ORDINANCE NO. 18-07

ORDINANCE CREATING SECTION 38.17 OF THE MUNICIPAL CODE OF THE CITY OF PLATTVILLE

The Common Council of the City of Platteville, Wisconsin, do ordain as follows:

Section 1. Section 38.17 ATVs/UTVs Permitted on Designated Routes in the City of Platteville is hereby created as follows:

38.17 All-Terrain Vehicles and Utility Terrain Vehicles.

38.17(1) 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.

38.17(2) 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.

38.17(3) 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.

38.17(4) 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.

38.17(5) DESIGNATED 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 City of Platteville except as hereinafter designated.

A. ATVs and UTVs are permitted on the following streets, which are hereby designated all-terrain vehicle routes:

   1. Main Street from the west city limit (the entirety of County Trunk Highway B) to Broadway Street, north to the east city limit.

   2. Third Street, north from Main Street to Furnace Street.

   3. Business Highway 151 from the west city limit to the intersection with State Trunk Highway 80/81 (Water Street), north on Water Street to the intersection with Main Street.

B. ATVs and UTVs are not allowed to park in or along any roadways, alleyways or public parking lots within the City of Platteville between the hours of 11:00 p.m. and 6:00 a.m.

38.17(6) ROUTE SIGNS. Under the direction of the City, all ATV/UTV routes shall be designated by route signs. The route signs shall be provided by the ATV/UTV Club, or its successor, and shall be installed by the Public Works Department, in accordance with Chapter 23.33(8)(e) of the Wisconsin Administrative Code. The route signs shall be inspected by the City annually and shall be maintained by the ATV/UTV Club, or its successor. The City shall be promptly notified by the ATV/UTV Club of any change in responsibility for maintenance of ATV/UTV route signs.

38.17(7) In addition to the provisions of Wisconsin Statute 23.33, the following restrictions are placed on the use of the City ATV/UTV routes designated by this ordinance:

A. The operators of ATVs/UTVs on all designated ATV/UTV routes shall observe the posted roadway speed limits.

B. ATV/UTV operators shall drive in the center of their lane of travel.

C. All ATV/UTV operators shall ride in single file.

D. All ATV/UTV headlamps and tail lamps must be turned on at all times and ATV/UTVs must have operational brake lights.

E. All UTV operators and passengers must wear seat belts at all times.

F. The City of Platteville routes will be closed from sunset to sunrise.

G. The City of Platteville routes will be closed from November 15th to April 1st.

H. The City of Platteville may close ATV/UTV routes at any time through removal of all route signage and by providing notice to the public.

I. ATVs/UTVs are prohibited from operating on any recreation trails in the City.

J. No person may operate an ATV/UTV that is constructed in such a manner that noise emitted from the vehicle exceeds 96 decibels.

K. No open intoxicants are allowed while operating on, or as a passenger in, any ATV/UTV in the City.

L. 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.

M. 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.

N. No person may operate an ATV/ UTV within the City of Platteville unless the owner or operator of the vehicle has in effect, a liability policy covering the vehicle being operated and such operator has in his or her immediate possession a certificate or proof of insurance covering such vehicle which shall be displayed upon demand from any traffic officer.

O. No ATV/UTV shall be allowed to tow a trailer, wagon or any other wheeled unit in the City.

P. Groups of 8 or more ATV/UTVs traveling together as part of an organized ride must obtain a permit from the Police Department a minimum of ten (10) days in advance.

38.17(8) CLOSURES, SUSPENSION, OR TERMINATION OF ROUTE. The Common Council President shall have the authority to:

(1) Temporarily close any ATV/UTV 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 Common Council.

(2) Request the Common Council to review any ATV/UTV route designated herein for the purpose of suspending or terminating the route.

38.17(9) ENFORCEMENT AND PENALTIES. Violations of this Chapter shall incur a forfeiture as follows:

A. Violations of section 38.17(1) – As set forth in section 23.33(13) of the Wisconsin Statutes, as may be amended from time to time.

B. Violations of section 38.17(5)B -- $20.00

C. All other violations of this Chapter – As set forth in section 10.7 of this Code.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as required by law and remain in effect through November 14, 2019.

CITY OF PLATTEVILLE

Eileen Nickels

Eileen Nickels, Council President

ATTEST:

Candace Koch, City Clerk

Date Published: 08/29/18