

ORDINANCE 1238

AMENDING CITY OF LAKE MILLS ORDINANCE §609 VEHICLES, ALL-TERRAIN. CITY OF LAKE MILLS, WISCONSIN

WHEREAS, Wisconsin Statute §23.33 grants broad authority to municipalities to designate highways and roads within its jurisdiction as All-Terrain Vehicle (“ATV”) and Utility-Terrain Vehicle (“UTV”) routes open to ATVs and UTVs.

WHEREAS, Wisconsin Statute §893.80(4) limits liability of local governments for legislative decisions, meaning that opening routes and trails to ATV and UTV use does not increase potential liability to the City of Lake Mills for authorizing such ATV and UTV use in the city limits;

WHEREAS, the Wisconsin Department of Natural Resources has set forth administrative rules in Chapter NR 64 establishing the standards for the implementation of the all-terrain vehicle program under Wisconsin Statute §23.33, which rules also apply to owners and operators of ATVs and UTVs on routes and trails;

WHEREAS, Jefferson County Ordinance number 2021-01 designates all county highways within its jurisdiction as ATV/UTV routes, excepting those within a city with local jurisdictional responsibility for that segment of the route unless the city has adopted an ordinance establishing such segment as an ATV/UTV route;

WHEREAS, in 2018 and 2019 the jurisdictions surrounding the City of Lake Mills, including the Town of Lake Mills, the Township of Milford, the City of Waterloo, and the Township of Waterloo, all passed ordinances creating ATV and UTV routes in their respective jurisdictions;

WHEREAS, due to the City of Lake Mills not having an ordinance authorizing the use of ATVs and UTVs within the city limits, ATV and UTV riders located in the city must transport their vehicle outside of the city to use it and ATV and UTV riders from surrounding jurisdictions must travel around the outside of the boundaries of the City of Lake Mills and cannot come into the city limits to visit or do business here; and

WHEREAS, pursuant to Wisconsin Statute §23.33, to designate highways and roads as ATV/UTV routes and trails, the City Council of Lake Mills must pass an ordinance authorizing establishing the routes and trails and such use, and send a copy of the adopted ordinance to the Wisconsin Department of Natural Resources, Wisconsin State Patrol, and the Jefferson County Sheriff’s Office.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE MILLS, JEFFERSONCOUNTY, WISCONSIN, DOES HEREBY AMEND CHAPTER 609 VEHICLES, ALL-TERRAIN AND DOES ORDAIN AS FOLLOWS:

Section 1. City of Lake Mills Ordinance Chapter 609 Vehicles, All-Terrain is hereby amended as follows by adding:

§609-4 Route Designation.

Pursuant to Wisconsin Statute §23.33(8)(b)(2) and Jefferson County Ordinance No. 2021-01, the following highways and roads are hereby designated as ATV and UTV routes: all official city roads and county highway segments within the jurisdiction of the City of Lake Mills so long as the road is signed in accordance with the Wisconsin Statutes.

§609-5 Route Signs.

- A. All ATV/UTV routes are to be signed pursuant to Wisconsin Statute §23.33(8)(e) 3 and 4.
- B. All ATV/UTV routes shall be marked with uniform ATV and UTV route signs in accordance with NR 64.12(7), Wisconsin Administrative Code.
- C. Pursuant to Wisconsin Statute §23.33(8)(f), no person may do any of the following in regard to signs marking City ATV/UTV routes
 1. Intentionally remove, damage, deface, move, or obstruct any ATV/UTV route or trail sign if the sign is legally placed by the state or any municipal or local government or duly authorized personnel of such state and local or municipal governments.
 2. Possess any uniform ATV or UTV route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless said person obtained the uniform ATV or UTV route or trail sign of standard in a lawful manner. Possession of an ATV or UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.

§609-6 Operation.

- A. Operation of ATVs/UTVs pursuant to this Chapter shall be in accordance with all municipal, county, state and federal laws and regulations.
- B. Persons operating an ATV or UTV on an ATV route within the City of Lake Mills pursuant to this Chapter must be at least sixteen years of age and hold a valid driver's license. A probationary license is acceptable for the purposes of this section.

§609-7 Enforcement and Penalties.

- A. Pursuant to Wisconsin Statute §23.33(12), this ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the City of Lake Mills.
- B. The penalties for violating provisions of this Chapter are set forth in Wisconsin Statute §23.33(13)(a) and are incorporated herein by reference.

§609-8 Agricultural Use.

- A. ATVs and UTVs legally registered for private agricultural use are exempt from this ordinance.
- B. ATVs and UTVs legally registered for private agricultural use are subject to the laws and regulations of the Wisconsin Statutes Chapter 23.33 and 23.335 and Wisconsin Administrative codes NR 64 and NR 65.

§ 609-9 Cost.

- A. The cost of the ATV/UTV route signs, installation, and maintenance will be paid for by Quad County Runners Inc. or any successor organization or group. Within thirty (30) days of the passage of this ordinance, Quad County Runners Inc. will coordinate with the Director of Public Works of the City of Lake Mills to determine the location of the ATV/UTV route signs to be installed at all designated points as required by this Chapter and any applicable county or state laws and regulations.
- B. Quad County Runners Inc. will be responsible for the installation of ATV/UTV route signs in accordance with the provisions of this Chapter.
- C. ATV/UTV route signs shall be dedicated to the City of Lake Mills and become the property of the City of Lake Mills upon installation.
- D. The City of Lake Mills reserves the right to send an invoice to Quad County Runners Inc. or

its successor organization for reimbursement of costs to the City for any ATV/UTV route sign replacement or maintenance.

Section 2. Ordinance language to be repealed is bracketed and stricken. Ordinance language to be added is underlined. When revising, compiling, or printing this ordinance for inclusion in the City Code, the brackets, the material that has been bracketed and stricken, and the underlining need not be included.

Section 3. Adoption of this ordinance amendment has been sponsored by City Council representative Catherine Bishop and Steve Fields.

Section 4. All ordinances or parts of ordinances inconsistent with or contravening the provisions of this ordinance are hereby repealed.

Section 5. Upon passage of this ordinance by the City Council, the City Clerk shall forward copies to the Wisconsin Department of Natural Resources, Wisconsin State Patrol, and the Jefferson County Sheriff's Office.

Section 6. This ordinance shall be in full force and effect upon passage and publication as provided by law.

Adopted this _____ day of _____ 2022.

Gregory Waters, Council President

Attest:

Melissa Quest, City Clerk