

CHAPTER 5

All-Terrain Vehicles and Utility Terrain Vehicles

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SEC. 8-5-1 PURPOSE.

The purpose of this Ordinance is to establish and maintain All-Terrain Vehicle (ATV) and Utility Terrain Vehicle (UTV) routes in the Village of Prairie du Sac and to regulate the operation of ATV's and UTV's within the Village.

SEC. 8-5-2 AUTHORITY.

The Village Board of the Village of Prairie du Sac, Sauk County, Wisconsin, has the specific authority to adopt this ATV and UTV Route Ordinance under Wis. Stat. Sec. 23.33 (8).

SEC. 8-5-3 STATE LAWS ADOPTED.

The statutory provisions in Wis. Stat. Chapters 23.33 and 340 to 348, with the respect to ATV's and UTV's, and Wis. Admin. Code Chapter NR 64, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Unless otherwise provided in this ordinance, any act required to be performed or prohibited by any statute or regulation incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions, or modifications of the statutes or regulations herein are made a part of this ordinance. Any terms used in this Ordinance that are defined in Wis. Stat. Sec. 23.33(1), shall have the meaning proscribed by statute.

SEC. 8-5-4 ROUTES.

- (a) *Designated Routes.* All Village maintained streets within the jurisdiction of the Village of Prairie du Sac are hereby designated as All-Terrain Vehicle (ATV) and Utility Terrain Vehicle (UTV) routes except as may be otherwise posted.
- (b) *Authorized Routes.* Pursuant to Wis. Stat. s. 23.33(11)(am)4., the Village of Prairie du Sac authorizes the operation of ATVs and UTVs on State Trunk Highways 60 & 78 from the south Village limit (Oak St) to the north Village limit within the territorial boundaries of the Village where the posted speed limit is 35 miles per hour or less.

SEC. 8-5-5 DISTURBING THE PEACE AND NUISANCE ACTIVITIES.

- (a) *Cruising Prohibited.* No person shall, while operating an ATV or UTV, engage in the practice of cruising on any authorized street. Cruising shall mean driving an ATV or UTV past a single point more than twice in any two-hour period for any purpose other than departing or arriving at a residence or a business. An ATV or UTV that is publicly

owned by a governmental unit or driving for business purposes shall be exempt from this cruising prohibition.

- (b) *Exhaust System/Muffler Modifications Prohibited.* No person shall operate on a Village route any ATV or UTV unless such ATV or UTV is equipped with an original equipment manufactured muffler, or reasonable equivalent, in constant operation and properly maintained to prevent any excessive or unusual noise or annoying smoke.
- (c) *Radios or Electric Sound Amplification Devices.* No person may operate or park, stop or leave standing an ATV or UTV vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is audible under normal conditions from 30 feet or more, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition.
- (d) *Prohibited Operations.*
 - i. It shall be unlawful to operate any ATV or UTV or any other motor driven craft or vehicle principally manufactured for off-highway use in any Village park or any public lands unless on a designated trail or otherwise authorized by the Village.
 - ii. It shall be unlawful to operate any ATV or UTV or any other motor driven craft or vehicle principally manufactured for off-highway use without the express consent of the owner before operation of such craft or vehicle on private property not owned or controlled by him or her.

SEC. 8-5-6 CONDITIONS.

The Village Public Works Department shall place signs as required along the designated routes. Route signs shall be provided by the Honey Creek ATV/UTV Club or their successor with uniform all-terrain vehicle route signs in accordance with Wisconsin law, including Wisconsin Administrative Code NR 64.12(7), this includes the initial signage as well as the ongoing maintenance of signs. Signs shall be inspected annually. The Village shall be notified immediately of any change in responsibility for the maintenance of ATV/UTV route signs.

SEC. 8-5-7 OPERATION OF ATVS AND UTVS

- (a) All ATV and UTV operators shall operate at a safe speed not to exceed 35 miles per hour or the posted vehicle speed limit, whichever is lower.
- (b) The operation of ATV's and UTV's is restricted to the daily period of one-half hour before sunrise to one-half hour after sunset the same day.
- (c) Operators shall abide by all traffic laws, including the rules of operation and equipment requirements contained in Wis. Stat. Sec. 23.33 and Wis. Adm. Code Ch. NR64, unless further restricted by this ordinance.
- (d) ATV's and UTV's must operate with fully functional headlights, taillights, and brake lights. Lights must be on at all times. ATV/UTV's also must conform to the Wis. Stat. Sec. 23.33 regarding the color of head lamps and tail lamps.
- (e) ATV operators and passengers under the age of 18 must wear a minimum DOT standard ATV or motorcycle helmet with chin strap properly fastened as required by Wis. Stat. Sec. 23.33.
- (f) UTV operators and passengers must always wear seat belts, and if under the age of 18, operators and passengers must also wear a minimum DOT standard ATV or motorcycle helmet with chin strap properly fastened as required by Wis. Stat. Sec. 23.33.

- (g) ATV and UTV operators cannot have a passenger riding in or on any part of the ATV or UTV that is not designated and not intended for use by passengers. After market seating does not comply with the requirement. The seating must be original equipment manufactured for the ATV or UTV.
- (h) Every person who operates an ATV or UTV on any segment of a street or highway which is designated as an ATV/UTV route shall have in his or her immediate possession a valid motor vehicle operator's license and if born after January 1, 1988, possess a valid ATV Safety Certificate issued by Wisconsin or any other state or province. The ATV/UTV operator shall display the operator's license and safety certificate documents upon demand from any law enforcement officer.
- (i) Every person who operates an ATV or UTV on a segment of a street or highway which is designated as an ATV/UTV route shall carry liability, and/or other insurances consistent with Wisconsin state law for the operation of a motorized vehicle.
- (j) No operator or passenger of an ATV or UTV may possess, in or on an ATV or UTV on any street or highway designated as an ATV/UTV Route, any bottle or receptacle containing alcohol beverage if the bottle or receptacle has been opened, the seal has been broken or the contents of the bottle or receptacle have been partially removed or released.
- (k) All ATV and UTV operators shall ride in single file on the extreme right-hand side of the street, highway or traffic lane. Left turns may be made from any part of the road or highway when it is safe.

SEC. 8-5-8 ENFORCEMENT.

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin and as allowed under Wis. Stat. Sec. 23.33(12).

SEC. 8-5-9 PENALTY.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit penalties as found in Wis. Stat. Sec. 23.33(13), together with the costs of prosecution, and in default of payment thereof, may be imprisoned in the county jail for not exceeding 90 days, provided no person shall forfeit an amount in excess of the maximum forfeiture allowed in statute for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under this title.

History: Chapter 5 created. Ordinance No. 4, Series of 2023.