

**CITY OF JEFFERSON
ORDINANCE NO. 1-22 and 6-22**

An Ordinance Repealing Ordinance 265-19, 265-20, 265-21, 265-22, 265-23, 265-24, 265-25, 265-26, and 265-27, and further restating said Ordinances as 265-19.

WHEREAS, the City of Jefferson (the City) has previously adopted ordinances regulating the use and operation of all-terrain vehicles (ATVs) and utility-terrain vehicles (UTVs); and

WHEREAS, Following due consideration of the recreational and economic value to access businesses and residences weighted against possible dangers, public health, public safety, liability aspects, terrain involved, traffic density and other traffic risks, this ordinance is enacted pursuant to 23.33 Wes. Stats., and the provisions of the Wisconsin Administrative Code NR 64 regulating ATV/UTV operation, which is hereby incorporated and adopted; and

WHEREAS, the City further finds that its present ordinances regulating the use of ATVs and UTVs is outdated and needs to be restated and adopted.

NOW THEREFORE, the Common Council does hereby ordain as follows:

Section 1. Repeal

The following existing ordinances are hereby repealed in their entirety: 265-19, 265-20, 265-21, 265-22, 265-23, 265-24, 265-25, 265-26, and 265-27. Said ordinances are hereby restated as set forth below.

Section 2. State Laws Adopted.

- 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 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, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1) and (9). Acts required to be performed or prohibited by such Statutes are required or prohibited by this Chapter.

Section 3. 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 highway, and that has, and was manufactured with, all of the following:

1. A weight, without fluids, of 900 pounds or less.
2. Three 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. All-terrain vehicle club: A club consisting of individuals that promote the recreational use of all-terrain vehicles.
- D. ATV/UTV Route: A street designated for use by ATV/UTV vehicle operators by the governmental agency having jurisdiction as authorized by this Chapter.
- E. 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.
- F. State Trunk Highway: Any highway designated pursuant to Wis. Stat. § 84.29 as part of the state trunk highway system, exclusive of connecting highways.
- G. Streets: Every highway within the corporate limits of the city except alleys.

Section 4. All-terrain/Utility Terrain vehicle routes.

A. ATV/UTV usage shall be authorized on all City streets except as follows:

- 1. No usage on Business State Highway 26 North on Main Street from Puerner Street to North Watertown Avenue/Junction Road.
 - A. ATV/UTV vehicles shall not be operated on any sidewalk within the City of Jefferson.
 - B. The Jefferson Police Department may temporarily close any ATV/UTV route whenever conditions require closure.

Section 5. Age Requirement. All ATV/UTV operators shall be 16 years or older to operate an all-terrain vehicle on road routes in the City holding a valid Wisconsin Driver's License. All 16-year-old licensed riders who have not attained the age of 18 shall be required to wear a helmet and eye protection. 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.

Section 6. Speed Limits. All ATV/UTV operators shall observe the posted speed limits on City streets.

Section 7. Registration. All ATV/UTV vehicles operated within the City of Jefferson on designated routes are required to have State of Wisconsin registration as issued by the Wisconsin Department of Natural Resources.

Section 8. Operating Requirements.

- A. All ATV/UTV operators shall ride single file on the right side of the pavement but shall not operate on the shoulders or in the ditch.
- B. Headlights and taillights shall be 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 the hours of 10 P.M. and 8:00 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 street or highway in the City of Jefferson, 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. During special events within the City limits, the Chief of Police, 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 Jefferson 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.

- J. Groups of 25 or more ATV/UTV operators shall notify the Jefferson Police Department before entering the legal boundaries of the City.

Section 9. Signage.

- A. Organized all-terrain vehicle clubs shall be responsible for marking all all-terrain vehicle routes with uniform all-terrain route signs in accordance with Wis. Admin. Code NR § 64.12 and NR § 64.12(7)c which locations and placement must be approved by the Police Chief and Public Works Director.
- B. All-terrain/utility terrain vehicle clubs shall be responsible for creating and circulating a map or maps illustrating the City's current all-terrain vehicle routes.

Section 10. Penalties. Any person who shall operate an all-terrain vehicle in violation of this section, in addition to the penalties of Wis. Stats. Ch. 346 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 Common Council.

Section 11. 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 Jefferson Police Department, pursuant to Wis. Stat. § 23.33(11)b.

Section 12. Sunset Provision. Ordinance 265-19 as modified herein shall terminate six months at 11:59 PM after adoption unless extended by the Common Council of the City of Jefferson.

Section 13. Severability. If any provision of this ordinance or its application to any person or circumstances is held invalid, the invalidity does not affect the other provisions or applications of this ordinance.

Section 14. Effective Date. This ordinance shall take effect after passage, publication, and attestation as required by law.

Section 15. Legal Effect. All provisions of the existing 265-19 that are not in conformity herein are hereby repealed. All other provisions are reaffirmed.