

**Ordinance No. 10.40**

**AN ORDINANCE REGULATING THE USE OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLES**

WHEREAS, the Village Board finds it necessary to regulate the operation of all-terrain and utility terrain vehicles in the Village in order to protect public health and safety.

NOW, THEREFORE, the Village Board of the Village of Arena, Iowa County, Wisconsin, do ordain as follows:

SECTION 1. Section 10.40 of the Code of Ordinances is hereby created as follows:

**10.40 All-Terrain Vehicles and Utility Terrain Vehicles.**

10.40.010 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 Chapter.

10.40.020 SAVING CLAUSE. This Chapter 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 Chapter may, in the exercise of his or her discretion, proceed under applicable state statutes.

10.40.030 SEVERABILITY. Should any provision of this Chapter, or its application to any person or circumstance, be held invalid, the remainder of the ordinance and the application of such provisions to other persons circumstances shall not be affected thereby.

10.40.040 DEFINITIONS. For purposes of this Chapter, the definitions set forth in section 23.33(1) of the Wisconsin Statutes, are hereby adopted and incorporated herein as reference.

10.40.050 DESIGNATED ROUTES/USE OF ROUTES. Except as otherwise specifically provided in Section 23.33 of the Wisconsin Statutes, no person shall operate any all-terrain vehicle ("ATV") or utility terrain vehicle ("UTV") upon any public right-of-way or on any other public property in the Village of Arena except on streets designated as ATV/UTV routes.

- (1) ATVs and UTVs are permitted on all Village streets, and are hereby designated all-terrain vehicle routes.
- (2) ATVs and UTVs are not allowed to park in or along any roadways or alleyways within the Village, unless otherwise posted.
- (3) ATV and UTV routes may be used between the hours of 9:00 AM and 9:00 PM.
- (4) ATVs and UTVs must operate within posted speed limits.
- (5) ATV and UTV operators and passengers shall not have any open intoxicants upon the vehicle while within Village limits.

10.40.060 ROUTE SIGNS. Under the direction of the Village, all all-terrain routes shall be designated by route signs. The route signs shall be provided by the Wildlife Forever ATV Club, or its successor, and shall be installed by the Village Public Works Department, in accordance with Chapter NR 64.12 of the Wisconsin Administrative Code. The route signs shall be inspected by the Village annually and shall be maintained by the Wildlife Forever ATV Club, or its successor. The Village shall be promptly notified by the ATV club of any change in responsibility for maintenance of ATV/UTV route signs.

10.40.070 CLOSURES, SUSPENSION, OR TERMINATION OF ROUTE(S). The Village President shall have the authority to:

- (1) Temporarily close any all-terrain route designated herein for a period of sixty (60) days or less due to an emergency, complaint, or other necessary condition as determined by the Village President.
- (2) Request the Village Ordinance Committee to review any all-terrain route enacted designated herein for the purpose of suspending or terminating the route.

10.40.080 ENFORCEMENT AND PENALTIES. The provisions of this Chapter shall be enforced in accordance with section 10.35. Violations of this Chapter 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 take effect upon passage and publication as provided by law.

SECTION 3. This ordinance shall automatically sunset and terminate one year after the effective date above unless extended by the Village Board.

BY ORDER OF THE VILLAGE BOARD

By:   
Paul D. Pustina, Village President

2/6/2018  
Date

Attest:   
Lisa K. Kopic, Village Clerk/Treasurer

2/6/2018  
Date

Requested By: Paul Pustina, Village President – 12/4/17  
Drafted By: William S. Cole, Village Attorney – 12/8/17  
Approved As To Form By: William S. Cole, Village Attorney – 12/8/17

Village Board Action:

Date Introduced: 1-2-2018

Date Acted Upon: 2-6-2018

Vote:

Ayes: 6

Nays: 1

Abstentions: 0