VILLAGE OF MARATHON CITY, MARATHON COUNTY, WISCONSIN
AN ORDINANCE CREATING SECTION 10.4.3 OF THE CODE OF THE VILLAGE OF MARATHON CITY ENTITLED *ALL TERRAIN VEHICLE/UTILITY TERRAIN VEHICLE ROUTE*

The Village Board of the Village of Marathon City, Marathon County, Wisconsin, do ordain as follows:

SECTION 1: Section 10.4.3 of the Code of the Village of Marathon City, Wisconsin, entitled *All Terrain Vehicle/Utility Terrain Vehicle Route* is hereby created to provide as follows:

Sec. 10.4.3 ALL TERRAIN VEHICLE/UTILITY TERRAIN VEHICLE ROUTE

(A) **Intent.** To create uniform procedures and requirements for the use and operation of all terrain vehicles and utility terrain vehicles on Village routes and trails.

(B) **Definitions.** In this section, words and phrases used herein shall have the meaning as defined by Wis. Stat. § 23.33(1) unless otherwise defined herein. All-terrain vehicles ("ATVs") shall have the definition given in Wis. Stat. § 340.01(2g). Utility terrain vehicles ("UTVs") shall have the definition given in Wis. Stat. § 23.33(1)(ng). Street shall have the definition given in Section 1.1.2 of this Code.

(C) **Statutory Authority.** The Village is authorized to designate highways as ATV/UTV routes pursuant to Wis. Stat. § 23.33(8)(b) and (11), and is authorized to enact ordinances regulating ATVs and UTVs on designated routes and trials pursuant to Wis. Stat. § 23.33(11)(a).

(D) **Designation of ATV/UTV Routes.** The Village reserves the right to close or modify ATV/UTV routes at any time. Permanent closure will be complete through removal of signage and public notice. All streets in the Village shall be designated as ATV/ UTV routes except for the following:

(1) State Highway 107 (Main Street) throughout the village limits;

(2) Any street that does not meet the designation of a route as set forth in Marathon County, WI Ord. § 7.125(4)(a).

(E) **Temporary Closure of Routes.** The Village President or their designated appointee has the authority to temporarily close or modify any Village route for a maximum of 30 days at any time due to an emergency, construction, or any other necessary condition.

(F) **Operator and Rider Requirements.** In addition to those regulations identified in Wis. Stat. §§ 23.33 and 346.02(11), and Wis. Admin. Code § NR 64, any person who operates or rides as a passenger on an ATV or UTV must meet the following requirements:

(1) No person may operate an ATV or UTV without having attained the age of 16, except as set forth in Wis. Stat. § 23.33(5).

(2) No person may operate an ATV or UTV without a valid driver's license, except as set forth in Wis. Stat. § 23.33(5).

(3) No person under the age of 18 may operate an ATV or UTV without their ATV certification, except as set forth in Wis. Stat. § 23.33(5).

(4) All operators shall have a liability insurance policy in force on any ATV or UTV operated on an ATV/UTV route. The liability insurance policy must have the minimum coverages as follows or the current limits as required by state statute for operation of a motorized vehicle:

a. Ten thousand dollars for property damage;

b. Twenty-five thousand dollars for the injury or death of one person; and

c. Fifty thousand dollars for the injury or death of more than one person.

(G) **Rules of Operation.** The operation of an ATV or UTV on a Village route is subject to the following rules of operation in addition to those outlined in Wis. Stat. §§ 23.33 and 346.02(11), and Wis. Admin. Code § NR 64:

(1) Operators may only operate on a designated ATV/UTV route if said route or trail is signed in accordance with Wis. Stat. §§ 23.33(8)(e) and Wis. Admin. Code § NR 64.12(7).

(2) Property owners / tenants residing on Main Street may traverse Main Street within one (1) block of their residence to the nearest approved ATV/UTV Route.

(3) Operators on ATV/UTV trails shall observe a speed limit not to exceed 25 miles per hour or the posted speed limit on the route, whichever is less.

(4) No operator shall drive an ATV/UTV at a speed greater than what is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. The speed of an ATV/UTV shall be so controlled as may be necessary to avoid colliding with any object, person, vehicle or other conveyance on or entering the route in compliance with legal requirements and using due care.

(5) Operators shall ride in single file on the far right edge of the pavement.

(6) Operators may not operate an ATV or UTV on any Village route at any time before or after Operating Hours. Operating Hours are designated as 5:00 AM through 10:00 PM.

(7) All ATV's and UTV's must operate with fully functional headlamps, tail lamps and brake lights.

(8) Every ATV or UTV shall be equipped, maintained, and operated to prevent excessive or unusual noise. No person shall operate an ATV or UTV on a Village route unless the vehicle is equipped with a muffler or other effective noise-suppression system in good working order and in constant operation.

(9) Operators and Passengers under the age of 18 must wear a helmet when operating on a Village route.

(10) Every occupant of an ATV or UTV must be seated on a seat that is original to the vehicle as manufactured. No occupant may ride on any part of an ATV or UTV not designed or intended to be used by passengers.

(11) If a trailer is towed behind an ATV /UTV, the trailer must comply with the towing capacity of the vehicle. The trailer shall comply with the lighting requirements of ATV's /UTV's and the trailer shall not obstruct visibility of the operator. Trailers shall not obstruct the ability to see the operator from the rear of the vehicle.

(H) **Intoxicants in or on an ATV or UTV.** No person may consume alcoholic beverages or possess any bottle or receptacle containing alcoholic beverages 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 while he or she is in or on any ATV/UTV when the vehicle is on a Village route or street.

(I) **Penalties.** The penalties under Wis. Stat. § 23.33(13) are adopted by reference. Any violation of this section without a penalty specified by statute or administrative code shall have a penalty set forth in the fee schedule established by the Village Board.

SECTION 2: If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is found invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

(J) SECTION 3: All Ordinances and parts of ordinances in conflict herewith are hereby repealed.

(K) SECTION 4: This Ordinance shall take effect and be in full force and effect from and after its passage and publication or posting as required by law.

VILLAGE OF MARATHON CITY

BY: _____
David W. Belanger, President

ATTEST:

_____
Andrew R. Kurtz, Village Clerk-Treasurer

ADOPTED: 1/4/23

PUBLISHED: 1/11/23