

ORDINANCE V22-16

AN ORDINANCE REPEALING CHAPTER 26-8 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 Municipal Code Chapter 26-8 in its entirety; and

WHEREAS, the Village desires to recreate municipal regulations on ATV/UTV use in the rural 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:

Chapter 26-8 State All-Terrain Vehicle Forfeiture Laws Adopted is repealed and Chapter 26-8 All-terrain vehicle/Utility terrain vehicle Route Ordinance is recreated.

26-08 (a) TITLE AND PURPOSE

The title of this ordinance is the 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.

26-08 (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.

26-08 (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.

26-08 (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.

26-08 (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. Firelane 1 and Firelane 2
- b. Old Highway Road, Lake Park Road (south of Old Highway Road), Firelane 8, Firelane 9 and Firelane 10.
- c. Firelane 12 and Firelane 13
- d. Mielke Road
- e. Pigeon Road
- f. State Park Road between Mielke Road and Schmidt Road (crossing state highway 10)
- g. Schaefer Road between State Park Road and Harwood Road (crossing state highway 55)
- h. . Manitowoc Road between State Park Road and Harwood Road (crossing state highway 55)
- i. Peters Road
- j. Schmidt Road between State Park Road and Harwood Road (crossing state highway 55)
- k. Highline Road, Amy Avenue (connecting to Highline Road) and Firendship Drive
- l. Harwood Road (north and south of the Village of Sherwood)
- m. Kessler Road (crossing County Highway M)
- n. Horn Road
- o. High Cliff Road (including crossing state highways 55/114)
- p. Ertle Road to state highway 114 (including crossing state highway 55)
- q. Harrison Road (crossing state highway 55)
- r. Faro Springs Road
- s. Lake Shore Drive
- t. Kees Road to Ertle Road

(3) Said routes are further described and identified by the attached map.

26-08 (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.

26-08 (g) ENFORCEMENT

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

26-08 (h) PENALTIES

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

26-08 (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.

26-08 (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.

26-08 (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.

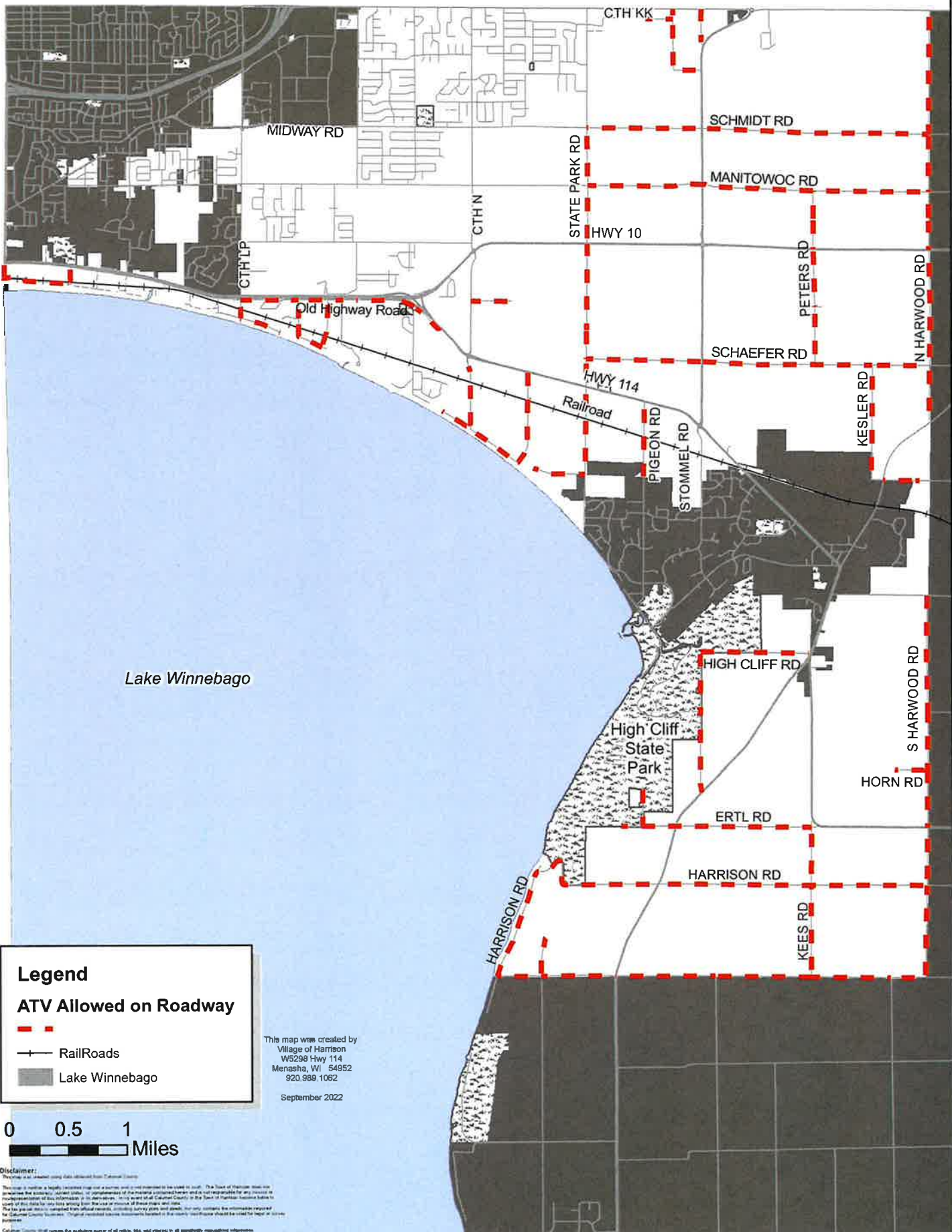
Adopted this 29th day of September, 2022.



Village President Allison Blackmer



Village Clerk/Treasurer Vicki Tessen

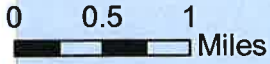


Legend

ATV Allowed on Roadway

- - -
- RailRoads
- Lake Winnebago

This map was created by
 Village of Harrison
 W5298 Hwy 114
 Menasha, WI 54952
 920.989.1062
 September 2022



Disclaimer:
 This map is a public utility map and is not intended to be used as a legal document. The Town of Harrison does not warrant the accuracy, completeness, or timeliness of the information contained herein and is not responsible for any losses or damages resulting from the use of this information. The Town of Harrison is not liable for any errors or omissions in this map. The Town of Harrison is not responsible for any losses or damages resulting from the use of this information. The Town of Harrison is not responsible for any losses or damages resulting from the use of this information. The Town of Harrison is not responsible for any losses or damages resulting from the use of this information.