

ORDINANCE NO. 302-30 ALL-TERRAIN AND UTILITY-TERRAIN VEHICLES

Intent:

The intent of this ordinance is to provide for the safety, welfare, healthful conditions and enjoyment of recreational vehicle enthusiasts and private landowners consistent with public rights, interests and capabilities of the areas listed. The Village of Lena, Oconto County, adopts the following ordinance for the operation of all-terrain (ATV) and utility-terrain (UTV) vehicles upon all designated roadways of the Village.

Adoption of State ATV and UTV Laws and Definitions:

State ATV and UTV laws and definitions found in Wisconsin State Statutes Section 23.33 and Wisconsin Administrative Code NR 64 are adopted by reference and fully incorporated herein by reference, pursuant to Wisconsin State Statutes Section 23.33 (11) (a).

A. Title and Purpose. This ATV/UTV section is adopted to establish ATV/UTV routes on Village streets. The establishment of this section is for the convenience of the ATV/UTV riding public only and the Village Board of the Village of Lena makes no warranty, express or implied, the aforementioned routes are safe for ATV/UTV operation.

B. Authorization. This section is authorized by Wisconsin State Statutes Chapter 23, specifically Section 23.33 and all subsections thereto, and Wisconsin Administrative Code Chapter NR 64.

C. Application. This section is binding on all individuals traveling in and through the Village of Lena in any manner on any and all Village streets.

D. Route.

(1) All roadways in the Village of Lena are open to ATVs / UTVs.

(2) The aforementioned routes shall not include any private roads or driveways nor any private property in the Village of Lena. The Village of Lena shall retain the right to close any Village street to ATV/UTV operation for special events, due to street construction or repair, or for any other reason, without advance notice.

E. Laws. The Village of Lena accepts no liability for the operation of ATVs / UTVs on any Village streets under the provisions of this section. As a condition for the use of these designated routes, the following conditions shall apply to all operators and passengers:

(1) Operate in the extreme right-hand portion of the traveled part of the road and travel in single file with the flow of traffic.

(2) Speed shall not exceed posted Village of Lena speed limit signs.

(3) When operating an ATV / UTV under this section, if the ATV / UTV is not equipped with turn signals and/or brake lights, the operator shall use hand signals when making turns or stopping.

(4) ATV / UTV operators must remain on a properly posted and approved Village street.

(5) It shall be unlawful for any ATV/UTV operator or passenger in or on an ATV or UTV to possess or have on board any open container containing an alcoholic beverage upon any public street, public way, public alley, or public parking lot within the Village.

(6) All ATV/UTV operators must be at least 16 years of age or older and hold a valid driver's license.

(7) ATV/UTV operation is limited to the hours of 8:00 a.m. to 10:00 p.m.

F. Sign Standards and Sign Posting and Maintenance

(1) Sign Standards Authorized under Section 23.33(8), Wis. Stats., shall meet the requirements established under Natural Resources Code Administrative Law (NR) NR 64.12(7)(a-d).

(2) Sign Posting and Maintenance of Signs

(a) The Village of Lena is responsible for the placement, maintenance and upkeep of said signs.

G. Repeal of conflicting ordinances. Any and all former ordinances or parts of ordinances regulating ATV and/or UTV operation on roadways listed in the ordinance that are in conflict with this ordinance heretofore enacted by this governing body are hereby repealed.

H. Severability. Should any portion of this ordinance be declared unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.

I. Enforcement. The Village of Lena Board gives the authority to enforce this ordinance to any law enforcement officers authorized to enforce the laws of the State of Wisconsin.

J. Penalties. Wisconsin State ATV and UTV penalties as found in Wisconsin State Statutes Section 23.33(13) and deposits as established in the Uniform Deposit and Bail Schedule established by the Wisconsin Judicial Conference, are hereby adopted by reference.

ADOPTED BY THE VILLAGE OF LENA BOARD THIS _18th day of June, 2018.