

**VILLAGE OF WESTON, MARATHON COUNTY,
WISCONSIN
5500 SCHOFIELD AVENUE, WESTON, WI 54476**

Board of Trustees – 8/3/2020

From: Sherry Weinkauf, Clerk

Question: Should the Board of Trustees approve Ordinance No. 20-010 amending Article V., Sections 82.505, 82.506 and 82.507, All-Terrain Vehicle (ATV) and Utility Terrain Vehicle (UTV) Routes and Operation on Highways within the Village of Weston?

Background

At the last meeting the Board approved adopting the provisions of Section 7.125, All-terrain Vehicles and Utility Terrain Vehicles of the General Code of Ordinances for Marathon County. I took our current ordinance and made references to the County's ordinance. Sec. 82.505(a) adopts all their provisions in general. Sec. 82505(b) adopts the full regulations and rules, 82.505(c) adopts their application process, Sec. 82.506 adopts their enforcement section, and Sec. 82.507 adopts their penalties.

Public Review: 7/20/2020 Board of Trustees Meeting.

Fiscal Impact: N/A

Recommendation: No staff recommendation

Recommended Language for Official Action

I move to approve Ordinance No. 20-010 amending Article V., Sections 82.505, 82.506 and 82.507, All-Terrain Vehicle (ATV) and Utility Terrain Vehicle (UTV) Routes and Operation on Highways within the Village of Weston.

Are there additional reference documents which have been attached to this report?

ORDINANCE NO. 20-010

**VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN AN ORDINANCE
AMENDING ARTICLE V., SECTIONS 82.505, 82.506 AND 82.507 ALL-TERRAIN
VEHICLE (ATV) AND UTILITY TERRAIN VEHICLE (UTV) ROUTES AND
OPERATION ON HIGHWAYS WITHIN THE VILLAGE OF WESTON
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., Sections 82.505, 82.506 and 82.507 All-Terrain Vehicles and Utility Terrain Vehicles Routes and Operation on Highways within the Village of Weston. Issuance of Alcohol Beverage Licenses of the Village of Weston Municipal Code is hereby amended as follows:

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

- (a). The Village of Weston has adopted all provisions of Section [7.125](#) of the General Code of Ordinances for Marathon County in full to be applied to all ATV and UTV routes and trails designated as such within the jurisdiction of the Village.
- (b). The Village of Weston does hereby adopt in full the regulations on ATV and UTV use and the rules of operation as expressed in Section [7.125](#) of the General Code of Ordinances for Marathon County to be applied to the use and operation of ATVs and UTVs within the Village on designated ATV and UTV routes or trails.
- (c). The Village of Weston has also adopted the application process for ATV/UTV county routes and trail designation as outlined in Section [7.125](#) of the General Code of Ordinances for Marathon County to be applied to the designation of ATV routes and trails within the jurisdiction of the Village.

Sec. 82.506. Enforcement.

- (a). The Village of Weston has approved the enforcement of the regulations and rules of operations in [7.125](#) of the General Code of Ordinances for Marathon County by the Marathon County Sheriff's Office.
- (b). This ordinance may also 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 to the 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., and Section [7.125](#) of the General Code of Ordinances for Marathon County are adopted by reference.

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 3rd day of August 2020

VILLAGE BOARD, VILLAGE OF WESTON

By: _____
Mark Maloney, President

ATTEST: _____
Sherry Weinkauff, Clerk

APPROVED:

ADOPTED:

PUBLISHED:

- (4) In such a way that the exhaust of the motor makes an excessive or unusual noise.
- (5) Without a functioning muffler.
- (6) Upon any public highway, street or alley, or upon any sidewalk or parkway in the village unless such vehicle is registered as required by Wis. Stats. [Chapter 341](#) and its operation and operator are specifically permitted to operate the vehicle by statute.
- (7) Upon any slide, ski or skating area, except for the purpose of serving the area or crossing the places where marked.
- (8) On any lands operated or leased by the village.
- (9) Upon the private property of another without the consent of the owner or lessee. Failure to post private property does not imply consent for use. Any motor-driven craft, minibike or self-propelled device shall, at all times, have the consent of the owner before operation of such craft or vehicle on private lands.
- (10) On or across a cemetery, burial ground, school or church property, without the express consent of the owner.

(Code 1982, § 7.26(2)) [Amended via Ord. 15-016, 9/10/2015; Ord. No 15-027, 11/18/2015]

Sec. 82.403. Liability of parent or guardian.

No parent or guardian of any child under the age of 18 years shall authorize or permit such child to violate any of the provisions of this article. Any child under the age of 18 years who shall operate a minibike or self-propelled device shall be presumed to be operating the vehicle under the authority of a parent or guardian.

(Code 1982, § 7.26(3)) [Amended via Ord. 15-016, 9/10/2015; Ord. No 15-027, 11/18/2015]

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). The Village of Weston has adopted all provisions of Section 7.125 of the General Code of Ordinances for Marathon County in full to be applied to all ATV and UTV routes and trails designated as such within the jurisdiction of the Village.
- (b). The Village of Weston does hereby adopt in full the regulations on ATV and UTV use and the rules of operation as expressed in Section 7.125 of the General Code of Ordinances for Marathon County to be applied to the use and operation of ATVs and UTVs within the Village on designated ATV and UTV routes or trails.
- (c). The Village of Weston has also adopted the application process for ATV/UTV county routes and trail designation as outlined in Section 7.125 of the General Code of Ordinances for Marathon County to be applied to the designation of ATV routes and trails within the jurisdiction of the Village.
- ~~(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). The Village of Weston has approved the enforcement of the regulations and rules of operations in 7.125 of the General Code of Ordinances for Marathon County by the Marathon County Sheriff's Office.

(b). This ordinance may also 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, to the 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., and [Section 7.125 of the General Code of Ordinances for Marathon County](#) 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.

[Created via Ord. 18-017, 7/19/2018]

ARTICLE VI. SPEED LIMITS

Sec. 82.600. Speed Limits.

(a) A traffic and engineering investigation having been made on the following described, highways, roads and streets, the maximum permissible speed at which vehicles may be operated on said highway, road or street is herewith established as reasonable and safe pursuant to Wis. Stats §§ [346.57](#) and [349.11](#), shall be as set forth herein, subject to erection of standard signs giving notice thereof.

(1) The maximum permissible speed for all vehicles on the following described village highway, road or street in the Village of Weston shall be 25 miles per hour:

ABITZ LANE	North from Ross Avenue to its terminus
ABRAHAM STREET	North from Callon Avenue to it terminus
ACRE AVENUE	East from Zadra Street to South Timber Street
ALAN LANE	East from Sandy Lane to Schoonover Road
ALDERSON STREET	North from State Highway 29 to Mallard Court