

ORDINANCE NO. ____797____

AN ORDINANCE TO REPEAL §§ 72.085 THROUGH 72.087 AND TO RECREATE § 72.085 OF THE MUNICIPAL CODE OF THE CITY OF MINERAL POINT, IOWA COUNTY, WISCONSIN, RELATING TO ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE OPERATION AND ROUTES AND ESTABLISHING PENALTIES FOR VIOLATION THEREOF

THE COMMON COUNCIL OF THE CITY OF MINERAL POINT, IOWA COUNTY, WISCONSIN, DO HEREBY ORDAIN AS FOLLOWS:

Section I: Sections 72.086 and 72.087 of the Municipal Code of the City of Mineral Point are hereby repealed

Section II: Section 72.085 of the Municipal Code of the City of Mineral Point is hereby repealed and recreated to read as follows:

“72.085 ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES AND ROUTES

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

(B) **APPLICABILITY AND ENFORCEMENT; DESIGNATION OF ROUTES.**

(1) The provisions of this ordinance shall apply as described below:

- (a) Under Wis. Stat. sec. 23.33(8)(b), the City designates all City-maintained roads and streets as ATV routes except any road or street that is signed to prohibit ATV/UTV use.
- (b) Under Wis. Stat. sec. 23.33(11)(am)4., the City authorizes the operation of ATVs on any county or state highway within the City territorial boundaries that has a speed limit of 35 mph or less.
- (c) Under Wis. Stat. sec. 23.33(1m)(c), utility terrain vehicles (UTVs) may be operated on all roads and streets in the City on which ATVs may be operated.

(2) 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 City has jurisdiction over the roadway.

(3) The provisions of this section shall be enforced by the Mineral Point 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.

(C) RULES OF OPERATION. The following rules of operation apply on all routes:

- (1) Speed. No ATV/UTV shall be operated at a speed greater than the speed limit on any road.
- (2) 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.
- (3) 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, grassy in-slope, ditches or other highway right-of-way is prohibited.
- (4) Hours of Operation. City ATV/UTV routes shall be open each day between the hours of 6:00 a.m. and 11:00 p.m.
- (5) 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.
- (6) 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.
- (7) Route Closure. The City of Mineral Point may close ATV/UTV routes due to road emergencies including but not limited to blizzards or flooding or other safety hazards.
- (8) Operation in City Parks Prohibited. No person, other than an employee of the City during the course of his or her employment, may operate an ATV or UTV in any City park except on paved roads without the written consent of the City.
- (9) Operation on Sidewalks and Pedestrian Ways Prohibited. No person may operate an ATV or UTV on any sidewalk or pedestrian way.
- (10) Driver's License Required. A valid driver's license is required for operation of an ATV or UTV on the routes. Operators must be at least 16 years of age.
- (11) Insurance Required. Operators must carry liability insurance.

(D) ROUTE SIGNS.

- (1) The City will install signs on each highway that crosses its territorial boundary in a position to be viewed by motorists as they enter the City that alerts motorists that all highways under the jurisdiction of the City have been designated as all-terrain vehicle routes. Signs shall 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 Common Council or its authorized representative.
 - (2) No person may erect, remove, obscure, or deface any official designated route sign unless authorized by the Common Council.
- (E) PENALTIES.
- (1) The penalties under Wis. Stat. §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.
 - (2) Juvenile penalties shall be as permitted under Wis. Stat. §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.
 - (3) The penalty for any violation of this ordinance for which no statutory penalty is provided shall be \$35.00 together with court costs, fees and assessments.
- (F) 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.
- (G) COPIES TO BE DISTRIBUTED TO LAW ENFORCEMENT. The City 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.
- (H) SUNSET. This ordinance shall remain in full force and effect through September 15, 2020, and shall be of no further force and effect thereafter."


Section III: This ordinance shall become effective upon its passage and publication as required by law.

Adopted and approved this 14 day of October 2019.



Jason Basting, Mayor

ATTEST:



Candice Coughlin, City Clerk

Date Adopted: 10/14/2019
Date Published: 10/17/2019
Effective Date: 10/17/2019

The Common Council of the City of Mineral Point, Iowa County, Wisconsin, by this ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Common Council present and voting, provides the authority for the City to designate all-terrain vehicle and utility terrain vehicle routes in the City, and to regulate the use of those routes and all-terrain vehicles and utility terrain vehicles in the City.



Jason Basting, Mayor

ATTEST:



Candice Coughlin, City Clerk