

Chapter 227. Recreational Vehicles

§ 227-9.5. All-terrain vehicles and utility vehicles use and operation.

[Added 4-13-2019]

- A. Adoption of statutory provisions. The provisions of Section 23.33 of the Wisconsin Statutes, and subsequent amendments thereto, are hereby incorporated herein by reference as part of this section, except for those provisions therein which conflict with this section.
- B. Saving clause. This section shall in no way be deemed to supplant or otherwise invalidate any provision of the state statutes relating to the subject matter hereof. Any person entrusted with the enforcement of this section may, in the exercise of his or her discretion, proceed under applicable state statutes.
- C. Severability. Should any provision of this section, or its application to any person or circumstance, be held invalid, the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be affected thereby.
- D. Definitions. For the purposes of this section, the definitions set forth in Section 23.33(1) of the Wisconsin Statutes, are hereby adopted and incorporated herein as reference.
- E. Designation of ATV and UTV routes:
 - (1) Except as otherwise specifically provided in Section 23.33 of the Wisconsin Statutes, no person shall operate any all-terrain vehicle (ATV) or utility terrain vehicle (UTV) on any Village street, alley, park or parking lot, on any public lands or parking lots held open to the public, or on any land within the Village of Black Earth except as hereinafter designated.
 - (2) All streets in the Village of Black Earth are designated ATV/UTV routes except the following: none.
 - (3) Pursuant to Wis. Stats. § 23.33(11)(am)(4), ATVs and UTVs are authorized to operate on the following highways where the speed limits are 35 miles per hour or less:
 - (a) USH 14 intersection at and between intersection of Mills Street and Nicole Court (Mills Street is STH 78).
 - (b) CTH KP/Madison Street between Williams Way and Blue Mounds Street - Village limit to Village limit.
 - (4) ATVs/UTVs are allowed to park in or along any roadways or alleyways within the Village, unless otherwise posted.
 - (5) ATV/UTV routes shall be open from 7:00 a.m. to 10:00 p.m. daily.
 - (6) The Village may close ATV/UTV routes at any time through removal of all route signage and by providing notice to the public.
 - (7) ATVs/UTVs must stay on routes and not trespass on private property.

- F. Route signs. Under the direction of the Village, the all-terrain routes shall be designated by route signs. The route signs shall be provided by the Wildlife Forever ATV Club, or its successor, at their cost, and shall be installed by the Village Public Works Department, in accordance with Chapter NR 64.12 of the Wisconsin Administrative Code. The route signs shall be inspected by the Village annually and shall be maintained by the Wildlife Forever ATV Club, or its successor. The Village shall be promptly notified by the ATV Club of any change in responsibility for maintenance of ATV/UTV route signs.
- G. Restrictions on operation. In addition to the provisions of Section 23.33 of the Wisconsin Statutes and Wisconsin Stats. Chapters 340 to 348, and as a condition for the use of ATV and UTV routes designated and authorized herein, the following restrictions shall apply to operators and passengers, on the use of the Village ATV/UTV routes permitted under this section as applicable:
 - (1) The operators of ATVs/UTVs on all designated ATV/UTV routes shall observe the posted roadway speed limits and all other applicable traffic regulations.
 - (2) ATV/UTV operators shall ride in single file.
 - (3) ATV/UTV headlamps and tail lamps must be turned on at all times and ATVs/UTVs must have operational brake lights.
 - (4) UTV operators and passengers must wear seat belts at all times.
 - (5) ATV/UTV operators shall possess a valid operator's license as defined in Section 340.01(41g) of the Wisconsin Statutes, as may be amended from time to time, including a safety certificate if required by state law.
- H. Closures, suspension, or termination of route(s). The Village President shall have the authority to:
 - (1) Temporarily close any and all all-terrain routes designated herein until further notice or less due to an emergency, complaint, or other necessary condition as determined by the Village President.
 - (2) Request the Village Planning and Zoning Committee to review any all-terrain route enacted as designated herein for the purpose of suspending or terminating the route.
- I. Enforcement and penalties. The penalty for any violation identified in Section 23.33(13) of the Wisconsin Statutes or Wis. Stats. Chapters 340 through 347 shall be as provided in the Statutes. Deposit amounts for such violations shall be as set forth in the current Revised Uniform State Traffic Deposit Schedule. The penalty for any violation of this section not addressed in Wis. Stats. § 23.33(13) or Wis. Stats. Chs. 340 through 347 shall be a forfeiture as set forth in the Village of Black Earth Code § 1-4, together with all applicable costs, surcharges and assessments, and as may be amended from time to time.