

Section 8-5-1 ATV / UTV OPERATION WITHIN THE LIMITS OF THE VILLAGE OF REDGRANITE

1. **Purpose:**

- A. The purpose for this ordinance section is to establish authorized use of all-terrain vehicle (ATV) and utility-terrain vehicle (UTV) routes within the Village of Redgranite limits and to regulate the operation thereof.

2. **Statutory Authority:**

- A. The provisions of this ordinance shall apply to the areas designated including the roadways within the jurisdiction of the Village of Redgranite, and any potential annexation the village may acquire in the future pursuant to Wisconsin State Statutes 23.33(8)(b) and 23.33(11).
- B. Enforcement of laws falling under Wisconsin State Statute 23 may be enforced by any officer authorized to enforce the law of the State of Wisconsin.
- C. Enforcement of village ordinances pertaining to section 8-5-1 may be enforced by Village of Redgranite Police Officers.
- D. State all-terrain vehicle laws adopted. The provisions describing and defining regulations with respect to all-terrain vehicles in Wis. Stats. § 23.33 and any future amendments or revisions, are adopted by reference and made part of this section as if fully set forth herein. Any acts required to be performed by the following statutory subsections or which are prohibited by such statutory subsections are required to be performed by this section or are prohibited by this section.

3. **Definitions:**

- A. For purposes of this section, the terms below shall be defined as follows:
1. ATV/UTV Route means a street designated by Village of Redgranite ordinance for use of all-terrain vehicle and utility-terrain vehicle operators or as defined in § 23.33(1)(c), Wis. Stats., and any amendments thereto.
 2. All-Terrain Vehicle or 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 three or more tires or as defined in § 23.33(1)(b), Wis. Stats., and any amendments thereto.
 3. Utility-Terrain Vehicle or UTV means any of the following, or as defined in § 23.33(ng), Wis. Stats., and any amendments thereto:
 - a. 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:
 - i. A weight, without fluids, of 2,000 pounds or less.
 - ii. Four or more tires.
 - iii. A steering wheel.
 - iv. A taillight.
 - v. A brake light.
 - vi. Two headlights.

- vii. A width of not more than 65 inches.
 - viii. A system of seat belts, or a similar system for restraining each occupant of the vehicle in the event of an accident.
 - ix. 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.
- b. A commercially designed and manufactured motor driven device to which all of the following applies:
 - i. It has a weight, without fluids, of more than 900 pounds but not more than 2,000 pounds.
 - ii. It has a width of 50 inches or less.
 - iii. It is equipped with a seat designed to be straddled by the operator.
 - iv. It travels on three or more low-pressure tires or pneumatic tires.
 - c. Restriction on equipment. No ATV/UTV may be operated on any street within the city limits unless it conforms to all noise, registration and other equipment requirements as stated in chapter 23 Wis. Stats., or the Municipal Code of the Village.
4. All other applicable words or phrases defined within Chapter 23.33 and 340.01 of the Wisconsin Statutes are hereby incorporated within this ordinance by reference.

4. Routes and Trails- Areas of designated operation: See map for details

- A. All streets within the Village of Redgranite limits are included as a part of the ATV/UTV route unless posted as closed. The only portion of Highway 21 that is authorized by the Village of Redgranite Board of trustees for ATV/UTV traffic is STH 21 from the West Village Limits to Laing Street where the posted speed limit is 35 mph or less. ATV and UTV's may only be operated on the remaining streets marked routes as outlined on the route map. Anyone operating an ATV or UTV outside of the routes specified herein shall be subject to a forfeiture. Routes shall be marked with uniform ATV and/or UTV route signs in accordance with Wisconsin Statute 23.33(8) and § NR 64.12(7) Wisconsin Admin. Code.
- B. No person may operate an ATV / UTV in any of the following restricted areas:
 - 1. Redgranite Quarry
 - 2. Foster Road Cemetery
 - 3. St. Marks Cemetery
 - 4. Village parks to include: Willow Creek Park, Veterans Park, East Side Park
 - 5. Village of Redgranite property to include public works property, water towers and adjacent village property, sewage treatment plant and adjacent village property, pump houses and adjacent village property, municipal building and adjacent village property
 - 6. Any land owned, leased or controlled by the State of Wisconsin, Department of Corrections, Division of Adult Institutions. (RGCi prison)
 - 7. Any property owned and operated by the Wautoma Area School District, Redgranite Elementary School.
 - 8. Bannerman Trail
 - 9. Private property without prior written consent from property owner.

10. Waushara County Waste Disposal site on CTY EE.
11. CTY EE from 1031 CTY EE (highway maintenance line) north to village limits.

C. Exemptions to this ordinance must be obtained from: the Village of Redgranite for properties owned / controlled by the village; a Representatives from St. Marks Catholic church for St. Mark's Cemetery; and representative from the Wautoma Area School District for Redgranite Elementary School.

1. Other exemptions include:

- a. Private Citizens, groups or organizations may operate an ATV / UTV when authorized by the Chief of Police when in conjunction with a parade. Said operation shall only take place during the hours the police department has obtained a parade permit authorized by the Wisconsin Department of Transportation. Operation may only take place on the designated route of the parade.
- b. Any law enforcement and/or fire departments may operate an ATV / UTV on any road that falls within the Village of Redgranite jurisdiction for the purpose of performing their duties when necessary. Said operation must first be authorized by the police chief, fire chief or sheriff.
- c. Any utility contractor or service that uses an ATV / UTV to perform utility service operations in the Redgranite Village limits.

D. The Village Clerk and the Redgranite Police Department shall maintain a route map.

E. The Village of Redgranite ATV/UTV routes can be closed or modified at any time, by the Village Board, when public safety is at risk.

5. Signage

A. ATV's and UTV's may only be operated on the routes specified in this ordinance.

1. Waushara County ATV Association and their successors will install and maintain all route signage within the Village of Redgranite limits.
2. Routes shall be marked with uniform ATV and/or UTV route signs in accordance with Wisconsin Statute 23.33(8) and § NR 64.12(7) Wisconsin Admin. Code.

6. Violations

A. Three or more violations will result in revocation of route privileges.

1. Any violations of Chapter 23 of the Wisconsin State Statues will result in the violator being issued a DNR citation in either Wautoma Area Municipal Court or Waushara County Circuit Court.
2. Any violations of the ordinances found within ordinance 8-5-1 will result in the violator being issued a Non Traffic Citation (Ordinance Citation) in Wautoma Area Municipal Court.
3. Said deposit for violations of State Statute 23 will be subject to the bond schedule set forth by the Wisconsin Judicial Conference for each respective court.
4. A violation of Village Ordinance 8-5-1, results in a forfeiture being imposed and shall be set at \$100 plus court costs.

7. Ordinance Violations:

- (A) No person shall operate an ATV / UTV at any speed greater than 25 MPH within the Redgranite Village limits regardless of whether or not a higher speed is posted.
- (B) No person shall operate an ATV / UTV at a speed greater than the posted limit in any school zone or temporary speed limit posted within the Redgranite Village limits.
- (C) No person shall operate an ATV / UTV in the Redgranite Village limits without properly functioning headlamps and tail lamps
- (D) All ATV / UTV operated on the designated routes in the Redgranite Village limits must operate on the paved portion of the road, street or ally.
- (E) No person may operate an ATV / UTV in the Redgranite Village limits between the hours of 10:00 PM and 6:00 AM daily.
- (F) No person may operate an ATV / UTV on any portion(s) of the designated route when said route is closed.
- (G) No person may operate an ATV / UTV in the Redgranite Village limits on any sidewalk. Permitted exception would include ATV / UTV operation as an implement to remove snow in accordance with Wisconsin Statutes 23.334(f).
- (H) No person may operate an ATV / UTV in any of the following restricted areas.
1. Redgranite Quarry
 2. Foster Road and St. Marks Cemeteries
 3. Village parks to include Willow Creek Park, Veterans Park, East Side Park
 4. Village of Redgranite property to include public works property, water towers and adjacent village property, sewage treatment plant and adjacent village property, pump houses and adjacent village property, municipal building and adjacent village property
 5. Any land owned, leased or controlled by the State of Wisconsin, Department of Corrections, Division of Adult Institutions. (RCCI prison)
 6. Any property owned and operated by the Wautoma Area School District, Redgranite Elementary School.
 7. Exemptions to this ordinance must be obtained from the Village of Redgranite for properties owned / controlled by the village, representatives from St. Marks Catholic church for St. Mark's Cemetery, and representative from the Wautoma Area School District for Redgranite Elementary School.
- (I) No person may operate an ATV / UTV in a reckless or careless manner that includes but is not limited to spinning wheels, causing damage to roadway surface or shoulder of roadway or gravel road areas (spraying gravel or "rooster tails"), excessive acceleration causing excessive noise (rapping exhaust pipes) i.e. "Disorderly Conduct with an ATV / UTV"
- (J) No person may operate an ATV / UTV in the Redgranite Village limits while possessing an open intoxicating beverage or consuming an intoxicating beverage.
- (K) No person(s) may tamper with, erect, remove or deface any ATV / UTV route sign owned by the Waushara County ATV Association or its designee or successors without consent of the Waushara County ATV Association.
- (L) No person may affix any sign, advertising, or non-sign related material to an ATV / UTV route sign installed within the Village of Redgranite limits.

8. Conditions of Use/Rules of Operation

A. As a condition for the use of these routes and trails, the following shall apply to all operators and passengers, as applicable.

1. Helmets must be worn on any operator or passenger of an ATV/UTV if they are under the age of 18. If the driver of the vehicle is required to wear a helmet, then all vehicle occupants must wear a helmet.
2. Operators must have attained the age of 16 and must have a valid driver's license to operate an ATV/UTV on any ATV/UTV route designated by the Village.
3. All operators born after January 1, 1988 must possess a valid ATV safety certificate with the Department of Natural Resources.
4. Obey all road signs.
5. Seatbelts must be worn on UTV's at all times.
6. Operators shall operate in single file on the right side of the roadway, except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
7. ATV's/UTV's shall operate only on the paved portion of the roadway. Operation on the gravel shoulders, grassy in-slopes, ditches, or other rights-of-way is prohibited and illegal.
8. Hand signals shall be used when turning, or turn signals used if vehicle is so equipped.
9. Hours of operation are from 6:00 a.m. to 10:00 p.m.
10. Eye protection must be worn by any operator of an ATV/UTV
11. ATV/UTV's must be registered for public use through the Department of Natural Resources and display such registration on the vehicle
12. ATV's and UTV's may only be operated on the routes specified in this ordinance. Anyone operating an ATV or UTV outside of the routes specified herein shall be subject to a forfeiture.
13. Operators of ATV/UTV's shall observe all laws of this state pertaining to the use of an ATV/UTV.
14. ATV/UTVs must be insured to the minimum Wisconsin Department of Transportation insurance requirements as follows:
 - \$10,000 for property damage
 - \$25,000 for the injury or death of one person
 - \$50,000 for the injury or death of two persons
15. Operators of UTVs/ATVs on county highways assume all the usual and normal risks of ATV/UTV operation.
16. The Village of Redgranite's ATV/UTV routes are intended for recreational travel to and from other ATV/UTV routes located outside the Village, places of business, or other destinations within the Village. The Village of Redgranite ATV/UTV routes are not intended for continuous circular travel on the Village's ATV/UTV route.
17. ATV Passenger Rules: ATV operators cannot have a passenger riding in or on any part of an ATV that is not designed or intended to be used by passengers. Previously, this law only applied to roadways. After-market seating does not comply with the law.
18. ATV/UTV Auxiliary Lighting Restrictions:
 1. No person, except emergency services personnel, may operate an ATV or UTV that is equipped with any of the following:

- a. A lamp that emits any color of light other than white or amber and that is visible from directly in front of the ATV or UTV.
 - b. A lamp that emits any color of light other than red, yellow, amber, or white and that is visible from directly behind the ATV or UTV.
 - c. A flashing, oscillating, or rotating lamp that emits any color other than amber or yellow.
2. Any person operating an ATV or UTV must dim his or her high beam headlamps and any auxiliary lamps when within 500 feet of an approaching ATV/UTV or vehicle and within 500 feet to the rear of another ATV/UTV or vehicle. In addition, an operator must dim his or her back-up lamps unless actively backing.
19. ATV's and UTV's cannot be operated with anything else other than tires, with the exception of on private property.
1. This rule does not apply to ATV / UTV being used by law enforcement, fire/rescue departments or public utilities operating said units within the Village of Redgranite.

9. Terms

A. The Village of Redgranite will consider authorizing enactment of Ordinance 8-5-1 pending the following conditions are met to the Village Board of Trustee's satisfaction.

1. All required designated ATV / UTV route signs are purchased, installed, maintained and repaired / replaced by the Waushara County ATV association, its designee or successor. The Waushara County ATV association is also responsible for the installation of any additional signs deemed necessary by the Village of Redgranite Board of Trustees or its designee or signage for additional routes if added. An agreement to aforementioned requirements shall be drafted and signed by the Village of Redgranite President and the Waushara County ATV Association President or Board of Directors. This agreement shall be reviewed annually by the Village of Redgranite Board of Trustees.
2. The ATV / UTV route signs are installed to the Village of Redgranite Board of Trustee's or the board's designee's or Wisconsin Department of Natural Resources satisfaction. All signs must conform to the federal manual on uniform traffic control devices and also conform to the NR64.12(7) and the trail/route signing handbook (PUB-CF-023) available on line at dnr.wi.gov
3. All ATV / UTV route signs shall be placed at the beginning and ending of each route as well as any signage that prohibits ATV/UTV traffic.
4. All ATV / UTV route signs must be reflective white all-terrain vehicle symbol, bordered and messaged on a reflective green background.
5. The Village of Redgranite Board of Trustee hold the right to rescind ordinance 8-5-1 at any time. Once notified by the Village of Redgranite Board of Trustee's order to rescind Ordinance 8-5-1, the Village of Redgranite Clerk will notify the Waushara County ATV Association and the Department of Natural Resources. It is responsibility of the Waushara County ATV Association or its designee or successor to remove all signs in reference to ATV / UTV routes erected by the Waushara County ATV Association or its designee or successor within the period of (10) days.
6. Once these conditions are met, the Village of Redgranite Board of Trustees will designate a date when the ATV / UTV route will be open for public use.

7. EFFECTIVE DATE

Ordinance 8-5-1, once passed by the Village of Redgranite Board of Trustees shall become effective upon posting.

I, Christy Groskruetz, Clerk of the Village of Redgranite, Waushara County, Wisconsin, do certify that this ordinance passed by the Village of Redgranite Board of Trustees on:

July 20, 2021.

Christy Groskruetz
Christy Groskruetz, Village of Redgranite Clerk

TOWN OF LEON

TOWN OF LEON

TOWN OF LEON

 ATV/UTV OPERATION APPROVED
 ATV/UTV OPERATION NOT APPROVED

TOWN OF WARREN

TOWN OF WARREN

VILLAGE OF LOHRVILLE

VILLAGE OF LOHRVILLE

TOWN OF WARREN

