

ORDINANCE NO. 2018-7

AN ORDINANCE TO CREATE SECTION 10.085 AND TO REPEAL SECTION 10.08(3) OF THE MUNICIPAL CODE OF THE VILLAGE OF HIGHLAND, IOWA COUNTY, WISCONSIN, RELATING TO ATV/UTV OPERATION AND ROUTES AND RELATING TO ATV/UTV OPERATION IN VILLAGE PARKS

THE VILLAGE BOARD OF THE VILLAGE OF HIGHLAND, IOWA COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section I: Section 10.085 of the Municipal Code shall be and hereby is created to read as follows:

“10.085 OPERATION OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLES AND ESTABLISHMENT OF ROUTES.

(1) *Authority and Purpose.* The purpose of this ordinance is to establish all-terrain vehicle (ATV) routes in the Village and to provide safe and enjoyable ATV/UTV recreation consistent with public rights and interests pursuant to Wis. Stat. sec. 23.33.

(2) *Applicability and Enforcement; Designation of Routes.*

(a) The provisions of this ordinance shall apply to all eligible roads within the jurisdiction of the Village, which are hereby designated as all-terrain vehicle routes. Pursuant to Wis. Stat. sec. 23.33(1m)(c), utility terrain vehicles (UTVs) may be operated on all eligible streets in the Village of Highland. “Eligible roads” are all highways and streets within the Village of Highland regardless of whether the Village has jurisdiction over the highway except:

1. Any highway that is part of the national system of interstate and defense highways, or
2. Any state highway or county trunk highway that has a speed limit of more than 35 miles per hour.

(b) Preferred Route. Pursuant to Wis. Stat. sec. 23.33(8)(e)5., the following streets are designated as being the preferred all-terrain vehicle route:

1. Main Street from Farmers Ridge to Spring Street
2. Dodgeville Street to Tower Road
3. Dodgeville Street to west corporate limit
4. Merchant Street

- (c) The operation of ATVs and UTVs with snow removal devices attached is permitted on any roadway, or adjacent to any roadway, if the applicable roadway speed limit is greater than 45 miles per hour, and regardless of whether the Village has jurisdiction over the roadway.
 - (d) The provisions of this section 10.085 shall be enforced by the Highland Police Department. Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed under this section.
 - (e) Authority to Close Routes. The Village Board, the Chief of Police or the Public Works Director may declare any route, or part thereof, in the Village temporarily closed at any time.
 - (f) Operation in Village Parks Prohibited. No person except Village authorized maintenance personnel may operate an ATV or UTV in any Village park with the exception of a designated route of the gravel driveway off of Park Street to the parking lots by the lower ball diamond and by the volleyball courts.
- (3) *Rules of Operation.* The following rules of operation apply on all routes:
- (a) Speed. No ATV/UTV shall be operated at a speed greater than the speed limit on any road.
 - (b) Lights. No ATV/UTV may be operated on the routes without fully functional headlights, tail-lights, and brake lights. Every ATV/UTV being operated on the routes must display a lighted headlamp and tail lamp at all times.
 - (c) Roadway Travel. On any ATV route, all ATV/UTV operation is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway which is safe given prevailing conditions. All ATVs and UTVs must operate in single file. Operation on paved shoulders intended for bicycle or pedestrians, gravel shoulders, sidewalks, grassy in-slope, ditches or other highway right-of-way is prohibited unless the ATV or UTV is actively being used for snow removal.
 - (d) Operation. ATV/UTV operation on the routes shall be in accordance with the provisions of the Wisconsin State Statutes, the Wisconsin Administrative Code and all other applicable ordinances, as the same may be amended from time to time.

- (e) Open Intoxicants. No person may possess on his or her person or in or on an ATV or UTV upon any route, any bottle or receptacle containing alcohol beverages 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.
- (4) Hours of Operation. ATV/UTV operation is prohibited between 1:00 a.m. and 5:00 a.m.
- (5) Except as otherwise authorized by state law:
 - (a) All operators of ATVs/UTVs on Village routes shall be at least 16 years of age.
 - (b) All operators of ATVs/UTVs shall possess a valid driver's license.
 - (c) All operators of ATVs/UTVs shall possess valid proof of insurance.
- (6) *Route Signs.*
 - (a) The Village will permit the installation of signs on each highway that crosses its territorial boundary in a position to be viewed by motorists as they enter the Village that alerts motorists that all highways under the jurisdiction of the Village have been designated as all-terrain vehicle routes. The Highland ATV Club shall be responsible for procuring, installing and maintaining signs that conform to the requirements of Wisconsin law, the Manual on Uniform Traffic Control Devices, the Wisconsin Department of Transportation and the Wisconsin Department of Natural Resources, at locations required under this ordinance as designated by the Village Board or its authorized representative.
 - (b) The Village will also permit the installation of signs on its preferred route. The Highland ATV Club shall be responsible for procuring, installing and maintaining signs that conform to the requirements of Wisconsin law, the Manual on Uniform Traffic Control Devices, the Wisconsin Department of Transportation and the Wisconsin Department of Natural Resources, at locations required under this ordinance as designated by the Village Board or its authorized representative.
 - (c) No person may erect, remove, obscure, or deface any official designated route or preferred route sign unless authorized by the Village Board.
- (7) *Penalties.*
 - (a) The penalties under Wis. Stat. sec. 23.33(13) are adopted by reference. Deposits for violations shall be required in accordance with the Revised Uniform State Traffic Deposit Schedule, as the same may be amended from time to time.

- (b) Juvenile penalties shall be as permitted under Wis. Stat. sec. 938.17. Deposits for violations shall be required in accordance with the Revised Uniform State Traffic Deposit Schedule, as the same may be amended from time to time and as the same may apply to juveniles.
- (c) The penalty for any violation of this ordinance for which no statutory penalty is provided shall be \$50.00 together with court costs, fees and assessments except that the penalty for violation of section (3)(e) shall be \$100.00 together with court costs, fees and assessments.
- (8) *Severability.* If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provision or application of this ordinance that can be given effect without the invalid provision or application, and to this end, the provision of this ordinance are severable.
- (9) *Saving Clause.* This section shall in no way be deemed to supplant or otherwise invalidate any provision of 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.
- (10) *Copies to Be Distributed to Law Enforcement.* The Village Clerk shall immediately send a copy of this ordinance to the Department of Natural Resources, to the state traffic patrol, and to the Iowa County Sheriff's Department.

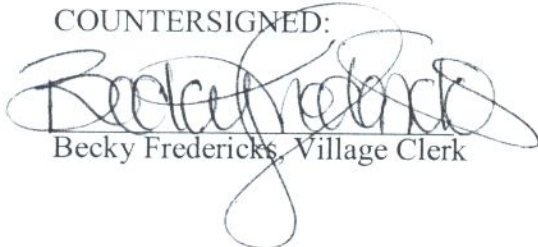
Section II: Section 10.08(3) of the Municipal Code shall be and hereby is repealed.

Section III: This ordinance shall take effect upon its passage and posting as required by law.

Adopted and approved this 4th day of June 2018.


Chad Coyier, Village President

COUNTERSIGNED:


Becky Fredericks, Village Clerk

Date adopted: June 4, 2018

Date recorded: June 6, 2018

Date posted: June 6, 2018

Date affidavit filed: June 6, 2018

Effective date: June 7, 2018

ORDINANCE NO. 2018-8

AN ORDINANCE TO AMEND SECTIONS 10.085(6)(a) AND (b) OF THE MUNICIPAL CODE OF THE VILLAGE OF HIGHLAND, IOWA COUNTY, WISCONSIN, RELATING TO ATV/UTV SIGNAGE

THE VILLAGE BOARD OF THE VILLAGE OF HIGHLAND, IOWA COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section I: Sections 10.085(6)(a) and (b) of the Municipal Code shall be and hereby are amended to read as follows:

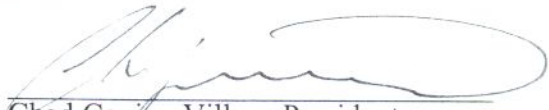
“10.085 OPERATION OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLES AND ESTABLISHMENT OF ROUTES.

(6) *Route Signs.*

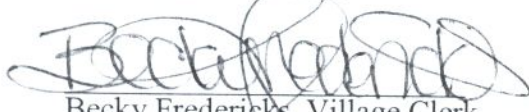
- (a) The Village will permit the installation of signs on each highway that crosses its territorial boundary in a position to be viewed by motorists as they enter the Village that alerts motorists that all highways under the jurisdiction of the Village have been designated as all-terrain vehicle routes. The Highland ATV Club shall be responsible for procuring, installing and maintaining signs that conform to the requirements of Wisconsin law, the Manual on Uniform Traffic Control Devices, the Wisconsin Department of Transportation and the Wisconsin Department of Natural Resources, at locations required under this ordinance as designated by the Village Board or its authorized representative. Installation and maintenance of all ATV signs on state highways shall meet Wisconsin Department of Transportation requirements.
- (b) The Village will also permit the installation of signs on its preferred route. The Highland ATV Club shall be responsible for procuring, installing and maintaining signs that conform to the requirements of Wisconsin law, the Manual on Uniform Traffic Control Devices, the Wisconsin Department of Transportation and the Wisconsin Department of Natural Resources, at locations required under this ordinance as designated by the Village Board or its authorized representative. Installation and maintenance of all ATV signs on state highways shall meet Wisconsin Department of Transportation requirements.

Section III: This ordinance shall take effect upon its passage and posting as required by law.

Adopted and approved this 11th day of July 2018.


Chad Coyier, Village President

COUNTERSIGNED:


Becky Fredericks, Village Clerk

Date adopted: July 11, 2018

Date recorded: July 12, 2018

Date posted: July 12, 2018

Date affidavit filed: July 12, 2018

Effective date: July 13, 2018

ORDINANCE NO. 2018-9

AN ORDINANCE TO AMEND SECTIONS 10.085(6)(a) AND (b) OF THE MUNICIPAL CODE OF THE VILLAGE OF HIGHLAND, IOWA COUNTY, WISCONSIN, RELATING TO ATV/UTV SIGNAGE

THE VILLAGE BOARD OF THE VILLAGE OF HIGHLAND, IOWA COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

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(6) *Route Signs.*

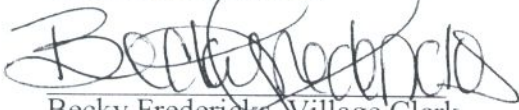
- (a) The Village will permit the installation of signs on each highway that crosses its territorial boundary in a position to be viewed by motorists as they enter the Village that alerts motorists that all highways under the jurisdiction of the Village have been designated as all-terrain vehicle routes. The Highland ATV Club shall be responsible for procuring, installing and maintaining all signs, with the exception of any sign on state trunk highways, which shall conform to the requirements of Wisconsin law, the Wisconsin Manual on Uniform Traffic Control Devices, the Wisconsin Department of Transportation and the Wisconsin Department of Natural Resources, at locations required under this ordinance as designated by the Village Board or its authorized representative. All ATV signs on state trunk highways shall be installed and maintained by the Iowa County Highway Department and shall meet Wisconsin Department of Transportation requirements. The Highland ATV Club shall bear all expense for any signage in the Village of Highland.
- (b) The Village will also permit the installation of signs on its preferred route. The Highland ATV Club shall be responsible for procuring, installing and maintaining all signs, with the exception of any sign on state trunk highways, which shall conform to the requirements of Wisconsin law, the Wisconsin Manual on Uniform Traffic Control Devices, the Wisconsin Department of Transportation and the Wisconsin Department of Natural Resources, at locations required under this ordinance as designated by the Village Board or its authorized representative. All ATV signs on state trunk highways shall be installed and maintained by the Iowa County Highway Department and shall meet Wisconsin Department of Transportation requirements. The Highland ATV Club shall bear all expense for any signage in the Village of Highland.

Section III: This ordinance shall take effect upon its passage and posting as required by law.

Adopted and approved this 8th day of August 2018.


Chad Coyier, Village President

COUNTERSIGNED:


Becky Fredericks, Village Clerk

Date adopted: August 8, 2018

Date recorded: August 9, 2018

Date posted: August 9, 2018

Date affidavit filed: August 9, 2018

Effective date: August 10, 2018