

9.02 AUTHORITY TO ALLOW LOW SPEED VEHICLES, ALL TERRAIN VEHICLES, AND UTILITY TERRAIN VEHICLES

(1) **PURPOSE.** The purpose of this Chapter shall be to allow, subject to regulation, the use of low-speed vehicles on the streets of the Village of New Auburn; and all-terrain vehicles and utility terrain vehicles on designated routes within the Village of New Auburn.

(2) **DEFINITIONS**

(A) LSV – “Low-speed vehicle” must meet the National Highway Traffic Safety Administration’s (NHTSA) Federal Motor Vehicle Safety Standards and must have a certification label stating that the vehicle meets those standards. A golf cart is not considered a LSV.

(B) UTV - "Utility terrain vehicle" has the meaning set forth at §23.33(1)(ng), Wis. Stats. Defined as a motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a low-speed vehicle, golf cart, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:

1. UTV has a net weight of less than 2,000 pounds.
2. UTV has four or more low-pressure tires.
3. UTV has a cargo box installed by the manufacturer.
4. UTV has a steering wheel.
5. UTV has a tail light, brake light, and two headlights.
6. UTV has a width of not more than 65 inches.
7. UTV has seats for at least 2 occupants, all of which seating is designed not to be straddled.
8. UTV has a system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
9. UTV has a system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.

(C) ATV – “All-terrain vehicle” has the meaning set forth at §23.33(1)(b), Wis. Stats., which incorporates the definition at §340.01(2g), Wis. Stats. Defined as a motor driven device that has a net weight of less than 900 pounds, which is originally manufactured with a width of 50 inches or less, which is equipped with a seat designed to be straddled by the operator, and which is designed by the manufacturer to travel on 3 or more low-pressure tires. An ATV is not a low speed vehicle.

(D) Operator – has the same meaning as is set forth in §23.33(1)(iw), Wis. Stats., and shall further be defined as meaning a person who “operates” an ATV, UTV, or LSV as the term “operate” is defined at §23.33(1)(ir), Wis. Stats.

(3) **STANDARDS OF A LSV.** To be eligible for use on streets of the Village, a low speed vehicle shall comply with the following standards:

(A) It shall be four-wheeled and shall have a speed range potential of at least 20 miles per hour but not more than 25 miles per hour on a paved surface and a gross vehicle weight at rest of less than 3,000 pounds.

(B) It shall have headlights, front and rear turn signals and stop lamps.

(C) It shall have red reflex reflectors on each side as far to the rear as practicable and one such reflector on the rear.

(D) It shall have an exterior mirror mounted on the driver’s side and either an exterior mirror on the passenger side or an interior rearview mirror.

(E) It shall have a parking brake.

(F) It shall have a windshield which conforms to the requirement of the Federal Motor Vehicle Safety Standard on glazing material (49 CFR 571.205).

(G) It shall possess a vehicle identification number (VIN) which complies with the federal Code (49 CFR 565).

(H) It shall have a Type 1 or Type 2 seatbelt assembly conforming to 49 CFR 571.50056 and Federal Motor Safety Standard No. 209 for each designated seating position.

(I) It shall meet the general test conditions under 49 CFR 571.50056.

(J) Shall be self-propelled by gas or electric power (also known as “neighborhood electric vehicles”).

(4) OPERATION OF A LSV.

(A) For operation on public roads, a LSV must be titled and registered through the DMV. The license plate must be displayed on the LSV.

(B) The operator of a low speed vehicle shall be in possession of a valid driver’s license at the time of its operation on Village streets and follow all traffic laws.

(C) LSV operators must have a motor vehicle liability policy in effect that covers the LSV and meets minimum required coverage. The LSV operator must display proof of insurance coverage upon demand from any traffic officer.

(D) Low speed vehicles may be operated only upon those streets having a posted speed limit of thirty-five (35) miles per hour or less.

(E) LSVs may never travel on or across expressways, freeways, interstate highways or other controlled-access highways.

(F) The operation of a LSV shall comply in all respects with all ordinances of the Village, together with applicable State laws.

(G) Low speed vehicles may not be operated on Village streets between November 1 and April 1.

(H) A slow moving vehicle sign is not required on LSV.

(5) OPERATION OF AN ATV or UTV.

(A) No person may operate an all-terrain vehicle on the roadway portion of any street in the Village except on roadways that are designated as all-terrain vehicle routes by this ordinance. Operation of all-terrain vehicles on a roadway in the Village that is an all-terrain vehicle route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.

(B) No person shall operate either an ATV or UTV on any of the designated routes subject to this ordinance who fails to meet all of the following conditions:

(1) The operator shall be in possession of valid driver’s license at the time of its operation on Village streets and follow all traffic laws.

(2) The operator shall hold a valid safety certificate as defined at Wis. Stats. 23.33(5)(b).

(C) No ATV or UTV may be operated on Village streets between November 1 and April 1, unless all of the following apply: (1) such operation is for the purpose of snow removal, (2) the ATV or UTV has attached a snow removal device, and (3) all other provisions and requirements set forth in 2011-12 Wis. Stats. Sections 23.33(4)(f) and (6)(h) are met.

(D) Designation of All-Terrain Vehicle and Utility Terrain Vehicle Routes

(1) Designated Routes:

(a) W. Elm Street at Columbia Street west to the dead end.

(b) N. Columbia Street at Cty Hwy M north to W. Pine Street.

(c) W. Pine Street at Columbia Street east to N. Spruce Street.

(d) N. Front Street at Pine Street north to the dead end.

- (e) N. Central Street at Pine Street north to North Street.
- (f) North Street at Spruce Street west to Cty Hwy SS.
- (g) N. Spruce Street at Pine Street south to E. Main Street.
- (h) E. Elm Street at Spruce Street east to N. East St.
- (i) East Street at Elm Street south to Cty Hwy AA.

(2) A map of the routes designated is attached and incorporated by reference and maintained on file at the Village offices. (Appendix T Village Ordinances)

(3) The Village Board reserves the right to modify the designation of routes under 9.02(5)(D)(1), from time to time, by amending this ordinance. Prior to amending the ordinance in this manner, the Village shall hold a public hearing as to proposed route changes.

(E) Procedures for Adding/Deleting Village roadways as Routes

(1) A property owner or resident within the Village must petition the Village to add/delete a street or street segment. Petitioner must secure a majority of signatures of all the property owners/resident on the street.

(2) The Village Board shall review the petition at a regularly scheduled Board meeting, and make a determination as to whether the street or street segment in question is appropriate for use as permitted under this ordinance.

(3) The Village Board shall hold a public hearing on the petition. This public hearing may be held in conjunction with a regularly scheduled Board meeting. The testimony at the public hearing shall be considered before the route changes are adopted. The Board shall make reasonable efforts to ensure residents on affected highways are given notice of the public hearing.

(4) Following the public hearing the Village Board shall discuss the proposed change, but it shall not modify routes until the matter is brought up for consideration at the next regularly scheduled meeting of the Board.

(5) That in the event of any petitions for adding or changing all-terrain vehicle routes in the Village, filed after the date of this subsection, should the Village Board approve such additions or changes, the petitioners shall be solely responsible for the cost of installing signs and the local ATV/UTV Club will be responsible for maintaining such signs as may be required under 9.02(6) Signing of ATV/UTV Designated Routes.

(6) No route for all-terrain vehicles shall be added unless the proposed route connects with one of the existing routes identified in or under Section 9.02(5)(D).

(F) Conditions Applicable to All-Terrain Vehicle Routes – Pursuant to Section 23.33(8)(d) Wis. Stats. the following restrictions are placed on the use of the Village all-terrain vehicle routes designated by this ordinance:

(1) Routes shall be marked with uniform all-terrain vehicle route signs in accordance with Sec. NR64.12(7), Wis. Adm. Code. No person may do any of the following in regard to signs marking Village all-terrain vehicle routes:

(a) Intentionally remove, damage, deface, more, or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.

(b) Possess any uniform all-terrain vehicle route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform all-terrain vehicle and utility terrain vehicle route or trail sign of standard in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

(2) Additional restrictions:

(a) All ATV and UTV operators shall observe posted ATV and UTV speed limits.

(b) All ATV and UTV operators shall proceed single file.

(c) All ATV and UTV operators shall slow their vehicles to 10 mph or less when operating within 150 feet of a dwelling.

(d) Unattended Vehicles: No person shall leave or allow an ATV/UTV owned or operated by him to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

(e) Operation on Sidewalks, Parks, or Malls Prohibited: NO person shall operate an ATV/UTV on any sidewalk, pedestrian way, parks, or mall within the Village.

(f) Operation on Private Premises Restricted: No person shall operate an ATV/UTV on any private property not owned or controlled by him within the Village without the express consent or permission of the owner, unless signed as an ATV/UTV route.

(g) ATV/UTV's may be operated on roadways or shoulders of a street not designated as a ATV/UTV route for the shortest distance that is necessary for a person to operate to a route or trail that is closest to that residence or lodging establishments.

(3) Operation shall be subject to all provisions of Section 23.33 Wisconsin Statutes, which is adopted as a part of this ordinance by reference, pursuant to section 23.33(11) Wisconsin Statutes.

(4) A copy of this ordinance shall be filed with the Department of Natural Resources, the Barron and Chippewa County Sheriff's Department, and any other law enforcement agency who service the Village of New Auburn.

(6) SIGNING OF ATV/UTV DESIGNATED ROUTES.

Signs shall be installed that meet the criteria of Wis. Adm. Code Ch. NR 64, § NR 64.12(7). The Board will work with local ATV clubs to place, maintain, and repair appropriate signs marking and regulating use of the designated routes. A resolution will record the agreement with the local Clubs in this matter.

(7) ENFORCEMENT.

All violations of Village ordinances or state law in the operation of a LSV, ATV or UTV shall be enforced by any law enforcement officer in the same manner as are violations of ordinances and state laws by the operators of standard motor vehicles. In addition, the violation of the standards set forth in this ordinance shall be subject to a forfeiture of not less than \$20.00 nor more than \$200.00 for each violation plus court costs as outlined in the approved Municipal Court Bond Schedule.