

ORDINANCE #24-11

An Ordinance Creating Sec. 42-121 of the Municipal Code of the Village of Jackson Designating All-Terrain Vehicle (ATV) and Utility-Terrain Vehicle (UTV) Routes

Section 1. Intent.

The Village of Jackson, Washington County, Wisconsin, adopts the following Ordinance Designating All-Terrain Vehicle and Utility-Terrain Vehicle Routes. The purpose of this Ordinance is to establish all-terrain and utility-terrain vehicle routes in the Village of Jackson and to regulate the operation of all-terrain and utility-terrain vehicles in the Village.

Section 2. Statutory Authority.

This Ordinance is adopted pursuant to Wis. Stat. § 23.33(8)(b) and (11).

Section 3. Definitions.

The definitions in Wis. Stat. § 23.33(1) are hereby incorporated by reference.

Section 4. State Laws Adopted.

Except as otherwise provided in this section, the statutory provisions in Wis. Stat. Chs. 23, 340 to 348, and 350 establishing the 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 section, 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 section in order to secure uniform statewide regulation of ATVs and UTVs, except to the extent that the provisions of this section are more restrictive

Section 5. Routes

- (a) No person shall operate an ATV or UTV on any Village street, alley, park or parking lot, on any public lands or parking lots held open to the public, or on any land within the Village except as provided in this section.
- (b) All streets in the Village are designated ATV/UTV routes.
- (c) Authorized Routes. ATVs/UTVs are authorized to operate on the following highways:
 - 1. CTH P
 - 2. STH 60 from Eagle Drive to Industrial Drive/Glen Brooke Drive. There shall be no operation of ATVs/UTVs on STH 60 from Industrial Drive to the western boundary of the Village.
- (d) The Village reserves the right to close or modify ATV and UTV routes at any time
- (e) Municipal, State, and Utility Operations. An ATV or UTV owned by a municipality, state agency, public utility, or electric cooperative may be operated on any street or highway within the Village, and within any Village park, while the operator is engaged in an emergency or the operation directly relates to the functions of the municipality, state agency, public utility, or electric cooperative. Unless safety requires strict adherence, the regulations in subsection (4) shall not apply to such operation of an ATV or UTV.
- (f) Route Signs. All ATV and UTV routes shall be signed in accordance with Wis. Admin. Code Sec. NR 64.12. The Village shall install and maintain all route signs within the Village, including without limitation, on federal, state and county trunk highways within the Village.

Section 6. Conditions.

As condition for use of Village roads, the following conditions shall apply to all operators (and passengers):

- (a) All all-terrain vehicle and utility-terrain vehicle operators shall observe posted speed limits.
- (b) ATVs and UTVs may only be operated on approved ATV/UTV routes from 6 a.m. to 10 p.m.

- (c) No person under 18 years of age may operate or be a passenger on an all-terrain vehicle or utility-terrain vehicle without wearing protective headgear of the type required under Wis. Stat. § 347.485(1)(a) and with the chin strap properly fastened, except as specifically exempted under Wis. Stat. § 23.33(3g)(b), (c) and (d).
- (d) No person under the age of 16 may operate an ATV or UTV on any segment of a street or highway in the Village.
- (e) All ATV and UTV operators are subject to and shall abide by applicable provisions of the Wisconsin Statutes and Department of Natural Resources regulations pertaining to safety and safety certificate requirements. Persons born on or after January 1, 1988, must possess a valid safety certificate to operate an ATV or UTV and shall display proof that the person holds a valid safety certificate to a law enforcement officer on request.
- (f) Operation of all-terrain vehicles and utility-terrain vehicles on roadways designated as all-terrain vehicle and utility-terrain vehicle routes are authorized only for the extreme right side of the roadway, on the paved surface (if the roadway is paved), except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
- (g) Every person who operates an ATV or UTV on any street or highway in the Village 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 Wis. Stat. § 110.07(1), conservation warden, or municipal peace officer.
- (h) All ATVs and UTVs are required to have liability insurance with limits no less than the amounts specified in Wis. Stat. § 344.33(2)(a) through (c). The operator of an ATV or UTV shall display proof of such insurance upon demand from any traffic officer.
- (i) ATVs and UTVs shall be subject to all Village parking regulations and restrictions.
- (j) ATVs or UTVs may be operated within Village parking lots, unless otherwise prohibited by this section.
- (k) No person shall operate an ATV or UTV within any Village park, or on any sidewalk, designated bicycle or pedestrian lane, gravel shoulder, ditch or other area of any street right-of-way other than on the paved roadway, unless specifically designated and posted otherwise by the Village

- (l) No person shall, while operating an ATV or UTV, engage in the practice of cruising on any authorized roads. Cruising is defined as running all or part of the length of a roadway multiple times, per day, back and forth, for any purpose other than departing or arriving at their residence, or place of lodging, or departing or arriving, at a person's place of employment
- (m) No person shall leave or allow any ATV or UTV owned or operated by that person to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.
- (n) No person may operate a UTV unless each passenger is wearing a safety belt installed by the manufacturer and fastened in a manner prescribed by the manufacturer of the safety belt to act as a body restraint.
- (o) No person shall operate an ATV or UTV on any route where the vehicle does not meet state or municipal noise and exhaust restriction requirements.
- (p) No person may operate or park, stop or leave standing an ATV or UTV while using a radio or other electronic sound amplification device emitting sound from the vehicle that is audible under normal conditions from 75 feet or more, unless the electronic sound amplification device is being used to request assistance or to warn against an unsafe condition.
- (q) 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 Village, 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 of the ATV or UTV or if the ATV or UTV does not have a trunk, in some other area of the ATV or UTV 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.
- (r) No person shall operate an ATV or UTV while under the influence of an intoxicant, a restricted controlled substance, a controlled substance analog, or any combination of these elements, to a degree which renders the person incapable of safely operating the ATV or UTV.
- (s) All all-terrain vehicle and utility-terrain vehicle operators shall ride single file.
- (t) The operator of an all-terrain vehicle or utility-terrain vehicle shall obey all traffic laws local ordinances and DNR regulations.

- (u) The operator of an all-terrain vehicle or utility-terrain vehicle shall display a lighted headlamp and tail lamps on the all-terrain vehicle or utility-terrain vehicle and display the registration or license plate at all times.
- (v) All-terrain vehicle and utility-terrain vehicle operation is at the risk of the operator. The Village of Jackson has no liability for any damage or injury to persons, real property or personal property, arising out of the operation of all-terrain vehicles and utility-terrain vehicles on designated all-terrain vehicle and utility-terrain vehicle routes.
- (w) Routes are open year-round.
- (x) All operations are subject to the provisions of Wis. Stat. § 23.33, which are incorporated by reference.

Section 7. Enforcement.

This Ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

Section 8. Penalties.

Wisconsin State All-Terrain Vehicle penalties as found in Wis. Stat. § 23.33(13)(a) are adopted by reference.

Section 9. Severability.

The provisions 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 or circumstances shall not be deemed affected.

Section 10. Effective Date.

This Ordinance becomes effective upon passage and publication.

Introduced by: Brian Heckendorf Seconded by: J. Ammrich

Vote: 6 aye 0 nay

Passed and approved 12/10/2024

VILLAGE OF JACKSON

By: Brian Heckendorf
Brian J. Heckendorf, Village President

Attest:

Jacqueline M. Schuh
Jacqueline Schuh, Village Clerk

Proof of Posting:

I, the undersigned, certify that I posted copies of this Ordinance on bulletin boards at the Jackson Municipal Complex, Post Office and one other location in the Village.

Jacqueline Schuh
Village Official

12/11/2024
Date