

ORDINANCE NO. 03-2024

**An Ordinance creating Chapter 50, Article I, Section 50-6
to Authorize and Regulate the Use of All Terrain Vehicles and Utility Terrain Vehicles in the
Village of North Prairie, Wisconsin**

WHEREAS, the Village of North Prairie (“Village”) recognizes that area communities permit the use of non-traditional vehicles, including all-terrain vehicles (“ATV”) and utility terrain vehicles (“UTV”), on their public roadways;

WHEREAS, the Village recognizes that there is interest in allowing the use of ATVs and UTVs on roadways within the Village;

WHEREAS, the Village also recognizes that such use requires appropriate regulation to ensure the safety of all citizens; and

WHEREAS, Wis. Stats. §23.33 authorizes municipalities to designate Village roadways as all-terrain vehicle routes to allow ATVs and UTVs to operate on certain roads within municipal boundaries.

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

Chapter 50 – Traffic and Motor Vehicles, Article I, Section 50-6 is hereby created to read as follows:

ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES

SECTION I: AUTHORITY. The Board of Trustees for the Village, Waukesha County, Wisconsin, adopts this Ordinance pursuant to the authority of Wis. Stats. §23.33, Wis. Stats. §349.11(11) and Wis. Admin. Code, Chapter NR 64.

SECTION II: OPERATION OF ATVS AND UTVS. Except as otherwise specifically provided in this Ordinance, the statutory provision of Wis. Stats §23.33, Wis. Stats. §340, Wis. Admin Code Chapter NR 64 and Chapter 50, Sections 50-4(1) and 50-4(2) of the North Prairie Municipal Code are adopted and by reference made a part of this Ordinance as if fully set forth herein. Any act required to be performed or prohibited by any statute or administrative code incorporated herein by reference is required or prohibited by this Ordinance. Any future amendments, revisions or modifications of the statutes or administrative code incorporated herein are intended to be made part of this Ordinance in order to secure uniform statewide regulation of all-terrain and utility terrain vehicles.

SECTION III: DESIGNATION AND AUTHORIZATION OF ATV AND UTV ROUTES. Except as otherwise specifically provided in Wis. Stats. §23.33 and subject to the conditions and limitations hereinafter set forth:

- (a) Designated Routes: Any Village road that is a public road and is signed in accordance with Wis. Admin Code NR §64.12 and Wis. Admin Code NR §64.12(7) may be used by ATVs and UTVs in accordance with such signage and as provided by the applicable portions of Wis. Stats §23.33 and this Ordinance.
- (b) Authorized Routes: The Village authorizes the operation of ATVs and UTVs on all county and state highways with a posted speed limited of 35 mph or less within the territorial boundaries of the Village, as authorized under Wis. Stat. §23.33(11)(am)(4).
- (c) Temporary or Permanent Closure of ATV/UTV Routes. The Village Board may temporarily or permanently restrict operation of ATVs or UTVs on any ATV Routes designated or authorized herein at any time, for any reason, through the removal of route signage and by providing notice to the public.

The Village Board’s designees, including but not limited to the Public Works Department, Police Department and Fire Department may temporarily restrict operation of ATVs or UTVs on any ATV Routes designated or authorized herein.

SECTION IV – OPERATION OF ATVS AND UTVS ON DESIGNATED AND AUTHORIZED ATV/UTV ROUTES. The operations of an ATV or UTV on a roadway that is a designated or authorized ATV or UTV route shall be subject to all provisions of Wis. Stats §23.33. In addition, the following conditions and restrictions shall apply to all ATV and UTV operators and passengers, as applicable:

- I. ATV/UTV operators must be 16 years of age or older. In addition, operators born after January 1, 1988 shall hold a valid safety certificate issued by the Wisconsin Department of Natural Resources or another state and shall carry proof that the operator holds a valid safety certificate and shall display this proof to a law enforcement officer upon request.
- II. A valid Department of Transportation driver’s license is required to operate any ATV or UTV on any designated or authorized route.
- III. ATV and UTV operators shall ride in a single file on the extreme right side of the paved portion of the roadway, unless otherwise marked for operation on the shoulder or in the right-of-way, except that left turns may be made from any part of the roadway which is safe given prevailing conditions.
- IV. ATVs and UTVs shall not be operated at a speed greater than the posted speed limit, except that no ATV or UTV may be operated at a speed greater than 35 miles per hour.
- V. No person may operate or be a passenger on an ATV or UTV without wearing protective headgear of the type required by Wis. Stats §347.485(1)(a) unless the person is at least eighteen (18) years of age, subject to the exceptions set forth in Wis. Stats. §23.33(g).
- VI. ATVs and UTVs must be operated on paved road surfaces only.

- VII. No ATV or UTV may be operated on road shoulders or in road ditches.
- VIII. ATV and UTV operators are required to have applicable liability insurance.
- IX. ATVs and UTVs shall have fully functional headlights, taillights, and brake lights. All ATVs and UTVs must have their headlights and taillights lighted at all times.
- X. ATVs or UTVs may not be operated on any designated or authorized ATV or UTV route between the hours of 11:00 pm and 5:00 am.
- XI. All ATV and UTV operations are subject to Wisconsin Department of Natural Resources ATV/UTV Laws and Regulations.
- XII. No ATV or UTV operator may travel the same route more than twice every half hour in any area deemed residential.
- XIII. Operation of an ATV or UTV within any municipal park or property is prohibited, except for designated driving lanes or designated parking areas.

SECTION VI – SIGNAGE

- (a) All ATV and UTV routes shall be signed in accordance with Wis. Stats. §23.33 and Wis. Admin. Code NR §64.12(7).
- (b) The Village’s Public Works Department or its designee, has sole responsibility for installation of all ATV and UTV signage along any designated or approved ATV/UTV route. The Public Works Department shall coordinate installation of any signage required on State or County highways with the respective agency that maintains jurisdiction of each segment of highway authorized or designated as an ATV and UTV route.
- (c) The Village shall not be responsible for any costs associated with the initial or replacement signage.
- (d) Pursuant to Wis. Stat §23.33(8)(f), no person may do any of the following regarding signs marking ATV or UTV designated or approved routes:
 - i. Intentionally remove damage, deface, move, or obstruct any uniform ATV or UTV route or trail sign or standard, or intentionally interfere with the effective operation of any uniform ATV or UTV route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.
 - ii. Possess any uniform ATV or UTV route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform ATV or UTV route or trail sign in a lawful manner. Possession of all uniform AVT/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.

SECTION VII – VILLAGE IMMUNITY FROM LIABILITY

- (a) ATV and UTV operation is at the risk of the operator and any passenger(s). In establishing designated or approved ATV or UTV routes under this Ordinance for recreational use, the Village intends to utilize the liability and immunity protections provided under Wis. Stats. §895.52, provided, however, that the Village does not waive any other liability exemption(s) and/or limitation(s) afforded the Village under Wisconsin law.
- (b) Designation of segments of the Village’s public roadways as ATV or UTV routes does not impose upon the Village’s Public Works Department, a greater duty of care or responsibility for maintenance of those segments than for any other segment of Village’s roadways. Operators of ATVs and UTVs on Village highways assume all the usual and normal risks of ATV and UTV operation.

SECTION VIII – ENFORCEMENT

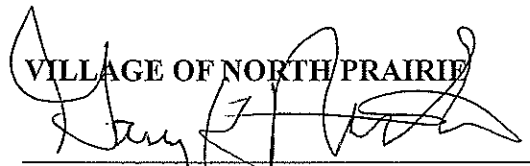
- (a) This Ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.
- (b) Penalties related to violations of this Ordinance are set forth in Wis. Stats §23.33 (13) and are adopted by reference.

SECTION IX – VILLAGE CLERK TO PROVIDE REQUIRED NOTICES. Pursuant to Wis. Stat. §23.33(11)(4)(b), following adoption, the Village Clerk shall provide copies of this Ordinance to the Department of Natural Resources, Wisconsin State Patrol, and the Waukesha County Sheriff’s Department.

SECTION X – SEVERABILITY. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

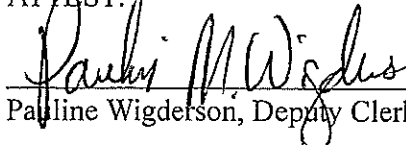
SECTION XI – EFFECTIVE DATE. This Ordinance is effective upon its passage and publication or posting.

Dated as of the 11th day of July, 2024.

VILLAGE OF NORTH PRAIRIE


Gary Nickerson, Village President

ATTEST:



Pauline Wigderson, Deputy Clerk

Posted this 20th of July, 2024.