

Chapter 4

Vehicles, All-Terrain and Utility Terrain Operation

10-4-1 State All-Terrain Vehicle Laws Adopted

10-4-2 Operation of all-terrain and utility terrain vehicles in the City

Sec. 10-4-1 State All-Terrain Vehicle Laws Adopted.

The provisions describing and defining regulations with respect to all-terrain vehicles in the following enumerated subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions thereto, are hereby adopted by reference and made a part of this section as if fully set forth herein. Any acts required to be performed by the following statutory subsections or which are prohibited by such statutory subsections are required to be performed by this section or are prohibited by this section:

Section 23.33 (1)	Definitions [including subsections (a) through (n)]
Section 23.33 (2)	Registration
Section 23.33 (3)	Rules of operation [including subsections (a) through (i)]
Section 23.33 (4)	Operation on or near highway [including subsections (a) through (e)]
Section 23.33 (5)(a) and (5)(c)	Age restrictions
Section 23.33 (6)	Equipment requirements [including subsections (a) through (e)]
Section 23.33 (7)	Accidents [including subsections (a) through (b)]

Sec. 10-4-2 Operation of all-terrain (ATV) and utility terrain (UTV) vehicles in the City.

- A. Purpose. The purpose of this section is to establish all-terrain vehicle/utility terrain vehicle routes and to promote public health and safety for all-terrain/utility terrain vehicle recreation consistent with public rights and interests pursuant to Sec. 23.33(8)(b) and 23.33(11) Wis. Stats. In addition, this section will provide for the regulation of all-terrain/utility terrain vehicles within the City of Niagara, Wisconsin. The establishment of this section is for the convenience of the ATV/UTV riding public only, and the Common Council of the City of Niagara makes no warranty, express or implied, that the aforementioned routes are safe for ATV/UTV operation.
- B. Intent. The City of Niagara, Marinette County, Wisconsin adopts the following all-terrain (ATV) and Utility Terrain Vehicle (UTV) Route Ordinance upon the roadways listed herein. Following due consideration of the recreational value to connect trail opportunities and weighed against possible dangers, public health, liability aspects, terrain involved, traffic density and automobile traffic volume, these routes and trails have been created.
- C. Authority. The Common Council of the City of Niagara, Marinette County, Wisconsin, has the specific authority to adopt this all-terrain and utility terrain vehicle ordinance under Wisconsin State Statutes Chapter 23 and Wisconsin Administrative Code NR64; specifically Section 23.33 (8)(b) and (11) Wis. Stats.
- D. Definitions.
- All-terrain vehicle (ATV) – a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more low-pressure tires or non-pneumatic tires.

- b) All-terrain vehicle route – means a highway, road, street or right-of-way designated for use by all-terrain or utility terrain vehicle operators by the governmental agency having jurisdiction as authorized under this section.
 - c) All-terrain vehicle trail – means a marked corridor on public property or on private lands subject to public easement or lease, designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction, but excluding roadways of highways except those roadways that are seasonally not maintained for motor vehicle traffic.
 - d) Utility terrain vehicle (UTV) – as defined in Sec. 23.33 (ng), Wis. Stats.
 - e) The term “city” means the City of Niagara unless otherwise indicated.
 - f) Safety certificate. No person who is at least 12 years of age and who is born on or after January 1, 1988, may operate an all-terrain vehicle unless he or she holds a valid safety certificate issued by the department, another state, or a province of Canada (as per Wis. State Statutes 23.33 (5) – age restrictions).
- E. Local Regulation. The operator of an ATV/UTV shall obey ALL State of Wisconsin laws regarding the operation of ATV/UTVs and the following conditions:
- a) The City of Niagara reserves the right to close or modify routes and trails at any time.
 - b) The City of Niagara or its designee shall maintain all route and trail signs within the City of Niagara.
 - c) No person may operate an ATV or UTV on the roadway in the City unless it a road that has been properly signed, in accordance with Wisconsin Natural Resources Administrative Code NR 64.12 (7) (c) as an ATV and/or UTV route, by this ordinance.
 - d) ATV/UTV routes in the City of Niagara will be open from 6 a.m. until it is dark and closed until 6 a.m. the following morning, with the exemption of properly licensed agriculture ATV's and UTV's. ATV/UTV routes in the City of Niagara will be closed from December 1st until Marinette County announces trail openings in the spring (usually around the 1st of May).
 - e) All ATV and UTV operators shall ride on the extreme right side of the pavement except that left turns may be made from any part of the roadway which is safe and given prevailing condition, but shall not operate on the shoulders or in the ditch.
 - f) All ATV and UTV operation on any portion of a designated route shall not exceed the posted speed limit for automobiles or the posted speed limit for ATV/UTV traffic, whichever is lower.
 - g) All ATV and UTV operation on any portion of a designated route shall be single file in a line of ATV's and UTV's arranged one behind the other.
 - h) No person may operate an ATV or UTV on a designated route or roadway unless:
 - a. That person is under 16 years of age, has obtained a safety certificate (refer to definition section of this ordinance) from the Department of Natural Resources and is accompanied by a parent or guardian or,
 - b. That person is sixteen (16) years of age or older and possesses a valid driver's license.
 - c. Every person who operates (or accompanies an operator under 16) an ATV/UTV on City of Niagara roadways shall have in his or her immediate possession a valid motor vehicle operator's license, and shall display the license document upon demand from any law enforcement officer or official described in Wis. Stat. Section 23.33(12). No one will be allowed on roadways in the City of Niagara with a suspended or revoked motor vehicle operator's license.
 - i) The operator of an ATV/UTV shall obey all traffic laws and ordinances.

- j) All ATV's and UTV's operating on any portion of an established designated ATV or UTV route shall display lighted headlights and taillights conforming to Wisconsin State Statute 23.33 equipment requirements at all times.
 - k) All ATV's and UTV's operating on City streets shall have a red rear light and a working red brake light; brakes in good mechanical condition; and
 - l) All ATV's and UTV's must be equipped with a functioning muffler system that prevents unusual or excessive noises. Owners and operators must not modify from stock to increase your exhaust noise or operate with your exhaust system in excess of normal operation.
 - m) No person under 18 years of age may operate or be a passenger on an ATV/UTV without wearing protective headgear of the type required under s. 347.485 (1) (a) and with the chin strap properly fastened, except as specifically exempted under Wisconsin Statute 23.33 (3g)(b, c, and d).
 - n) No person may operate a utility terrain vehicle unless each passenger is wearing a safety belt or harness installed by the manufacturer and fastened in a manner prescribed by the manufacturer of the safety belt or harness which permits the safety belt or harness to act as a body restraint.
 - o) No open intoxicants are allowed while operating on, or as a passenger in, any ATV/UTV in the City of Niagara.
 - p) All Wisconsin Statutes related to the operation of an ATV/UTV while under the influence of alcohol or a restricted controlled substance will be strictly enforced, including Absolute Sobriety by ATV/UTV operators under the age of 21.
 - q) No person may operate an ATV/UTV within the City of Niagara unless the owner or operator of the vehicle has in effect, a liability policy covering the vehicle being operated and such operator has in his or her immediate possession a certificate or proof of insurance covering such vehicle which shall be displayed upon demand from any traffic officer.
 - r) ATV's and UTV's operated on City Streets shall be currently registered by the State of Wisconsin in accordance with Wisconsin State Statutes.
- F. Designation of All-Terrain and Utility Terrain Routes and Trails.
- a) All roads within the city limits of the City of Niagara shall be designated for ATV/UTV use with the following exceptions: operation on or along U.S. Highway 141, property of the Niagara School District; the Niagara Cemetery, the walking river trails along the Menominee River, and all city parks with the exclusion of designated parking areas. Normal maintenance and ground crew operation to contour baseball field diamonds and the like with ATVs/UTVs will be allowed in city parks.
 - b) ATV/UTV use is permitted on the alleyway near the city garage from Tyler road leading to the rear area of the Red Brick Inn. This is a high dust area and during those times speed must be curtailed on this alleyway.
 - c) A person may operate an ATV/UTV to cross U.S. Highway 141 only if the crossing is done in the most direct manner practicable (preferable perpendicular) at intersections only. The operator must stop the ATV/UTV vehicle prior to crossing and yield the right-of-way to other vehicles and pedestrians using the roadway.
 - d) The City of Niagara reserves the authority to suspend ATV/UTV operation on any roadway or area due to hazard, construction, repairs, special events, complaint, or emergency conditions at any time.
 - e) ATV/UTV use shall not include any private roads or driveways or any private property in the City of Niagara.

- G. Severability. Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.
- H. Enforcement. The City of Niagara Common Council gives the authority to enforce this section to any law enforcement officers authorized to enforce the laws of the State of Wisconsin. The enforcement officer may order the owner or operator of any vehicle to suspend operation. Verbal or written warnings may be allowed at the discretion of the enforcement authority.
- I. Penalties. The penalties under this ordinance are as follows: \$300 for 1st offense/violation; \$400 for 2nd offense/violation; and \$500 for 3rd and subsequent offenses/violations.
- J. Effective date. This ordinance shall take effect upon approval and publication.

Dated this _____ day of _____, 2019

City of Niagara

George Bousley, Mayor

Audrey Fredrick, Clerk/Treasurer

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