

ORDINANCE NO. - 2017-02 RECEIVED

JUN - 9 2017

The Village Board of the Village of Ontario does ordain as follows:

WISCONSIN COUNTY
HIGHWAY DEPT.

SECTION ONE: Section 305 of the Code of Ordinances is hereby created to read:

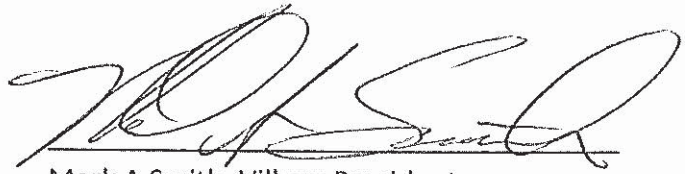
- A. Purpose. The purpose of this Ordinance is to establish ATV/UTV routes in the Village of Ontario and to regulate the operation of all-terrain vehicles and utility terrain vehicles in the Village of Ontario.
- B. Authority. The Village Board of the Village of Ontario has the specific authority to adopt this All-Terrain and Utility Terrain Ordinance under s. 23.13(8)(b) and (11)(a), Wis. Stats., and 64.12 of the Department of Natural Resources Administrative Code.
- C. Ordinance. The Village of Ontario designates ATV/UTV routes in the Village of Ontario and regulates the use of those routes and of ATV/UTVs in the Village of Ontario. Additionally the provisions describing and defining regulations with respect to ATV/UTV in the following enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein.
- D. Operation of All-Terrain Vehicles and Utility Terrain Vehicles.
 - (1) Pursuant to s. 23.33(4)(d)4, Wis. Stats., except as otherwise provided in s. 23.33(4), Wis. Stats., no person may operate an ATV/UTV on the roadway portion of any highway in the Village of Ontario except on roadways that are designated as ATV/UTV routes by this Ordinance. Operation of all ATV/UTVs on a street in the Village of Ontario that is an ATV/UTV route is authorized only for the extreme right side of the street except that left turns may be made from any part of the street that is safe given prevailing conditions. All ATV/UTV shall operate only the paved portion of the street. Operation on the sidewalks, shoulders, ditches or other highway right-of-way is prohibited and illegal.
 - (2) All ATV/UTV operators must abide to a maximum speed of 25 MPH or the posted street speed limit, and shall proceed at 10 MPH or less when around pedestrian traffic.
 - (3) Hours of Operation Restricted. No person shall operate an ATV/UTV anywhere within the Village between the hours of 2:00 a.m. and 6:00 a.m.
 - (4) All ATV/UTV riders shall ride in single file on the right-hand side of the paved portion of the street. Headlights shall be turned on and in working order at all times while operating on the route.

- (5) All ATV/UTV riders shall ensure that the vehicle they are operating is properly registered with the State of Wisconsin Department of Natural Resources and shall properly display the registration decal, unless exempt from registration under State law. Owner must have liability insurance coverage and must carry an insurance card.
 - (6) Age Restriction/Safety Certificate. **
 - (i) No person who is least 12 years of age and who is born on or after January 1, 1988, may operate an ATV/UTV unless he or she holds a valid safety certificate issued by the department, another state, or a province of Canada. No person under the age of 12 may operate an ATV/UTV in the Village of Ontario
 - (ii) Any person who is required to hold an ATV/UTV safety certificate while operating an ATV/UTV shall carry the certificate on the ATV/UTV and shall display the certificate to a law enforcement officer on request.
 - (7) All ATV/UTV operators and passengers under 18 years old shall wear protective headgear while operating on Village of Ontario streets.
 - (8) No open intoxicants shall be allowed on any ATV/UTV.
 - (9) No person shall operate a ATV/UTV if their driving privileges have been suspended or revoked by the Wisconsin Department of Motor Vehicles or any issuing authority in another state.
- E. Designation of All-Terrain Vehicle and Utility Terrain Vehicle Routes. The following routes are designated ATV/UTV routes in the Village of Ontario:
- All Village of Ontario streets (except Hwy 131/33-except to cross)
 - The Village of Ontario designates State Truck Highway 33 from County Road P to Waters Street, which includes the Kickapoo River bridge, as an ATV/UTV route under Wis. Stat. ss 23.33 (4) (d) 3.b. and 23.33 (11)(am) 3.
 - Asking for State's permission for Hwy 33 from Water Street to County Road P.
- F. Conditions Applicable to All-Terrain Vehicle and Utility Terrain Vehicle Routes.
- (1) Routes shall be marked with uniform ATV/UTV route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking Village ATV/UTV routes:
 - (i) Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV/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/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/UTV route or trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.
 - (2) Operation shall be subject to all provisions of s. 23.33 Wis. Stats., which is adopted as a part of this Ordinance by reference, pursuant to s. 23.33(11), Wis. Stats.
 - (i) The Village of Ontario retains the right to close any and all routes due to misuse. The following are some, but not all, examples: exceeding the ATV/UTV speed limits, doing donuts in the street and any other misuse.
 - (3) A copy of this Ordinance shall be sent by the Village of Ontario Clerk to the Department of Natural Resources and the Vernon County Sheriff's Department.
 - (4) Under the direction of the Village of Ontario, ATV/UTV route signs shall be provided by and shall be installed by the ATV/UTV Kendall Mustang Riders Club. Signage shall be inspected annually and maintained by the Club or their successor(s). The Village of Ontario shall be notified immediately of any change in responsibility for maintenance of the ATV/UTV route signs. Should any signs require replacement by the Village of Ontario (due to failure of the Club to maintain), they will be billed to the Club and their successor(s) at the cost of sign and labor.
- G. Liability. All operators of ATV/UTV vehicles travel at their own risk. The Village of Ontario will not be liable for any damages, injuries, or any liability caused by or from such operations within the Village of Ontario.
- H. Enforcement. This Ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin and any officer employed by the Village of Ontario or any other law enforcement official as set forth in Wisconsin Statutes 23.33(12) additionally as stated in the Village of Ontario citation authority ordinance adopted per s. 66.0113.
- I. Penalties. The penalties under s. 23.33(13)(a), Wis. Statutes, are adopted by reference, except when a penalty is not provided, it shall be referred to ss 1-3 of the Village of Ontario Code.

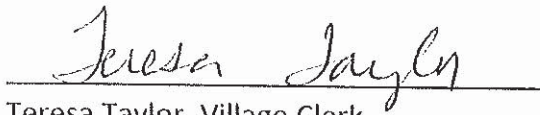
SECTION TWO – SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the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

SECTION THREE – EFFECTIVE DATE. This Ordinance is effective on publication or posting or the installation of all ATV/UTV signs, whichever comes latest.



Mark A Smith, Village President

ATTEST:



Teresa Taylor, Village Clerk

Adopted: 4-10-17

Published: 4-11-17