

ORDINANCE NO. 18-017

**VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN AN ORDINANCE
CREATING ARTICLE V. ALL-TERRAIN VEHICLE AND UTILITY TERRAIN
VEHICLE ROUTES AND OPERATION ON HIGHWAYS AND ROADS WITHIN
THE VILLAGE OF WESTON, SECTIONS 82.500 TO 82.508 AND
RENUMBERING ARTICLE V. SPEED LIMITS, SECTION 82.500, CHANGING
IT TO ARTICLE VI, SECTION 82.600 OF THE MUNICIPAL CODE FOR THE
VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN**

The Village Board of the Village of Weston, Marathon County, Wisconsin, do ordain as follows:

SECTION 1: Article V. All-terrain vehicle and utility terrain vehicle routes and operation on highways and roads within the Village of Weston of the Village of Weston Municipal Code is hereby created as follows:

**ARTICLE V ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE
ROUTES AND OPERATION ON HIGHWAYS WITHIN THE VILLAGE OF
WESTON.**

Sec. 82.500. Purpose.

- (a). The purpose of this ordinance is to establish all-terrain and utility terrain vehicle routes in the Village of Weston and to regulate the operation of all-terrain and utility terrain vehicles in the Village of Weston.

Sec. 82.501. Authority.

- (a). The Village Board of the Village of Weston, Marathon County, Wisconsin, has the specific authority to adopt this All-Terrain and Utility Vehicle Ordinance under s. [23.33\(8\)\(b\)](#) and [\(11\)](#), Wis. Stats.

Sec. 82.502. Definitions.

- (a). For the purpose of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The words “shall”, “will”, and “must” are always mandatory. The words “may” and “should” are discretionary terms. The masculine shall include the feminine. Terms not defined in this Section, shall be interpreted based on common usage.
 - 1) All-Terrain Vehicle (ATV): means a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more low-pressure tires or non-pneumatic tires.
 - 2) Village: means the Village of Weston, the Village Board, Board of Trustees, or any other Village of Weston official(s) authorized by the Village Board to act on behalf of the Village of Weston.

- 3) Utility Terrain Vehicle (UTV): means any of the following:
- A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:
 1. A weight, without fluids, of 2,000 pounds or less.
 2. Four or more low-pressure tires or non-pneumatic tires.
 3. A steering wheel.
 4. A tail light.
 5. A brake light.
 6. Two headlights.
 7. A width of not more than 65 inches.
 8. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
 9. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.
 - A commercially designed and manufactured motor driven device to which all of the following applies:
 1. It has a weight, without fluids, of more than 900 pounds but not more than 2000 pounds.
 2. It has a width of 50 inches or less.
 3. It is equipped with a seat designed to be straddled by the operator.
 4. It travels on 3 or more low-pressure tires or non-pneumatic tires.

Sec. 82.503. Operation of All-Terrain and Utility Vehicles.

- (a). 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 all-terrain or utility terrain vehicle on any road, freeway or highway in the Village except on roadways that are designated as all-terrain and utility terrain vehicle routes by this ordinance.

Sec. 82.504. Designation of All-Terrain and Utility Terrain Vehicle Routes.

- (a). South on County Road J from the Eau Claire River, to 6606 County Road J and north on County Road J from 6606 County Road J to the Eau Claire River. Legend A on the ATV Ordinance Map.
- (b). West on Schofield Avenue from the boundary line (between Ringle and Weston) to 6606 County Road J and east on Schofield Avenue from 6606 County Road J to the boundary line (between Ringle and Weston). Legend B on the ATV Ordinance Map.
- (c). West on Weston Avenue from the boundary line (between Ringle and Weston) to 10002 Adventure Way and east to the boundary line (between Ringle and Weston) from 10002 Adventure Way. Legend C on the ATV Ordinance Map.

Sec. 82.505. Conditions applicable to All-Terrain and Utility Terrain vehicle routes.

- (a). Pursuant to s. [23.33\(8\)\(d\)](#), Wis. Stats, the following restrictions are placed on the use of the Village all-terrain and utility terrain vehicle routes designated by this ordinance:
1. Routes shall be marked with uniform all-terrain and utility terrain vehicle 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 all-terrain and utility terrain vehicle routes unless authorized to do so:

2. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain and utility vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain and utility terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the State, any municipality, or any authorized individual.
3. Possess any uniform all-terrain and utility terrain vehicle 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 all-terrain and utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain and utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
 - b) 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.
 - c) Operators must abide by all traffic laws unless further restricted by this Ordinance.
 - d) The speed limit for ATVs and UTVs shall be established at not greater than 35 (thirty-five) miles per hour or the speed limit for automobiles, whichever is lower, on all segments of Village roads designated as ATV route.
 - e) ATVs/UTVs may be operated on paved surfaces only, unless yielding the right of way.
 - f) All all-terrain and utility vehicle operators shall ride single file.
 - g) No ATV/UTV may be operated on any designated route without fully functional headlights, tail-lights and brake lights.
 - h) No ATV/UTV may be operated on any designated route between the hours of 11:59 p.m. and 5:00 a.m. daily, unless a different restriction on hours of operation has been specified by the Village and notice of the same is duly posted on the segment.
 - i) All ATV/UTV operators shall ride on the right-hand side of the paved portion of the highway, unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way is prohibited, unless yielding right of way.
 - j) No ATV/UTV may be operated on any designated ATV route if the ATV/UTV does not meet all applicable Federal noise and air pollution standards.
 - k) No person under the age of sixteen (16) may operate an ATV/UTV on any segment of Village Road which is a designated ATV route.
 - l) No person under the age of eighteen (18) may operate an ATV/UTV on any designated route unless wearing approved protective head gear.
 - m) Every person who operates an ATV/UTV on a segment of Village road which is designated as an ATV route shall have in his or her immediate possession a valid motor vehicle operator's license, and shall display the license document upon demand from any law enforcement officer or official described in Wis. Stat. Section [23.33\(12\)](#).

Sec. 82.506. Enforcement.

- (a) This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin. A copy of this ordinance shall be sent by the Village Clerk, Everest Metro Police Department, the Department of Natural Resources, the Marathon County Sheriff's Department and any other law enforcement agency serving the Village of Weston's jurisdiction.

Sec. 82.507. Penalties.

- (a) The penalties under s. [23.33\(13\)\(a\)](#), Wis Stats., are adopted by reference.

Sec. 82.508. Maintenance.

- (a). Designation of segments of the Village road system as ATV/UTV routes does not impose upon the Village a greater duty of care or responsibility for maintenance of those segments than for any other segment of Village road. Operators of ATV/UTV's on Village roads assume all the usual and normal risks of ATV/UTV operation.

SECTION 2: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 3: SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 16th day of July 2018

VILLAGE BOARD, VILLAGE OF WESTON

By: Barbara Ermeling
Barbara Ermeling, President

ATTEST:

Sherry Weirkauf
Sherry Weirkauf, Clerk

APPROVED: 7-16-18

ADOPTED: 7-16-18

PUBLISHED: 7-19-18



Village of Weston Marathon County, WI

ATV Route Ordinance Map

Map Date: 6/28/2018
Technology Services Department



Legend

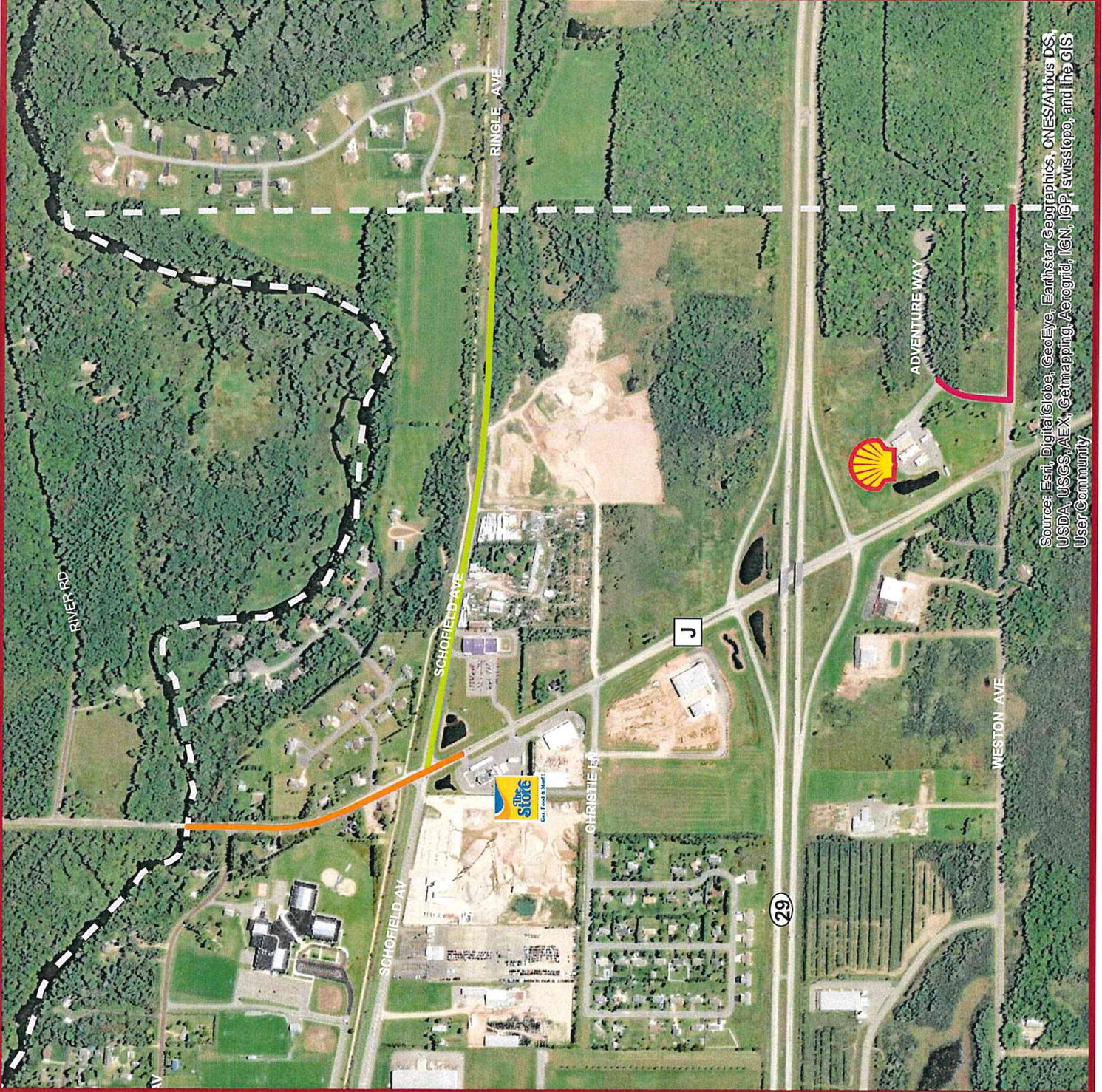
Proposed ATV Routes

- A
- B
- C

— Village of Weston Boundary

MAP DISCLAIMER:

This map is not a Certified Survey Map. Any boundaries depicted on this map may not be accurate and are only a graphic representation of the actual surveyed property. This document shall not be used in place of a Certified Survey Map and will not stand up in the Court of Law as such.



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, EAEX, Geomapping, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted the following ordinances on July 16, 2018:

1. Ordinance No. 18-016: An Ordinance Amending Section 82, Article III. Bicycles.
2. Ordinance No. 18-017: An Ordinance Creating Article V. All-Terrain Vehicle and Utility Terrain Vehicle Routes and Operation on Highways and Roads Within the Village of Weston, Sections 82.500 to 82.508 and Renumbering Article V. Speed Limits, Section 82.500, Changing it to Article VI, Section 82.600 of the Municipal Code for the Village of Weston, Marathon County, Wisconsin.
3. Ordinance No. 18-018: An Ordinance to Approve the Rezoning of 1.194 Acres of Land from B-3 General Business to GI General Industrial; Located West of the Intersection of Schofield Avenue and Enterprise Way, South of Schofield Avenue, Village of Weston, Marathon County, Wisconsin.
4. Ordinance No. 18-019: An Ordinance to Approve the Rezoning of 3.063 Acres of Land From B-3 General Business to INT Institutional; Located on the Southeast Corner of County Road J and Ringle Avenue, Village of Weston, Marathon County, Wisconsin.
5. Ordinance No. 18-020: Village of Weston, Marathon County, Wisconsin an Ordinance Amending Article I and II, Fire Prevention and Protection and Code References of The Municipal Code for the Village of Weston, Marathon County, Wisconsin.

The full text of the newly enacted Ordinances may be obtained at the office of the Village Clerk, 5500 Schofield Avenue, Weston, Wisconsin or through the Village's website at <http://www.westonwi.gov/499/Adopted-Ordinances>.

Dated this 17th day of July 2018
Sherry Weinkauf, Village Clerk

Published: 7/19/18

**VILLAGE OF WESTON, WISCONSIN
AGENDA ITEM COVER SHEET**

MTG/DATE: Board of Trustees – 07/16/2018
FROM: Sherry Weinkauff, Clerk

DESCRIPTION: ORDINANCE NO. 18-017 CREATING ARTICLE V. SECTIONS 82.500 TO 82.508 ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES AND OPERATION ON HIGHWAYS AND ROADS WITHIN THE VILLAGE OF WESTON AND RENUMBERING ARTICLE V. SPEED LIMITS, SECTION 82.500, CHANGING IT TO ARTICLE VI, SECTION 82.600 OF THE MUNICIPAL CODE FOR THE VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN.

ACTION:	<input checked="" type="checkbox"/> Approve	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Proclamation
	<input type="checkbox"/> Deny	<input type="checkbox"/> Policy	<input checked="" type="checkbox"/> Report
	<input type="checkbox"/> Expenditure	<input type="checkbox"/> Procedure	<input type="checkbox"/> Resolution

QUESTION:

Should the Board of Trustees approve Ordinance No. 18-017 creating Article V., Sections 82.500 to 82.508 All-Terrain Vehicle and Utility Terrain Vehicle Routes and operation on highways and roads within the Village?

BRIEF:

At the June 18th meeting the Board of Trustees directed staff to draft an ordinance and refer it to the Public Safety Committee. Judy Pagryzinski, President of the Rural Riders, made a second presentation before the Public Safety Committee on June 25th. She made the same request, as she did to the Board on June 18th, to allow ATV/UTV use on County Road J, from the Eau Claire River, south to The Store gas station. The ordinance has since been drafted and reviewed by the Public Safety Committee, as well as the Police Chief. After a short discussion regarding designation of ATV/UTV routes the committee made a motion to approve the following routes:

- South on County Road J from the Eau Claire River, to 6606 County Road J and north on County Road J from 6606 County Road J to the Eau Claire River. Legend A on the ATV Ordinance Map.
- West on Schofield Avenue from the boundary line (between Ringle and Weston) to 6606 County Road J and east on Schofield Avenue from 6606 County Road J to the boundary line (between Ringle and Weston). Legend B on the ATV Ordinance Map.

- West on Weston Avenue from the boundary line (between Ringle and Weston) to 10002 Adventure Way and east to the boundary line (between Ringle and Weston) from 10002 Adventure Way. Legend C on the ATV Ordinance Map.

Police Chief Schulz did review the proposed ordinance and made some minor changes. Nate Crowe created the attached ATV Ordinance Map.

FISCAL IMPACT: N/A

RECOMMEND: No recommendation from staff.

COMMITTEE: Public Safety Committee approved on 6/25.

REQUEST: No recommendation from staff.

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- Is there an additional briefer with this agenda item?
 Are there additional reference documents which have been attached to this report?