

ORDINANCE 2024 – 11 OF THE ORDINANCES FOR THE CITY OF MENOMONIE FOR 2024.

An ordinance repealing and recreating Section 6-1-12 relating to the use of All-Terrain Vehicles (ATV) and Utility Terrain Vehicles (UTV) and establishing ATV and UTV routes within the City of Menomonie.

THE COMMON COUNCIL OF THE CITY OF MENOMONIE DO ORDAIN AS FOLLOWS:

Section 1. Section 6-1-12 of the City Code is hereby repealed and recreated to read as follows:

6-1-12: ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE USAGE:

- A. Intent and Purpose: The intent of purpose of this Section is to establish All-Terrain and Utility Terrain Vehicle routes in the City and to regulate the safe operation of All-Terrain and Utility Terrain Vehicles in the City.
- B. Authority: The City Council of the City of Menomonie, Dunn County, Wisconsin, has the specific authority to adopt this All-Terrain and Utility Terrain Vehicle Ordinance under Wis. Stats. § 23.33(8)(b) and (11).
- C. Applicability and Enforcement: The provisions of this Section shall apply to all streets, roads, and highways, hereinafter at times referred to as City Streets, in the City of Menomonie, Wisconsin which are designated as ATV and UTV Routes as provided in this Section and the provisions of this Section shall be enforced by the City of Menomonie Police Department or any other law enforcement official as set forth in Wis. Stat. § 23.33(12).

This Section 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 in this Section.

- D. For the purpose of this Section, the following terms shall have the following meaning:
 - 1. All-Terrain Vehicle (“ATV”) shall have the meaning as provided in Wis. Stat. § 23.33(1)(b).
 - 2. Utility Terrain Vehicle (“UTV”) shall have the meaning as provided in Wis. Stat. § 23.33(1)(ng).
- E. Designation of ATV and UTV Routes: All City maintained roads, streets, alleys, and highways, including any City maintained parking lots, are designated as ATV and UTV routes in the City except for the following:
 - 1. County Highway B.

2. Interstate Highway 94.
3. USH 12 from Oak Avenue to the northern City Limits.
4. Pine Avenue from Broadway Street to Heller Road.
5. Broadway Street from Tainter Street to the northern City Limits.
6. Broadway Street from 1st Avenue West to the southern City Limits.
7. 11th Avenue West from Broadway Street to River Road/Riverview Drive.
8. Hudson Road from Hofland Road / Brickyard Road East to the western City Limits.
9. Crescent Street from Broadway Street to 4th Street East.
10. Main Street from 4th Street East to 7th Street East.
11. Crescent Street from 7th Street East to 11th Street East.
12. 4th Avenue from 11th Street East to 13th Street East.
13. Stout Road from 13th Street East to the eastern City Limits.

F. Route Signs: Under the direction of the City, all ATV and UTV routes shall be designated by route signs as provided in Wis. Stat. § 23.33 and Wisconsin Administrative Code NR 64. The route signs shall be provided by the Dunn County ATV/UTV Association, Inc., or its successor, as provided through an agreement with the City and shall be installed by the Public Works Department. The route signs shall be inspected by the City annually and shall be maintained by the Dunn County ATV/UTV Association, Inc., or its successor. The City shall be promptly notified by Dunn County ATV/UTV Association, Inc., of any change in responsibility for maintenance of ATV and UTV route signs.

G. Rules and Regulations: The following rules and regulations apply to the use of ATVs and UTVs in the City and to all areas of operation of ATVs and UTVs designated in this Section:

1. Operators and passengers of ATVs and UTVs must comply with all federal, state, and local laws, orders, regulations, restrictions, and rules including, but not limited to, Wis. Stat. § 23.33 and Wisconsin Administrative Code NR 64. Unless provided otherwise in this Section, all definitions under Wis. Stat. § 23.33 and Wisconsin Administrative Code NR 64 and any other applicable Wisconsin Law defining ATVs and UTVs and regulating ATV and UTV use are hereby incorporated by reference herein.

2. ATVs and UTVs must not be operated on the Red Cedar Trail, in public parks, on public sidewalks, on public multi-purpose trails, on roadway shoulders, on roadway boulevards, nor on any private property without express permission from the property owner. ATVs and UTVs owned and operated by the City of Menomonie, Wisconsin Department of Natural Resources, University of Wisconsin-Stout, and School District of the Menomonie Area for the purpose of maintaining these facilities are exempt from this Paragraph. ATVs and UTVs engaged in snow removal activities on behalf of the adjacent property owner are exempt from this Paragraph.
3. ATVs and UTVs must not be operated at a speed greater than the fixed or posted speed limits.
4. All ATV and UTV operators shall ride in single file.
5. ATVs and UTVs may not be operated within the City between the hours of nine (9:00) p.m. and seven (7:00) a.m.
6. ATVs and UTVs are not allowed to park in or along any roadways, alleyways, or public parking lots within the City between the hours of nine (9:00) p.m. and seven (7:00) a.m.
7. All ATVs and UTVs being operated in the City must be equipped with head lamps (white light), tail lamps (red light), brake lamps (red light), and turn signals (amber light in front, red light in back). ATV and UTV operators must have head lamps and tail lamps turned on at all times.
8. All ATV and UTV operators and passengers under the age of eighteen (18) must wear a Department of Transportation approved helmet.
9. All UTV operators and passengers must wear seat belts at all times.
10. ATV and UTV operators must possess a valid operator's license as defined in Wis. Stat. § 340.01(41g), as may be amended from time to time.
11. ATV and UTV operators under the age of eighteen (18) must have a valid ATV/UTV safety certificate in their possession.
12. No person may operate an ATV or UTV within the City unless the owner or operator of the vehicle has in effect, a liability policy covering the vehicle being operated and such operator has in the operator's immediate possession a certificate or proof of insurance covering such vehicle which must be displayed upon demand from any traffic officer.
13. No open intoxicants shall be allowed while operating on, or as a passenger in, any ATV or UTV in the City.

- 14. All Wisconsin Statutes related to the operation of an ATV or UTV while under the influence of alcohol or a restricted controlled substance will be strictly enforced, including Absolute Sobriety by ATV and UTV operators under the age of twenty one (21).
 - 15. ATV and UTV operators may tow a trailer in the City so long as the trailer has working brake lights and turn signals and the width of the trailer does not exceed the width of the ATV or UTV.
- H. Closures: The Police Chief shall have the authority to temporarily close any ATV and UTV route for a period of sixty (60) days or less due to an emergency, complaint, or other necessary condition as determined by the Police Chief.
 - I. Penalty: Any person who shall violate any provision of this Section shall, upon conviction, be subject to the penalties set forth at section 23.33(13), Wisconsin Statutes, provided, however, for violations of this Section that are not set forth in the State Statutes, the forfeiture for said violation shall not exceed two hundred fifty dollars (\$250.00) together with the costs of prosecution.
 - J. Severability: If any provision, paragraph, word, or subsection of this Section is invalidated or deemed unconstitutional by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and subsections shall not be affected and shall continue in full force and effect.

Section 2. This ordinance shall take effect after publication on October 1, 2024.

INTRODUCED _____
 FIRST READING Waived 07/01/2024
 SECOND READING Waived 07/15/2024

APPROVED THIS 5TH DAY
 OF AUGUST, 2024
Randy Knaack
 MAYOR, Randy Knaack

PASSED August 5, 2024
 PUBLISHED August 14, 2024
 ATTEST Catherine Martin
 CITY CLERK, Catherine Martin

SUBMITTED BY:
Jeff Luther
 ALDERPERSON