

**ORDINANCE V22-20**

**AN ORDINANCE REPEALING ORDINANCE 22-16 OF MUNICIPAL CODE ON ATV USE IN THE VILLAGE OF HARRISON AND RECREATING AS ALL-TERRAIN VEHICLE/UTILITY TERRAIN VEHICLE ROUTE ORDINANCE**

**WHEREAS**, the Village desires to repeal Ordinance 22-16 in its entirety; and

**WHEREAS**, the voters of the Village of Harrison cast 3,120 votes in favor of allowing village-wide use of ATVs and 2,591 votes opposing it in a non-binding advisory referendum question posed on the November 8, 2022 ballot; and

**WHEREAS**, the Village desires to enact the will of the people and approve municipal regulations for ATV/UTV use in all areas of the Village; and

**WHEREAS**, the Wisconsin State Statutes allow municipalities to enact or adopt a regulation on ATV/UTV use;

**NOW THEREFORE**, the Village Board of the Village of Harrison, Wisconsin, does hereby adopt the following ordinance:

Ordinance 22-16 is repealed, and Chapter 26-8 All-Terrain Vehicle/Utility Terrain Vehicle Route Ordinance is recreated.

**26-8 All-Terrain Vehicle/Utility Terrain Vehicle Route**

**26-8 (a) TITLE AND PURPOSE**

The title of this ordinance is All-Terrain Vehicle/Utility Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle/utility terrain vehicle routes in the Village and to regulate the operation of all-terrain vehicles and utility terrain vehicles in the Village.

**26-8 (b) AUTHORITY**

The Village Board of the Village of Harrison, Calumet County, Wisconsin, has the specific authority to adopt this all-terrain vehicle/utility terrain vehicle ordinance under s. 23.33 (8) (b) and (11), Wis. stats.

**26-8 (c) ADOPTION OF ORDINANCE**

This ordinance adopted on proper notice with a quorum and roll call vote by a majority of the Village Board present and voting, provides the authority for the Village to designate all-terrain vehicle/utility terrain vehicle routes in the Village and to regulate the use of those routes and all-terrain vehicles and utility terrain vehicles in the Village, designates all-terrain vehicle/utility terrain vehicle routes in the Village and provides for the regulation of the use of those routes and of all-terrain vehicles and utility terrain vehicles in the Village.

**26-8 (d) OPERATION OF ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES**

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 vehicle/utility terrain vehicle on the roadway portion of any highway in the Village except on roadways that are designated as all-terrain vehicle/utility terrain vehicle routes by this ordinance. Operation of all-terrain vehicles/utility terrain vehicles on a roadway in the Village that is an all-terrain vehicle/utility terrain vehicle route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions.

#### 26-8 (e) DESIGNATION AND AUTHORIZATION OF ALL-TERRAIN VEHICLE/UTILITY TERRAIN VEHICLE ROUTES

- (1) Except as otherwise provided in this ordinance, highways are not designated all-terrain vehicle/utility terrain vehicle routes.
- (2) All-terrain vehicle/utility terrain vehicle use is limited to the following routes:
  - a. All public Village streets.

#### 26-8 (f) CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE/UTILITY TERRAIN VEHICLE ROUTES

Pursuant to s. 23.33 (8) (d), Wis. stats., the following restrictions are placed on the use of the Village all-terrain vehicle/utility terrain vehicle routes designated by this resolution:

- (1) Routes shall be marked with uniform all-terrain vehicle/utility terrain vehicle route signs in accordance with s. 23.33 (8) (e), Wis. stats., and s. NR 64.12 (7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking Village all-terrain vehicle/utility terrain vehicle routes:
  - a. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle/utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle/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.
  - b. Possess any uniform all-terrain vehicle/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 vehicle/utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle/utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
- (2) 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.
- (3) A copy of this ordinance shall be sent by the Village Clerk to the Department of Natural Resources, the Calumet County Sheriff's Department and any other law enforcement agency serving the Village of Harrison's jurisdiction.
- (4) The following additional restrictions shall apply to the use of all-terrain vehicle/utility terrain vehicles:
  - a. All all-terrain vehicle/utility terrain vehicle operators shall observe posted roadway speed limits.
  - b. All all-terrain vehicle/utility terrain vehicle operators shall ride single file.
  - c. All all-terrain vehicle/utility terrain vehicle operators shall slow the vehicle to 10 miles per hour or less when operating within 150 feet of a dwelling.

- d. Headlights and taillights must be turned on at all times as required by state law.
- e. Youth must be at least 16 and are required to have safety certificates as required by state law.
- f. All persons under 18 operating and/or riding on an ATV must wear a helmet as required by state law.
- g. All persons must carry proof of liability insurance when operating an ATV.

**26-8 (g) ENFORCEMENT**

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

**26-8 (h) PENALTIES**

The penalties under s. 23.33 (13), Wis. stats., are adopted by reference.

**26-8 (i) STATE ALL-TERRAIN VEHICLE LAWS ADOPTED**

Except as otherwise specifically provided in this chapter, all provisions of Wis. Stats. § 23.33, and as hereafter amended, describing and defining regulations with respect to the use of all-terrain vehicles in the state for which the penalty is a forfeiture only, including penalties to be imposed and procedure for prosecution, are adopted and by reference are made a part of this Code as if fully set forth in this chapter. Any act required to be performed or prohibited by a statute incorporated in this section by reference is required or prohibited by this section.

**26-8 (j) SEVERABILITY**

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

**26-8 (k) EFFECTIVE DATE**

This ordinance is effective on publication or posting.

The Village clerk shall properly publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 13th day of December, 2022.

  
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Village President Allison Blackmer

  
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Village Clerk/Treasurer Vicki Tessen