

**ORDINANCE NO. 2020 - 1392**

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 7.145 OF THE MUNICIPAL CODE OF THE CITY OF DODGEVILLE, IOWA COUNTY, WISCONSIN, RELATING TO THE OPERATION OF ATVS AND UTVS AND THE ESTABLISHMENT OF ROUTES**

THE COMMON COUNCIL OF THE CITY OF DODGEVILLE, IOWA COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

**Section I:** Section 7.145 of the Municipal Code of the City of Dodgeville shall be and hereby is repealed and recreated to read as follows:

**7.145 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 City 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) Under Wis. Stat. sec. 23.33(8)(b), the City designates the following City streets as ATV routes:
  - (i) Military Ridge Road
  - (ii) King Street
- (b) Under Wis. Stat. sec. 23.33(11)(am)4., the City authorizes the operation of ATVs on the following county and state highways within the City's territorial boundaries:
  - (i) State Highway 23 between Military Ridge Road and King Street
  - (ii) County Highway YZ
- (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.
- (b) 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.

- (c) The provisions of this ordinance shall be enforced by the City of Dodgeville 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.

(3) **AUTHORITY TO CLOSE ROUTES.** The Chief of Police or the Director of Public Works or their designees may declare any route, or part thereof, in the City temporarily closed at any time.

(4) **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.

(5) **HOURS OF OPERATION.** ATV/UTV operation is prohibited between 11:00 p.m. and 6:00 a.m. the following day.

(6) **OPERATORS.**

- (a) All operators of ATVs/UTVs on City 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.
- (d) All operators of ATVs/UTVs who were born after January 1, 1988, shall possess a valid safety certificate.

(7) ROUTE SIGNS.

- (a) The City will erect a sign at each point on a highway where the all-terrain vehicle route begins and at each point where the all-terrain vehicle route intersects an all-terrain vehicle trail or a highway that is not designated as an all-terrain vehicle route. The City, or county is not required to erect a sign under this subdivision at a point that is not more than one-half mile from a sign marking the same all-terrain vehicle route on the same highway. The City shall procure, install and maintain 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 Common Council 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.
- (b) No person may erect, remove, obscure, or deface any official designated route or preferred route sign unless authorized by the Common Council or its designee.

(8) 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 (4)(e) shall be \$100.00 together with court costs, fees and assessments.

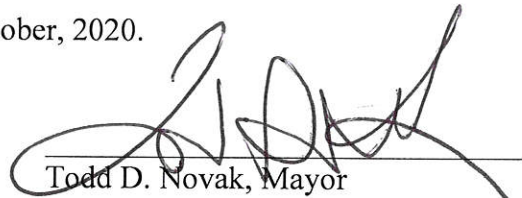
- (9) SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provision or application of this ordinance that can be given effect without the

invalid provision or application, and to this end, the provision of this ordinance are severable.

- (10) SAVINGS 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.
- (11) COPIES TO BE DISTRIBUTED TO LAW ENFORCEMENT. The City Clerk shall immediately send a copy of this ordinance to the Dodgeville Police Department, the Department of Natural Resources, to the state traffic patrol, and to the Iowa County Sheriff's Department. A copy shall also be provided to the Iowa County Highway Department.

**Section II:** This ordinance shall take effect upon its passage and publication as required by law.

Adopted and approved this 6<sup>th</sup> day of October, 2020.

  
Todd D. Novak, Mayor

ATTEST:

  
Lisa A. Riley, City Clerk

<u>Dated Adopted:</u>	<u>10-06-2020</u>
<u>Date Recorded:</u>	<u>10-06-2020</u>
<u>Date Notice Published:</u>	<u>10-15-2020</u>
<u>Effective Date:</u>	<u>10-16-2020</u>