

ORDINANCE NO. 836

**SUBSTITUTE AMENDMENT #1
AN ORDINANCE TO REPEAL AND RECREATE SECTION 94-151 OF THE CITY OF FORT ATKINSON
CODE OF GENERAL ORDINANCES
RELATING TO THE USE OF ALL-TERRAIN VEHICLES (ATVS) ON CITY STREETS**

WHEREAS, the City of Fort Atkinson (the City) has previously adopted ordinances regulating the use and operation of all-terrain vehicles (ATVs) and utility-terrain vehicles (UTVs) via Sec. 94-151 adopting Wis. Stats. 23.33(11)(a); and

WHEREAS, this ordinance is enacted pursuant to 23.33 Wis. Stats., and the provisions of the Wisconsin Administrative Code NR 64 regulating ATV/UTV operation, which is hereby incorporated and adopted; and

WHEREAS, Local ATV/UTV clubs have volunteered to provide funds to the City to pay for appropriate signage; and the City will accept such donations and use funds to install signage in the manner and locations City staff deem necessary to implement this ordinance; and

WHEREAS, the City further finds that its present ordinances regulating the use of ATVs and UTVs must be restated and adopted.

NOW THEREFORE, the City Council of the City of Fort Atkinson, Wisconsin, does hereby ordain as follows:

Section 1. Repeals Sec. 94-151 of the Ordinances.

Section 2. Recreates Sec. 94-151 of the City of Fort Atkinson Municipal Code to read as follows:

"Sec. 94-151. – State Laws Adopted for clarity purposes.

- A. The provisions of Wis. Stats. § 23.33, and the defining regulations found in Wis. Admin. Code NR Ch. 64 with respect to the regulation of all-terrain vehicles, including any future amendments thereof, are hereby adopted by reference and made part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited in this section.

- B. The operator of ATV/UTV shall be subject to Wis. Stats. Sections 341.057, 346.02(11), 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.21, 346.215(3), 346.22, 346.27, 346.33, 346.35, 346.37, 346.39, 346.44, 346.46, 346.47, 346.48, 346.50, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.62, 346.71,

346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 364.94(1) and (9); and Sections 347.06(3), 347.07(2), 347.14(1), 347.39(1); and 347.48(4). Acts required to be performed or prohibited by such Statutes are required or prohibited by this Chapter.

Sec. 94-152. – Definitions.

- A. All-terrain vehicle (ATV): A commercially designed and manufactured motor-driven device that does not meet federal motor vehicle safety standards effective 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 paved road, and that has, and was manufactured with, all of the following:
1. A weight, without fluids, of 900 pounds or less.
 2. Four or more tires.
 3. A steering handlebar, single or dual headlights, a tail and brake light.
 4. A width of no more than 50 inches.
- B. Utility-terrain vehicle (UTV): A commercially designed and manufactured motor-driven device that does not meet federal motor vehicle safety standards effective 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 manufactured with, all of the following:
1. A weight, without fluids, of 3,000 pounds or less.
 2. Four or more tires.
 3. A cargo box installed by the manufacturer measured laterally between the outermost wheel run on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.
 4. A steering wheel, tail and brake lights, and two headlights.
 5. A width of no more than 65 inches.
 6. A system of seat belts, or similar system, for restraining each occupant of the device in the event of a collision.

7. A system of structural members designed to reduce the likelihood that an occupant would be crushed as a result of a rollover of the device (roll bars).

C. **ATV/UTV Route:** A street designated for use by ATV/UTV vehicle operators by the governmental agency having jurisdiction as authorized by this Chapter.

D. **Operate:** To exercise physical control over the speed or direction of an all-terrain vehicle or physically manipulate or activate any of the controls of an all-terrain vehicle necessary to put it into motion.

E. **State Trunk Highway:** Any highway designated pursuant to Wis. Stat. §84.29 as part of the state trunk highway system.

F. **City Streets:** Every named, paved public right-of-way within the corporate limits of the City, inclusive of State Connecting Highways, and excluding alleys.

Sec. 94-153. – All-terrain/Utility Terrain vehicle routes. ATV/UTV usage shall be authorized on all City streets.

Sec. 94-154. – Age Requirement. All ATV/UTV operators shall be 18 years or older to operate an all-terrain vehicle on road routes in the City, holding a valid Wisconsin Driver's License. The operator, upon request from any law enforcement officer, state patrol, or inspector under Wisconsin Statutes 110.07(1), conservation warden, or municipal peace officer shall display said operator's license to said agent as well as proof of insurance and registration.

Sec. 94-155. – Speed Limits. All ATV/UTV operators shall observe the posted speed limits on City streets.

Sec. 94-156. – Registration and Display of Registration. All ATV/UTV vehicles operated within the City of Fort Atkinson on designated routes are required to have State of Wisconsin registration as issued by the Wisconsin Department of Natural Resources and display such registration on the ATV/UTV vehicle.

Sec. 94-157. – Operating Requirements.

A. All ATV/UTV operators shall ride single file on the right side of the City Street but shall not operate on any unpaved or shoulder section of City Streets.

B. Headlights and taillights shall be present and on at all times.

- C. All-terrain/utility terrain vehicles shall yield the right-of-way to non-motorized vehicles, such as bicycles and pedestrians.
- D. No person shall leave or allow an all-terrain/utility terrain vehicle owned or operated by him/her to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.
- E. No owner having charge or control of an all-terrain/utility terrain vehicle shall authorize or permit any person to operate such all-terrain vehicle who is not permitted under state law to operate an all-terrain/utility terrain vehicle or who is under the influence of an intoxicant or a dangerous or narcotic drug.
- F. Wis. Stat. § 346.63, which prohibits the operation of a motor vehicle while under the influence of an intoxicant or other drugs, shall apply to the operation of an all-terrain/utility terrain vehicle at any place within the City.
- G. No person shall operate an all-terrain/utility terrain vehicle in the City between 10:00 P.M. and 5:00 A.M.
- H. No operator or passenger of an all-terrain/utility terrain vehicle may possess in or on an all-terrain/utility terrain vehicle on any City Street in the City of Fort Atkinson, any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken, or the contents of the bottle or receptacle have been partially removed or released.
- I. No operator shall operate an ATV/UTV so as to cause the tires thereof to squeal, the horn to blow excessively, the motor to race excessively, or by emitting unnecessary and loud muffler noises.
- J. During special events within the City limits, the Chief of Police, with the approval of the City Manager, is granted authority to allow for all-terrain/utility terrain vehicle operation on City streets for the duration of going to or coming from said event or during a parade. An operator needs to contact the Fort Atkinson Police Department and provide their name, all terrain/utility terrain device type and registration number, and the Chief of Police will review the request for permission and notify the individual either verbally or in writing of his/her decision.
- K. Groups of 25 or more ATV/UTV operators shall notify the Fort Atkinson Police Department before entering the legal boundaries of the City.

- L. ATVs/UTVs shall only be operated on paved surfaces, unless yielding the right-of-way. ATVs/UTVs shall not operate in any public municipal property, public park, public walking trail, public sidewalk, public alley, public unpaved surface, or on any private property without permission of the property owner; except that operators may park ATVs/UTVs in public parking lots in accordance with any other ordinance requirements.
- M. Operators shall have liability insurance consistent with State of Wisconsin requirements for motor vehicles and shall have and provide proof of said insurance while operating an ATV/UTV.
- N. Parking. ATVs/UTVs shall be subject to all parking requirements and allowances of motor vehicles included in the City of Fort Atkinson Municipal Code, except that ATVs/UTVs shall not be parked overnight on any City Street or parking lot.
- O. Tires. Every ATV/UTV tire shall have at least 2/32-inch tread depth in every major tire groove measured at 2 points no less than 15 inches apart.
- P. Eye Protection. No person may operate an ATV/UTV without wearing any of the following eye protection: a protective face shield attached to the headgear, glasses, goggles, or a windshield on the ATV/UTV that rises a minimum of 15 inches above the handlebar or steering wheel. This section shall not apply to persons operating an ATV/UTV in a parade sanctioned by the City of Fort Atkinson.

Sec. 94-158. – Signage. City staff shall mark entrances to the City with signage in accordance with Wis. Admin. Code NR § 64.12 and NR § 64.12(7)c. Locations and placement must be approved by the Police Chief and Public Works Director. Signs shall be maintained by the City. No person may erect or remove any official sign unless authorized by the City.

Sec. 94-159. – Penalties. Any person who shall operate an all-terrain vehicle in violation of this section, in addition to the penalties of Wis. Stats. Chs. 346, 347, and Ch. 23.33 shall forfeit to the City not less than \$50.00, nor more than \$200.00, for each violation together with costs and assessments imposed under Wis. Stats. Ch. 814. This penalty section may be amended and set annually by the City Council.

Sec. 95-160. – Review and Sunset Provision. Information and statistics relating to incidents, accidents, and calls stemming from the use of ATVs/UTVs on City Streets shall be reviewed by the City Council every six months starting six months from the effective date of this ordinance, through a staff report. This ordinance will cease to be effective and automatically be repealed two years from the effective date


of the ordinance, unless specific action is taken by the City Council to extend the date of said ordinance.

Section 3. Upon its adoption, the clerk is hereby directed to send a copy of this ordinance to the Wisconsin Department of Transportation, the Wisconsin State Patrol, the Jefferson County Sheriff Department, the Wisconsin Department of Natural Resources, and the Fort Atkinson Police Department, pursuant to Wis. Stat. §23.33(11)b.

Section 4. Effective Date. This ordinance shall take effect on April 8, 2024, after passage, publication, and attestation as required by law.

Enacted by the City Council of the City of Fort Atkinson, Jefferson County, Wisconsin, this 7 day of November 2023.

Fort Atkinson City Council


Bruce Johnson, President

ATTEST:



Michelle Ebbert, City Clerk/Treasurer/Finance Director