

# DRAFT

## VILLAGE OF CLEVELAND MANTOWOC COUNTY, WISCONSIN

### ORDINANCE NO. 2024-O-\_\_\_\_\_

#### ALL-TERRAIN VEHICLES (ATVs) AND UTILITY-TERRAIN VEHICLES (UTVs)

The Village Board of the Village of Cleveland, Wisconsin, pursuant to Sec. 23.33 and Sec. 61.34, Wis. Stats., and acting for the government and good order of the village, do ordain as follows:

**Section 1.** Title 8, Chapter 5, of the Code of Ordinances of the Village of Cleveland is created:

#### TITLE 8 – MOTOR VEHICLES AND TRAFFIC

##### CHAPTER 5. - ALL-TERRAIN VEHICLES (ATVs) AND UTILITY-TERRAIN VEHICLES (UTVs)

**Sec. 8-5-1. – State laws adopted.** Except as specifically provided in this Code, the statutory provisions in Sec. 23.33, Wis. Stats., describing and defining regulations with respect to all-terrain vehicles and utility terrain vehicles are adopted and by reference made a part of this chapter as if fully set forth herein, including any future amendments, revisions, or modifications of the statutory regulations. Any person within the Village of Cleveland, Wisconsin, who violates any provisions of any statute incorporated herein by reference shall be deemed guilty of an offense under this section.

**Sec. 8-5-2. – Definitions.**

- (a) All definitions set forth in Sec. 23.33, Wis. Stats., and any future amendments, revisions, or modifications, are incorporated herein by reference.
- (b) “ATV” shall mean all-terrain vehicle.
- (c) “Highway” shall have the meaning given in s. 340.01 (22), Wis. Stats.
- (d) “UTV” shall mean utility-terrain vehicle.

**8-5-3. -- Operation.**

- (a) All village streets are designated as ATV routes unless otherwise posted.
- (b) All county and state highways with a posted vehicular speed of 35 mph or less are designated as ATV routes unless otherwise posted.
- (c) The operator of an ATV/UTV shall obey all traffic laws, local ordinances and DNR regulations, including posted speed limits.
- (d) ATVs and UTVs shall only be operated single file on designated ATV/UTV routes.

- (e) Approved hand signals are required whenever the operator intends to change direction if the vehicle is not equipped with turn signals.
- (f) The operator of an ATV/UTV shall display a lighted headlamp, tail lamp and working brake light on the vehicle while operating on village streets.
- (g) All ATVs and UTVs shall display a current government registration including two DNR issued decals and independently furnished rear plate displaying the issued registration number per DNR requirements.
- (h) All ATV routes must be signed in accordance with NR 64.12 and NR 64.12 (7).
- (i) On streets shared with another jurisdiction the more restrictive ordinance shall apply.
- (j) All ATVs/UTVs operated on a highway must be insured with liability insurance with the same minimum requirements as motor vehicle insurance mandated by Chapter 344 of the Wisconsin Statutes including, but not limited to, secs. 344.33 (2) and 344.62 of said Chapter 344 of the Wisconsin Statutes and any amendments or modifications thereto to said Chapter 344 of the Wisconsin Statutes and secs. 344.33 (2) and 344.62.

**8-5-4. – Restrictions**

- (a) Operators of ATVs/UTVs on all routes are required to have a valid probationary or regular driver's license and to be at least 16 years of age.
- (b) No person under 18 years of age may operate or be a passenger on an ATV/UTV without wearing protective headgear of the type required under Sec. 347.485 (1) (a), Wis. Stats., except as specifically exempted under Sec. 23.33 (3g), Wis. Stats.
- (c) ATVs/UTVs shall not be operated on any sidewalk, pedestrian walkway, jogging path, greenway, park, trail, or any other public way besides designated streets except for village or emergency personnel when performing their official duties.
- (d) All UTV passengers shall have their seatbelts always fastened and allow a maximum occupancy of no more than the number of seatbelts originally equipped from the manufacturer.

**8-5-5. – Penalty.** Penalties shall be as provided under Sec. 23.33 (13), Wis. Stats.

**8-5-4. -- Enforcement**

- (a) *Uniform citation for highway violations.* The uniform traffic citation promulgated under sec. 345.11, Wis. Stats., shall be used for violations of this chapter relating to highway use except as herein provided.

- (b) *Parking violations.* The special traffic citation described and defined in title 8, chapter 1 of this Code of Ordinances shall be used for enforcement of violations of rules of the road relating to parking of vehicles adopted in section
- (c) *Other violations.* All violations of this chapter not described in subsections (a) or (b) shall be enforced in accordance with sections 66.12 and 66.114 of the Wisconsin Statutes. Stipulations of guilt or no contest may be made as provided in sec. 66.12 (1) (b), Wis. Stats., in substantially the form provided in the uniform traffic citation within five days of the date of the citation for such violation.
- (d) *Forfeited penalties and deposits.* Except as otherwise provided in sec. 345.26, Wis. Stats., and the deposit schedule adopted by the state board of circuit court judges thereunder, required forfeited penalties and deposits not including costs or fees for violation of this chapter shall be as established by the schedule adopted by the village board.

**Section 2.** Pursuant to NR 64.12 (7) (d), Wis. Adm. Code, the Director of Village Services is directed to install signage consistent with the approved ATV route map, in accordance with Wisconsin Department of Natural Resources administrative rules and the Wisconsin Manual of Uniform Traffic Control Devices.

**Section 3.** Pursuant to Sec. 23.33 (11) (b), Wis. Stats., the Director of Village Services is directed to send a copy of this ordinance to the Secretary of the Wisconsin Department of Natural Resources, Secretary of the Wisconsin Department of Transportation, the Wisconsin State Patrol, and the Manitowoc County Sheriff’s Department.

**Section 4.** This ordinance shall be effective upon adoption and publication.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, **2024**.

**VILLAGE OF CLEVELAND, WISCONSIN**

\_\_\_\_\_  
Jake Holzwart, Village President

\_\_\_\_\_  
ATTEST: Stacy Grunwald, Village Clerk-Treasurer

MOTION: \_\_\_\_\_

VOTE:  0  Ayes  0  Noes  0  Abstentions

EFFECTIVE DATE: \_\_\_\_\_