

ORDINANCE OF THE VILLAGE OF BLUE MOUNDS, WISCONSIN
Adopted pursuant to Chapter 350 of the Blue Mounds Village Code

Title: An Ordinance Regulating the use of all-terrain and utility terrain vehicles.

Ordinance Identification Number	<u>A-240</u>
Code Section(s) created, amended, or repealed	<u>CH 350</u>
Date of publication of Public Hearing	<u>N/A</u>
Date Public Hearing held	<u>N/A</u>
Date adopted	<u>8-14-2019</u>
Vote	<u>5 - yes 0 - NO</u>
Date of publication of adoption of ordinance	<u>8-22-2019</u>
Posted <u>8-14-2019</u> , Website: <u>8-14-2019</u>	

The Village Board of the Village of Blue Mounds does ordain as follows:

Section 1: Village ordinance Chapter 350 entitled "Vehicles and Traffic" is amended as follows:

§ 350-11 ALL – TERRAIN AND UTILITY TERRAIN VEHICLE ROUTE ORDINANCE

- A. **ADOPTION OF STATUTORY PROVISIONS:** The provisions of section 23.33 of the Wisconsin Statutes, and subsequent amendments thereto, are hereby incorporated herein by reference as part of this Chapter, except for those provisions therein which conflict with this section.
- B. **SAVING CLAUSE:** This section shall in no way be deemed to supplant or otherwise invalidate any provision of the state statutes relating to the subject matter hereof. Any person entrusted with the enforcement of this section may, in the exercise of his or her discretion, proceed under applicable state statutes.
- C. **SEVERABILITY.** Should any provision of this section, or its application to any person or circumstance, be held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be affected thereby.
- D. **DEFINITIONS.**
 - (1) All-Terrain Vehicle (ATV) has the meaning specified in Wis. Stat. §340.01(2g).
 - (2) Utility-Terrain Vehicle (UTV) has the meaning specified within Wis. Stat. §23.33(1)(ng).
 - (3) ATV/UTV Route shall mean Village streets designated for use by ATV and UTV operators that are marked by signage.
- E. **DESIGNATED ROUTES.** Except as otherwise specifically provided in section 23.33 of the Wisconsin Statutes, no person shall operate any ATV or UTV upon any public right-of-way or on any other public property in the Village of Blue Mounds except as hereinafter designated.
 - (1) ATVs and UTVs are allowed on Mounds Park Road within the Village of Blue Mounds.
 - (2) ATVs and UTVs are allowed on Division Street from Mounds Park Road to the intersection of Mounds View Road.

- (3) ATVs and UTVs are allowed on Mounds View Road.
- (4) ATVs and UTVs are allowed to park in the allotted parking areas on allowed streets within the Village, unless otherwise posted.
- (5) ATV and UTV routes shall be open from 7:00 am to 9:00 pm daily.
- (6) The Village may close ATV/UTV routes at any time through the removal of the route signage and by providing notice to the public.

F. ROUTE SIGNS: The Village Public Works Department shall emplace signage of the ATV/UTV routes, provided by a local ATV/UTV club(s) at their cost, in accordance with Chapter NR 64.12 of the Wisconsin Administrative Code.

G. RESTRICTIONS ON OPERATION: In addition to the provision of section 23.33 of the Wisconsin Statutes and NR 64.07 of the Wisconsin Administrative Code, the following restrictions are placed on the use of the Village ATV/UTV routes permitted under this section:

- (1) The operators of ATVs/UTVs on all designated ATV/UTV routes shall observe the posted roadway speed limits and all other applicable traffic regulations.
- (2) ATV/UTV operators shall ride in single file.
- (3) ATV/UTV headlamps and tail lamps must be turned on at all times and ATV/UTVs shall have functional brake lights.
- (4) UTV operators and passengers must wear seat belts at all times.
- (5) All ATV/UTV operators and passengers under the age of 18 are required to wear a minimum DOT standard ATV or motorcycle helmet.
- (6) ATV/UTV operators shall possess a valid operator's license as defined in section 340.01(41g) of the Wisconsin Statutes, as may be amended from time to time including a safety certificate if required by State law.
- (7) No person may possess on his or her person, in any UTV/ATV upon a public highway or residential street in the Village of Blue Mounds or while sitting idle in any location on village property, any bottle or receptacle containing alcohol beverages or nitrous oxide 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.
- (8) 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.

H. CLOSURES, SUSPENSION, OR TERMINATION OF ROUTE. The Village President, Police Chief or their designee shall have the authority to:

- (1) To suspend ATV/UTV operation on any roadway due to hazard, construction, repairs, special events, complaints, an emergency, or other necessary condition as determined by the Village.
- (2) Request the Village Public Safety and Administrative Committee to review any all-terrain route enacted designated herein for the purpose of suspending or terminating the route.

I. ENFORCEMENT AND PENALTIES. Violations of this section shall incur the maximum penalties set forth in Section 23.33(13) of the Wisconsin Statutes, as may be amended from time to time.

Section 2: This ordinance shall be in full force and effect following passage and publication as provided by law.

Adopted by the Village Board of the Village of Blue Mounds this 4th day of August, 2019.



Audra Anderson
Village President

ATTEST:



Mary Jo Michek
Village Clerk/Treasurer