

ORDINANCE NO. 02-23

STATE OF WISCONSIN: VILLAGE OF JOHNSON CREEK: JEFFERSON COUNTY

**AN ORDINANCE REPEALING AND RECREATING
SECTIONS 221-10 AND 221-18 A. OF THE MUNICIPAL CODE**

THE VILLAGE BOARD OF THE VILLAGE OF JOHNSON CREEK, JEFFERSON COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: Section 221-10 is hereby repealed and recreated to read as follows:

§ 221-10. All-terrain vehicles and utility terrain vehicles.

A. State laws adopted.

- (1) Except as otherwise specifically provided in this chapter, the provisions of §§ 23.33, 345.11(1r), 346.02(11), 885.235(1), Wis. Stats., and the regulations in Ch. NR 64, Wisconsin Administrative Code Ch. NR 64, with respect to the regulation of all-terrain vehicles and utility terrain vehicles, including any future amendments thereof, are hereby adopted by reference and made part of this chapter as if fully set forth herein. Acts required to be performed or prohibited by such statutes and regulations are required or prohibited in this chapter.
- (2) The adoption of § 346.02(11), Wis. Stats., by reference is intended to include the rules of the road therein enumerated which are as follows: §§ 346.04, 346.06, 346.11, 346.14(1), 346.18 to 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46 to 346.48, 346.50(1)(b), 346.51 to 346.55, 346.71, 346.87 to 346.91, 346.92(1) and 346.94(1) and (9), Wis. Stats.

B. Operation of all-terrain vehicles and utility terrain vehicles on Village roads. All-terrain vehicles and utility terrain vehicles may be operated on all Village roads, except as prohibited or restricted by an official posted route sign, § 23.33, Wis. Stats., Wisconsin Administrative Code NR 64, or this chapter.

C. Operation of all-terrain vehicles and utility terrain vehicles on Jefferson County highways. All-terrain vehicles and utility terrain vehicles may be operated on Jefferson County highways, except as prohibited or restricted by an official posted route sign, § 23.33, Wis. Stats., Wisconsin Administrative Code NR 64, Jefferson County Code of Ordinances, or this chapter. All requirements for the operation of all-terrain vehicles and utility terrain vehicles on Village roads shall also apply to the operation of all-terrain vehicles and utility terrain vehicles on Jefferson County highways. If a conflict arises between this chapter and the Jefferson County Code of Ordinances regarding the operation of all-terrain vehicles

and utility terrain vehicles on Jefferson County highways, the more restrictive provision shall apply.

D. Operating requirements. The following requirements apply to the operation of all-terrain vehicles and utility terrain vehicles on all Village roads:

- (1) No person shall operate an all-terrain vehicle or utility terrain vehicle between the hours of 10:00 p.m. and 5:00 a.m.
- (2) Operators shall have liability insurance.

E. Modification or suspension of route.

- (1) Modification of route. The route designated for the operation of all-terrain vehicles and utility terrain vehicles in the Village shall be established by ordinance of the Village Board. Any modification to the route designated for all-terrain vehicles and utility terrain vehicles shall be approved by ordinance of the Village Board.
- (2) Temporary suspension of route. The Village Department of Public Works Director and Chief of Police shall each have the sole authority to suspend the operation of all-terrain vehicles and utility terrain vehicles on any road, route, or segment thereof in the Village due to hazards, construction, emergency conditions, road damage, or any other issue deemed appropriate for public safety. The Public Works Director or Chief of Police may suspend the operation of all-terrain vehicles and utility terrain vehicles for any time period necessary to accomplish the purpose of this section.

F. Intoxicants in an all-terrain vehicle or utility terrain vehicle.

- (1) No person may drink alcohol beverages while he or she is in an all-terrain vehicle or utility terrain vehicle when an all-terrain vehicle or utility terrain vehicle is upon a Village road.
- (2) No person may possess on his or her person, in an all-terrain vehicle or utility terrain vehicle upon a Village road, 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.
- (3) The owner of an all-terrain vehicle or utility terrain vehicle, or the operator of an all-terrain vehicle or utility terrain vehicle if the owner is not present in the all-terrain vehicle or utility terrain vehicle, shall not keep, or allow to be kept in the an all-terrain vehicle or utility terrain vehicle when it is upon a Village road, 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. This subsection does not apply if the bottle or receptacle is kept in the trunk or other area of the all-terrain vehicle or utility terrain

vehicle not normally occupied by the operator or passengers. A utility compartment or glove compartment is considered to be within the area normally occupied by the operator and passengers.

- G. Route signs. All initial required route signs will be installed and maintained by the Village Department of Public Works. All signs shall comply with the Federal Manual on Uniform Traffic Control Devices. No person may erect or remove any official designated route sign unless authorized by Village Department of Public Works in writing. No person shall operate an all-terrain vehicle or utility terrain vehicle contrary to any authorized and official posted sign.
- H. All-terrain vehicle and utility terrain vehicle trails designated. Except as provided in § 23.33, Wis. Stats., no person shall operate an all-terrain vehicle or utility terrain vehicle upon any public right-of-way in any public park, golf course, public walking trail, public sidewalk, or any public municipal property in the Village.
- I. Violations and penalties. Any person who operates an all-terrain vehicle or utility terrain vehicle in violation of this section, in addition to the penalties of § 23.33 and Ch. 346, Wis. Stats., shall forfeit to the Village not less than \$50, nor more than \$200, for each violation, together with costs and assessments imposed under Ch. 814, Wis. Stats. This penalty section may be amended and set annually by the Village Board.

SECTION 2: Section 221–18 A. is hereby repealed and recreated to read as follows:

- A. Uniform offenses. Forfeitures for violation of any provision of Chs. 341 to 348, Wis. Stats., adopted by reference in § 221-1 or 221-6A of this chapter, Ch. 350, Wis. Stats., adopted by reference in § 221-6A, or § 23.33, Wis. Stats. and Wisconsin Administrative Code NR 64, adopted by reference in § 221–10 of this chapter shall conform to forfeitures for violation of the comparable state offense, including any variations or increases for second offenses, together with the costs of prosecution, and in default of payment any person convicted of such violation may be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed 90 days.

SECTION 3: All ordinances or parts of ordinances conflicting with or contravening the provisions of this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect upon passage and posting as provided by law.

PASSED AND ADOPTED by the Village Board of the Village of Johnson Creek,
Jefferson County, Wisconsin this ____ day April, 2023.

VILLAGE OF JOHNSON CREEK,

BY: _____
John L. Swisher, President

ATTEST:

Susan L. Caine, Clerk

Date Introduced:

Date Adopted:

Date Posted:

Date Published: