

**AN ORDINANCE AMENDING THE MUNICIPAL CODE,
AS IT RELATES TO THE OPERATIONS OF ATV'S IN THE VILLAGE OF SHIOCTON,
OUTAGAMIE COUNTY, WISCONSIN**

The Village Board of the Village of Shiocton do ordain as follows:

Sec. 10-4-4 ADOPTION OF ATV TRAIL.

- (a) **Intent.** The Village of Shiocton, OUTAGAMIE County adopts the following ordinance creating an all-terrain vehicle route for the operation of all-terrain vehicles upon the roadways listed herein.

Following due consideration of the value to provide recreational opportunities and weighted against the possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this route has been created.

This ordinance is hereby created, pursuant to section 23.33(8) and 23.33(11) of the Wisconsin statutes, and Sections 10-4-4 through 10-4-?.

- (b) **Statutory Authority.** This route is created pursuant to Village authority as authorized by 23.33(8)(b), Wis. Stats. This ordinance is intended to facilitate the implementation of sections 23.33(8) and 23.33(11) of the Wisconsin Statutes. To the extent necessary to accomplish this, section 23.33 of the Wisconsin Statutes is hereby adopted by reference. In the event that any provision of this ordinance is inconsistent, or conflicts with such statutes or any of them, that statute, and not this ordinance, shall control and be applied.
- (c) **Conditions.** As a condition of the use of this ATV route, the following requirements shall apply to all operators and passengers.

Sec. 10-4-5 SPEED & EQUIPMENT.

- (a) **Speed.** No person shall operate an ATV within the Village of Shiocton or on any trail or street or other public way designated in Section 10-4-9 of this Chapter at a speed in excess of any posted limit.
- (b) **Restriction on Equipment** - No ATV may be operated on any street within the Village limits unless it conforms to all noise, registration and other equipment requirements as stated in the Wisconsin statutes or the Municipal Code of the Village of Shiocton.
- (c) **Headlight** - Every ATV operating within the Village must display a lighted headlight and taillight at all times, day or night and said lights must conform to the requirements of the current Wis. Statutes and Village ordinance requirements for ATV'S.

Sec. 10-4-6 UNATTENDED VEHICLES.

No person shall leave or allow any ATV owned or operated by him/herself to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

Sec. 10-4-7 OPERATION ON SIDEWALKS PROHIBITED.

No person shall operate an ATV upon any sidewalk, pedestrian way or upon the (skirt) area between the sidewalk and the curb line of any street in the Village, except as specifically authorized for the purpose of legally crossing the street, from an area of private property with prior permission, to obtain immediate access to an authorized area of operation.

Sec. 10-4-8 RESTRICTIONS ON OPERATORS OF ATV'S.

- (a) Operation by non licensed or youthful operators provided under Ch. 23.33(5) Wis. Stat.
- (b) No person shall operate an ATV upon Village streets, alley or public right-of-way within the corporate limits of Shiocton unless such person shall have a valid motor vehicle operator's license.
- (c) No person under the age of 12 years of age may operate an ATV on a roadway for any reason.
- (d) No person 12-15 years may operate an ATV on a roadway unless, the ATV is registered as an implement of husbandry and must either be accompanied by a person at least 18 years of age, on the same machine or closely followed in another vehicle; OR, the ATB is registered for public use and the operator is in possession of an ATV safety course completion certificate and may only operate an ATV if wearing approved headgear designed for that purpose.
- (e) No person under 18 years of age may operate or be a passenger on an ATV without wearing protective headgear with a chinstrap, which is properly attached.

Sec. 10-4-9 ATV ROUTES AND TRAILS DESIGNATED.

- (a) **Routes Designated** - Except as provided in Wis. Stats., or herein stated, no person shall operate any ATV upon any public right-of-way, in any public park or cemetery or on any other public or private property in the Village except upon ATV routes and trails designated by the Village Board. There shall be certain established routes or streets within the Village limits. These ATV routes shall be designated as ATV routes and are to be used only for that purpose, under any circumstances or at any time of day or night.
- (b) **Operation prohibited in certain areas:**
 - (1) **No person may operate an ATV for any reason on the following streets:**
 - a. USH-54 / West Avenue & Rexford Avenue, USH-76/ River Street & Van Straten Road and USH-187/ Hamlin Road
 - b. Any street where operation is prohibited by a posted sign

Note: Any of the above streets may be driven across from one side to the other, from a legal area to reach a street which is legal to operate upon.
 - (2) **No person may operate an ATV in the following areas, unless authorization is first obtained from the Village Board:**
 - a. Any Village parks except on those paved areas that are legal for motor vehicle operation
 - b. Any Village cemeteries
 - c. Any property owned or leased by the Village which is not accessible by motor vehicles
 - d. On the grass skirt area between the street and sidewalk of any street or highway.
 - (3) **ATV routes are described as follows:**
 - a. **Trail Markers** - The Director of Public Works and Village of Shiocton law enforcement officers are directed and authorized to procure, erect and maintain appropriate ATV route, trail and speed limit signs and markers as approved by the State Department of Natural Resources under Wis. Stats.
 - b. **Trail status** - Village of Shiocton Law Enforcement officers shall have the power to declare the stated ATV routes and trails either open or closed. This information may be posted on the Village of Shiocton website and in the Seymour Times Press.
 - c. **Signs and Markers to be Obeyed** - No person shall fail to obey any route or trail sign, marker or speed limit or other control device erected in accordance with this Section or traffic sign or signal under authority of Wis. Stats.

Sec. 10-4-10 ATV TRAVEL WITHIN THE VILLAGE LIMITS.

- (a) **Statutory Authority** – State law allows towns, cities and villages to enact local regulations allowing ATV's to travel designated routes and trails.
- (b) **ATV Travel upon Village streets** – Operation of ATV's within the Village limits shall be strictly limited to traveling along the extreme right side of Village streets designated for that purpose. The authority to enact local ATV residential access regulations is found in the Wis. Stats. By authority of the Wis. Stats. The Village of Shiocton does hereby provide for ATV access into and from residential areas, stores and lodging establishments within the Village limits of Shiocton according to the guidelines set herein.
- (c) **Operation Authorized** – This Section allows for the operation of an ATV on a street, roadway and / or shoulder of a street or highway by persons residing in or staying at a lodging establishment, shopping at local businesses or obtaining personal needs, within the limits of the Village of Shiocton, OUTAGAMIE County, Wisconsin or to travel to or from an established ATV trail or route within or connected to the Corporate limits of the Village of Shiocton.
- (d) **Conditions** - This Section designates the roadways and / or shoulders of specific streets and highways for ATV travel by persons residing in the Village, patronizing business or staying at a lodging establishment within the limits of the Village of Shiocton, OUTAGAMIE County Wisconsin, to travel for the distance that is necessary to reach an ATV trail or route from that residence, business or lodging establishment subject to the following conditions:
- (e) **Permit to operate on Village owned property**
An annual permit fee of \$25.00 will be charged allowing ATV's to be operated upon property owned by the Village of Shiocton. A sticker will be issued for this purpose and shall be plainly displayed on the exterior of the machine.

Uniformity - For the purpose of uniformity in this document the term ATV will have the same meaning as the term All Terrain Vehicle.

1. **ATV's** shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
2. **ATV'S** shall be operated in single file with headlights and taillights in operation at all times, day or night. If a trailer is towed behind an ATV, the trailer must conform to all lighting requirements for ATV's.
3. **ATV** operators shall yield the right-of-way to all other vehicular traffic and pedestrians.
4. **ATV'S** violating any of the above conditions will be subject to the penalties outlined in Wis. Stats., and Village Ordinance.
5. **Speed** – **ATV'S** operated on any portion of any roadway or shoulder of a highway pursuant to this Section shall observe the posted speed limit for that roadway.
6. **Any ATV** unable to reach a maximum speed of 25 MPH, must display a slow moving vehicle triangle, visible on the rear of such vehicle according to Wisconsin state statutes governing the SMV emblems at all times while in operation on any roadway.

Sec. 10-4-11 ATV ENFORCEMENT

- (a) **Enforcement** – This Section shall be enforced by any law enforcement officer of the Village of Shiocton, OUTAGAMIE County, Wisconsin, or such other local, county or state law enforcement officers.
- (b) **Uniform traffic citation** - The uniform traffic citation promulgated under the Wisconsin State Statutes, shall be used for violations of this Chapter relating to highway use except as herein provided.
- (c) **Parking Violations** - The special standardized Village parking ticket shall be used for enforcement of violations of rules of the road relating to parking of vehicles.
- (d) **Other Violations** - All violations of this Chapter not described in Subsections (a) or (b) shall be enforced in accordance with Wis. Stats. Stipulations of guilt or no contest may be made as provided in Wis. Stats. in substantially the form provided in the uniform traffic citation within five (5) days of the

date of the citation for such violation. Payment may also be made under Wis. Stats. Such deposits shall include the Village of Shiocton municipal court costs listed in Chapter 3 of this Code of Ordinance.

Sec. 10-4-12 ATV STATE FORFEITURE LAWS AND PENALTIES

All provisions of section 23.33 of the Wisconsin Statutes describing and defining regulations with respect to all-terrain vehicles of which the penalty is a forfeiture only shall be incorporated by reference. Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not more than \$500.00, together with the costs of prosecution and, in default of payment thereof, may be imprisoned in the county jail for a term not to exceed ten days, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wis. Stats., for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under Chapter 94 of this Code of Ordinances. Except as otherwise provided in Wis. Stats. and the deposit schedule adopted by the State Board of Circuit Court Judges hereunder, required penalties and deposits or bail not including costs or fees for violation of this Chapter shall be as established by the schedule adopted by the Village of Shiocton Common Council.

Sec. 10-4-13 SEVERABILITY

The provision of this ordinance shall be deemed severable and it is expressly declared that the Village would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons circumstances shall not be deemed affected.

Sec. 10-4-14 ATV EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as required by law.