

ORDINANCE NO. 22OR005

An Ordinance creating Chapter 10.50 ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES of the Viroqua Municipal Code

The Common Council of the City of Viroqua ordains as follows:

Section 1: Viroqua Municipal Code Chapter 10.50 shall be created to read as follows:

10.50.010 PURPOSE. The purpose of this Chapter is to establish All-Terrain Vehicle ("ATV")/Utility Terrain Vehicle ("UTV") routes in the City of Viroqua and to regulate operation of said vehicles to ensure safe and enjoyable ATV/UTV recreation consistent with public rights and interests.

10.50.020 ADOPTION OF STATUTORY AND ADMINISTRATIVE CODE PROVISIONS. The provisions of Wis. Stat. §§23, 340 to 348 and Wisconsin Administrative Code NR64, and any subsequent amendments thereto, are hereby incorporated by reference as part of this Chapter, except those provisions thereof that conflict with this Chapter.

10.50.030 ATV/UTV ROUTES.

A. Designated ATV/UTV routes include all public streets and alleys within the City of Viroqua except Main Street (US HWY 14). Under Wis. Stat. §23.33(11)(am)(4) ATVs and UTVs are authorized to operate on State Highway 56 (Decker Street/W. Broadway Street) where the posted speed limit is 35 MPH or less.

B. Designated ATV/UTV routes within the City of Viroqua are only open to use from May 1 to October 31 between the hours of 7:00 am and 9:00 p.m., except that operation for snow removal purposes is allowed from November 1 to April 30 subject to the limitations set forth in Wis. Stat. §23.33(4)(f).

C. No person may operate an ATV/UTV in City parks, cemeteries or any property owned or leased by the City, other than the designated ATV/UTV routes, without written permission from the City of Viroqua.

D. No person may operate an ATV/UTV on private property within the City of Viroqua without permission of the property owner.

10.50.040 CLOSURE OF ROUTES.

A. Temporary Closures. The Mayor or Viroqua Police Department may temporarily close an ATV/UTV route whenever conditions or circumstances require closure.

B. Permanent Closures. The Common Council may permanently close any route designated herein as an ATV/UTV route at any time, for any reason. Upon any such closure, the City will provide public notice and update route signage to reflect the closure.

10.50.050 SIGNS.

A. Routes must be signed in accordance with Wisconsin Administrative Code NR 64.12. The City of Viroqua has sole responsibility and authority to post ATV/UTV Route Signs. No person may install any sign on a designated ATV/UTV route without written authorization from the City of Viroqua.

B. No person may erect, remove, obscure or deface any authorized ATV/UTV route sign without written authorization from the City of Viroqua.

10.50.060 RULES OF OPERATION. The following rules of operation shall apply to all routes:

A. Speed. The maximum speed limit for ATV/UTV routes shall be the posted speed limit of the road. For alleys where no speed limit is posted, the maximum speed limit shall be 15 (fifteen) MPH.

B. ATV/UTV operators will observe all applicable rules of the road governing motorized vehicles while operating on designated routes in accordance with Wis. Stat. §23.33 and Wis. Stat. Ch. 346.

C. ATV/UTV operation is only authorized to the extreme right side of the paved roadway and with the flow of traffic, except that left turns may be made from any part of the roadway which is safe giving the prevailing conditions. Operation on sidewalks, boulevards, lanes intended for bicycles or pedestrians, unpaved shoulders, grassy in-slopes, ditches or other road right of way areas is prohibited.

D. All ATV/UTVs shall be operated in single file.

E. Equipment. No ATV or UTV may be operated on any designated routes within the City of Viroqua unless it conforms to all equipment requirements as set forth in Wis. Stat. §23.33. All ATVs and UTVs must display a lighted headlamp and tail lamp

at all times during operation on designated routes within the City of Viroqua. All ATVs and UTVs must have functioning brake lights.

F. Exhaust system and muffler modifications prohibited. No person may operate any ATV/UTV on any route within the City of Viroqua unless the ATV or UTV is equipped with a functioning muffler to prevent excessive or unusual noise and with a functioning spark arrester of a type approved by the United States Forest Service. Muffler systems shall not emit any noise greater than 96 decibels on the A scale.

G. Radios or electronic sound amplification devices. No person may operate or park any ATV/UTV within the City of Viroqua while using a radio or other electronic sound amplification device emitting noise greater than 96 decibels on the A scale.

H. Seatbelts. All UTV operators and passengers must wear manufacturer installed seatbelts at all times.

I. Head Protection. All ATV/UTV operators and passengers who are under 18 years of age must wear head protection that meets or exceeds United States Department of Transportation minimum standards.

J. Parking Violations. ATVs and UTVs may only be parked in the same manner and in the same places designated for the parking of motor vehicles. The parking rules and regulations set forth in Viroqua Municipal Code Chapter 10.28 shall apply to ATV/UTV parking.

K. Open Intoxicants. No person may drink alcohol beverages while in or on an ATV or UTV on any route within the City of Viroqua. No person may possess any bottle, can, or receptacle containing alcohol beverages in or on an ATV or UTV on any route within the City of Viroqua unless said bottle, can or receptacle is unopened and sealed. The use or possession of open intoxicants by operators and passengers of ATVs and UTVs is strictly prohibited while utilizing ATV/UTV routes within the City of Viroqua.

L. Intoxicated Operation of ATVs and UTVs. Pursuant to Wis. Stat. §23.33(4c):

1. No person may operate an ATV or UTV while under the influence of an intoxicant to a degree which renders the person incapable of safe operation of an ATV or UTV.

2. No person may engage in the operation of an ATV or UTV while the person has a blood alcohol concentration of 0.08 or more.

3. If a person has not attained the age of 21, the person may not engage in the operation of an ATV or UTV while the person has an alcohol concentration over 0.0.

4. No person may engage in the operation of an ATV or UTV while the person has a detectable amount of restricted controlled substance in his or her blood.

10.50.070 LICENSING, REGISTRATION AND INSURANCE.

A. ATV/UTV operators must have a valid state-issued motor vehicle operator's license.

B. ATV/UTV operators born after January 1, 1988 shall have a valid safety certificate issued by the Wisconsin Department of Natural Resources, another state or a province of Canada.

C. ATV/UTV operators shall carry their motor vehicle license, safety certificate and proof of insurance while operating an ATV/UTV and shall display proof to a law enforcement officer upon request.

D. ATV/UTV operators holding a probationary license are limited to one passenger other than their immediate family members.

E. All ATVs and UTVs shall be registered for public use in accordance with Wisconsin Department of Natural Resources regulations and proof of registration shall be displayed as required by Wis. Stat. §23.33(2)(dg) and Wisconsin Administrative Code NR 64.04.

F. No person may operate an ATV/UTV, or allow another person to operate an ATV/UTV, on any ATV/UTV route within the City of Viroqua unless the owner of the ATV/UTV carries liability insurance covering the vehicle being operated. The operator shall have display proof of insurance to a law enforcement officer upon request.

10.50.080 PENALTY.

A. The penalties set for in Wis. Stat. §23.33(13), and subsequent amendments thereto, are hereby adopted by reference as if fully set forth herein and shall establish the penalties for the violations referred to therein.

B. Any forfeiture for a parking violation will be as set forth in Viroqua Municipal Code Chapter 10.28.

