

**VILLAGE OF NEW AUBURN**  
**Barron & Chippewa Counties, Wisconsin**

**ORDINANCE 2022-02**

**AN ORDINANCE REPEALING AND RECREATION SECTION 9.02(1) OF THE NEW AUBURN CODE OF ORDINANCES**

The Board of Trustees of the Village of New Auburn, Barron and Chippewa Counties, Wisconsin, do ordain as follows:

Section One: Chapter 9, Section 9.02 of the Village of New Auburn code of ordinances is hereby repealed and recreated in its entirety as follows:

**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 all-terrain vehicles and utility terrain vehicles on the streets of the Village of New Auburn.
  
- 2) **AUTHORITY** This Ordinance and the routes are created pursuant to Village authority, as authorized by Wis. Stats. §§ 23.33(8)(b) and 23.33(11)(a). The applicable provisions of Wis. Stat. § 23.33, regulating ATV and UTV operation on ATV Routes are adopted herein by this Ordinance.
  
- 3) **DEFINITIONS**
  - (A) "LSV" or "Low-speed vehicle" means a motor vehicle that conforms to the definition and requirements of for low-speed vehicles as adopted in the federal motor vehicle safety standards under 49 CFR § 571.3(b) and 49 CFR § 571.500.
  
  - (B) "ATV" or "All-Terrain Vehicle" shall have the meaning as specified under Wis. Stat. § 340.01(2g).
  
  - (C) "UTV" or "Utility Terrain Vehicle" shall have the meaning as specified under Wis. Stat. § 23.33(1)(ng).
  
  - (D) "All-Terrain Vehicle Routes" or "ATV Routes" means a highway or portion of a highway in the Village's corporate boundaries designed for use by All-Terrain Vehicle and Utility Terrain Vehicle Operators by the Village of New Auburn as authorized under this Ordinance, listed in Section 9.02(5) below.
  
  - (E) "Operator" has the same meaning as is set forth in Wis. Stat. § 23.33(1)(iw) and shall be further defined as meaning a person who "operates" an ATV, UTV, or LSV as the term "operate" is defined under Wis. Stat. § 23.33(1)(ir).

- (F) "Village" shall mean the Village of New Auburn, Barron and Chippewa Counties, Wisconsin.

**4) OPERATION OF ALL-TERRAIN AND UTILITY-TERRAIN VEHICLES**

Pursuant to Wis. Stat. § 23.33(4)(d)4, and except as otherwise provided in Wis. Stat. § 23.33(4), no person may operate an All-Terrain Vehicle or Utility Terrain Vehicle on the roadway portion of any highway in the Village except on roadways or highways that are designated as All-Terrain Vehicle Routes by this Ordinance.

The statutory provisions describing and defining regulations with respect to All-Terrain Vehicles and Utility Terrain Vehicles in Wis. Stat. § 23.33, are hereby adopted by reference and made part of this Ordinance as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this Ordinance. Any future amendments, revisions, or modifications of Wis. Stat. § 23.33, incorporated herein by reference, are intended to be made part of this Ordinance.

**5) ALL-TERRAIN VEHICLE ROUTES** The following highways are designated as All-Terrain Vehicle Routes:

(A) Unless otherwise posted, all highways that are not part of the national system of interstate and defense highways, located within the territorial boundaries of the Village. A map of the ATV Routes is attached and incorporated by reference and maintained on file with the Village.

(B) The Village shall place signs in compliance with Wis. Stat. § 23.33(8)(e), alerting motorists that all roads under the Village's jurisdiction are designed ATV Routes unless otherwise posted. 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.

(C) The Village Board reserves the right to modify the designation of routes under this Section 9.02(5) from time to time, by amending this Ordinance.

**6) CONDITIONS AND REQUIREMENTS** As a condition for and requirement of the use of the All-Terrain Vehicle Routes, the following restrictions are placed on the use of the Village's All-Terrain Vehicle Routes designated by this Ordinance and shall apply to all Operators (and passengers where applicable):

(A) Operation of ATV's and UTV's shall be subject to Wis. Stat. § 23.33, and any other applicable regulations, which is adopted as a part of this Ordinance by reference, pursuant to Wis. Stat. § 23.33(11).

(B) Anyone under the age of twelve (12) shall not operate an All-Terrain Vehicle and/or Utility Terrain Vehicle on a designated route. Anyone between the age of

twelve (12) and sixteen (16) years shall not operate an All-Terrain Vehicle on a designated route without a valid Wisconsin Department of Natural Resources-issued safety certification and must be accompanied by an adult parent or designated guardian that provides the Operator with continuous verbal direction or control. Utility Terrain Vehicle Operators shall be licensed drivers over the age of sixteen (16).

- (C) All All-Terrain Vehicle Routes in the Village shall be posted with a maximum speed limit of thirty-five (35) miles per hour unless posted at a lower speed for vehicular traffic. All All-Terrain Vehicle and Utility Terrain Vehicle Operators shall observe the posted roadway vehicle speed limit, unless All-Terrain Vehicle and Utility Terrain Vehicle speed limits are posted. If All-Terrain Vehicle and Utility Terrain Vehicle speed limits are posted, then All-Terrain Vehicle and Utility Terrain Vehicle Operators shall observe posted All-Terrain Vehicle and Utility Terrain Vehicle speed limits. Notwithstanding the above and regardless of the signage posted, no ATV or UTV shall be operated at a speed greater than 35 miles per hour.
- (D) All All-Terrain Vehicle and Utility Terrain Vehicle Operators under the age of eighteen (18) shall wear a helmet.
- (E) No Operator shall leave or allow an ATV or UTV owned or operated by them to remain unattended on any public highway, roadway, or public property while the motor is running or with the starting key left in the ignition.
- (F) No Operator shall operate an ATV or UTV on any sidewalk, pedestrian way, parks, or mall within the Village.
- (G) No Operator shall operate an ATV or UTV on any private property not owned or controlled by them within the Village without the express consent or permission of the owner, unless signed as an ATV Route.
- (H) Routes shall be marked with uniform All-Terrain Vehicle and Utility Terrain Vehicle route signs in accordance with Wis. Stat. 23.33(8)(e), and Wis. Admin. Code NR 64.12(7). No person shall do any of the following in regard to signs marking Village All-Terrain Vehicle Routes:
  - i. Intentionally remove, damage, deface, move, or obstruct any uniform All-Terrain Vehicle and Utility Terrain Vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform All-Terrain Vehicle and Utility Terrain Vehicle route or trail sign or standards if the sign or standard is legally placed by the state or Village.
  - ii. Possess any uniform All-Terrain Vehicle and Utility Terrain Vehicle route or trail sign or standard of the type established by the Wisconsin

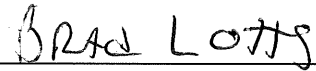
Department of Natural Resources for the warning, instruction, or information of the public, unless he or she obtained the uniform All-Terrain Vehicle and Utility Terrain Vehicle route or trail sign or standard in a lawful manner. Possession of a uniform All-Terrain Vehicle and Utility Terrain Vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

- (I) All ATV and UTV Operators shall ride single file.
- (J) All All-Terrain Vehicle and Utility Terrain Vehicle Operators shall operate only on 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.
- (K) On paved roadways, All-Terrain Vehicles and Utility Terrain Vehicles shall be operated on the paved portion of the roadway and not on the gravel shoulder or ditch.
- (L) All ATV and UTV Operators shall slow the vehicle to ten (10) miles per hour or less when operating within 100 feet of a person not on a vehicle or machine.
- (M) All All-Terrain Vehicle and Utility Terrain Vehicle Operators shall stop at each roadway or highways to be crossed and yield the right of way to all motor vehicles approaching on each such roadway or highway.
- (N) All All-Terrain Vehicles and Utility Terrain Vehicles operated on the ATV Routes shall be equipped with a working white-lighted headlamp and a red-lighted tail lamp. The headlamp and tail lamp shall be lighted at all times while operating on the ATV Routes.
- (O) All All-Terrain Vehicles and Utility Terrain Vehicles are required to be equipped with a functioning muffler to prevent excessive or unusual noise and with a functioning spark arrester of a type approved by the U.S. Forest Service.
- (P) No person may operate an All-Terrain Vehicle or Utility Terrain Vehicle in such a manner that noise emitted from the machine is louder than 96 decibels when measured on the "A" scale; measured in the manner prescribed in the reaffirmed 1998-07, Society of Automotive Engineers Standard J1287, entitled Measurement of Exhaust Sound Levels of Stationary Motorcycles.
- (Q) Operators may only operate an All-Terrain Vehicle or Utility Terrain Vehicle on any ATV Route between the hours of one hour after sunrise and one hour before sunset on any given day. The purpose of this provision is to ensure adequate light and safety for Operators and all users of the roads.

- 7) **ENFORCEMENT** This Ordinance shall be enforced by any law enforcement officer authorized to enforce laws in the State of Wisconsin. 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.
- 8) **PENALTIES** Wisconsin state All-Terrain Vehicle and Utility Terrain Vehicle penalties as found under Wis. Stat. § 23.33(13)(a), are adopted by reference. The uniform traffic citation promulgated under Wis. Stat. § 345.11, shall be used for violation of this Ordinance relating to roadway use except as herein provided.
- 9) **SEVERABILITY** The provisions of this ordinance shall be deemed severable and it is expressly declared that the Village of New Auburn 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 person's circumstances shall not be deemed affected.
- 10) **OTHER PROVISIONS** If any provision of this Ordinance is in conflict with or is addressed by another Village ordinance, Wisconsin state statute or regulation, the most restrictive ordinance, statute, or regulation shall apply.

Section Two: This Ordinance shall take effect upon its adoption and publication as required by law.

Adopted this 10<sup>th</sup> Day of February, 2022



Brad Lotts, Village President

ATTEST:

  
Ardith Story, Clerk-Treasurer

