



City of Reedsburg
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STAFF REPORT

AGENDA ITEM: _____

To: City Council & Ordinance Committee
By: Brian Duvalle, Planning/Building
Date of Meeting: November 11, 2019

Subject: Ordinance 1889-19 – Amend ATV Ordinance; 2nd Reading
***Updated following City Attorney’s review**

BACKGROUND AND REQUEST

The current ATV ordinance was adopted in 2016. The vast majority of ATV users have been law-abiding and have helped to increase local business. Therefore in order to expand ATV use, lessen route confusion and allow residents to access routes from their properties without trailering, a local ATV group asked the Plan Commission to expand the current map and ordinance.

After discussion, the Plan Commission recommends allowing all city streets be authorized for ATV use. Along with the reasons listed above, it would also eliminate the need for ATV signage. Such authorization would be similar to the City’s regulation of NEVs.

To help alleviate concerns of ATV use on all streets, the ordinance would increase the ATV driving age to 16, require driver’s license & insurance and prohibit open intoxicants. This would be similar to Sauk County’s ordinance.

FINANCIAL IMPACT

NA

STAFF RECOMMENDATION

The Plan Commission recommends approval.

ACTION:

If the Mayor and City Council are ready, the following action may be made:

Motion to approve/deny – 2nd Reading of Ordinance 1889-19.

Attachment(s): Ord 1889-19

ORDINANCE NO. 1889-19
(ATV/UTV Ordinance)

The City of Reedsburg, Sauk County, does hereby ordain as follows:

SECTION I: PURPOSE:

The purpose of this ordinance is to amend the sections regulating ATV/UTV use in the City by allowing them on any city street.

SECTION II: PROVISIONS AMENDED:

City of Reedsburg Code Section 608 is amended to read as follows:

CHAPTER 608 VEHICLES, ALL-TERRAIN

§ 608-1 Intent; applicability.

The City Council has considered the recreational and economic value of all-terrain vehicle and utility-terrain vehicle (ATV/UTV) routes and trail opportunities weighed against protecting the public safety, liability aspects, terrain involved, traffic density, and history of automobile traffic. After due consideration, this ordinance is created to establish all-terrain vehicle and utility terrain vehicle routes on public roadways and trails on the City property and to regulate the operation of such vehicles on such routes and trails to provide safe and healthful conditions for the enjoyment of ATV/UTV recreation consistent with public rights and interest pursuant to City authority under Wis. Stat. §§ 62.11(5), 23.33(8) and 23.33(11).

§ 608-2 Adoption of standards.

Except as otherwise provided in this chapter, the statutory provisions in Wis. Stat. chs. 23, 340 to 348, and 350 establishing definitions and regulations with respect to ATVs and UTVs, and Wis. Adm. Code. ch. NR 64, All-Terrain Vehicles, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this chapter as if fully set forth herein. Unless otherwise provided in this chapter, any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the statutes or administrative codes incorporated herein are made a part of this chapter in order to secure uniform statewide regulation of ATVs and UTVs, except to the extent that the provisions of this chapter are more restrictive.

§ 608-3 Designating ATV/UTV routes and trails.

~~The ATV/UTV routes in the City of Reedsburg are designated ATV/UTV Routes Map entitled "Reedsburg ATV Route Map, Reedsburg, Wisconsin" dated June 27, 2016.~~ Designated ATV/UTV routes include all public streets and alleys except connecting highways within the City of Reedsburg city limits except as posted. In addition, under Wis Stat. 23.33(11)(am)4, ATVs/UTVs are authorized to operate on STH 33 (East and West Main Street) and STH 23 (South Albert Avenue) where the speed limit is 35 MPH or less. The Reedsburg Police Department may temporarily close any ATV/UTV route whenever conditions require closure.

§ 608-4 Trail and route signs. Designated ATV/UTV route and trail signs shall be installed and maintained in accordance with Wisconsin Administrative Code NR 64.12 (7).

- A. The City of Reedsburg is solely responsible for ATV/UTV route signage installation and no person may install any sign on a designated ATV/UTV route without written authorization of the City.
- B. All required signs shall be in accordance with state statutes and administrative codes applicable to ATV/UTV routes on public streets and bridge crossings.
- C. No person may erect, remove, obscure, or deface any authorized ATV/UTV route sign without written authorization of the City of Reedsburg.

§ 608-5 Operation of ATVs and UTVs. Operation of ATVs and UTVs on designated ATV/UTV routes shall be subject to all provisions of s. 23.33, Wis. stats., which is adopted as a part of this ordinance by reference. The following restrictions apply to operation of ATVs and UTVs on all city streets designated as ATV/UTV routes:

- A. ATVs and UTVs may only be operated on approved ATV/UTV routes from 6am – 10pm.
- B. ATVs and UTVs shall operate at a safe speed not to exceed the posted speed limits.
- C. No person under the age of 16 may operate an ATV or UTV on any segment of a street or highway in the City of Reedsburg.
- D. Every person who operates an ATV or UTV on any street or highway in the City of Reedsburg shall have in his or her immediate possession a valid motor vehicle operator's license. The ATV/UTV operator shall display the operator's license upon demand from any law enforcement officer, state patrol officer, inspector under Wisconsin State Stats 110.07(1), conservation warden, or municipal peace officer.
- E. No operator or passenger of an ATV or UTV may possess in or on an ATV or UTV on any street or highway in the City of Reedsburg, 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.
- F. All ATV and UTV equipment is required to have applicable liability insurance and have proof of insurance.

§ 608-6 Notifications. A copy of this ordinance shall be sent to the Wisconsin State Patrol, Sauk County Sheriff's Department and to the Wisconsin Department of Natural Resources.

§ 608-7 Violations and penalties.

- A. Except as provided in Sec. 23.33(13)(am) to (e), Wis. Stat, any person who violates any section of this ordinance or statutes adopted by reference shall pay a forfeiture of not less than \$50.00 nor more than \$250.00 for each offense. Said forfeiture is exclusive of mandatory assessments and costs.
- B. The penalty for operating an ATV/UTV off the roadway of a designated ATV/UTV route to include the grassy in-slope, ditches, or other highway right-of-way; other than for direct access from a trail to a roadway on a designated trail, or operating outside of permitted times for route use, or operating in excess of permitted speed; shall result in a forfeiture of not less than \$100.00

nor more than \$250.00, as established in Wis. Stat. chs. 23. Said forfeiture is exclusive of mandatory assessments and costs.

- C. In addition to any forfeiture, a court may order restitution to repair any damage caused by violation of this chapter.

SECTION III: VALIDITY:

Should any section, clause or provision of the Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION IV: CONFLICTING PROVISIONS REPEALED:

All ordinances in conflict with any provision of this Ordinance are hereby repealed.

SECTION V: EFFECTIVE DATE:

This ordinance shall be in force from and after its introduction and publication as provided by statute.

SECTION VI: PART OF CODE:

This Ordinance becomes part of the City of Reedsburg Code, Chapter 608.

Dated this 11th day of November, 2019.

David G. Estes, Mayor

Jacob Crosetto, Clerk/Treasurer

1 st Reading at Council:	October 14, 2019
Public Hearing Noticed:	October 24, 2019
2 nd Reading at Council/Public Hearing:	November 11, 2019
Published, Enactment Date:	November 21, 2019