Beaver Dam Municipal Court, Neosho/Rubicon/Ashippun Police Department.

Section IV: Unauthorized Off-road Operation Prohibited

(a) The unauthorized off-road operation of a motor vehicle is prohibited.

(b) Off-Road shall mean any location which:

- (1) It is not paved or maintained public street or alley; or
- (2) Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
- (3) Is a private trail for use only by the owner or his permittees for recreational or other vehicular use. Off road shall not include any creek bed, riverbed, or lake provided, however, this subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creek bed, riverbed or lake.

(c) Operation shall mean the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.

Section V – Enforcement – This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the Village of Neosho.

Section VI – Penalties

Any person violating this ordinance shall forfeit not less than \$100 nor more than \$500 for the second and subsequent convictions.

Section 10-4-2 –Unauthorized Operation of Motor Vehicles on Public or Private Property

(a) Purpose

- (1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands including damage or destruction of vegetation, animal life and improvement to the lands; and
- (2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution; and
- (3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions and near collisions threatening the life and safety of the operators of such vehicles as well as other persons; and
- (4) The unauthorized off-road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.

(b) Definitions – For purposes of this Section, the terms below shall be defined as follows:

- (1) Unauthorized shall mean without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.
- (2) Off-Road shall mean any location which:
 - a. Is not a paved or maintained public street or alley; or
 - b. Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
 - c. Is a private trail for use only by the owner or his permittees for recreational or vehicular use. Off-road shall not include any creek bed, riverbed, or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creek bed, riverbed or lake.
- (3) Operation shall mean the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.
- (4) Motor Vehicle shall mean, for purposes of this Section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies, and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be so defined while:
 - a. It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;
 - b. It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.
 - c. It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.

(c) Unauthorized Off-road Operation Prohibited.

- (1) The unauthorized off-road operation of a motor vehicle is prohibited.

(2) It shall be unlawful to operate any minibike, go-cart, golf cart, or dune buggy on the Village streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the written consent of the owner before operation of such craft or vehicle on private lands.

Section VII – Effective Date

This ordinance shall take effect and be in full force on upon its passage and the day after posting.

Adopted: March 7, 2019

Vote: Ayes: 5 Nays: 0

Steve Gonzales

Steven Gonzales
Village President

ATTEST:

Deanna Braunschweig

Deanna B. Braunschweig
Village Clerk