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#### 4.02.20. All-terrain/utility terrain vehicle use.

- (1) *Title.* The title of this Section is the City of Rhinelander All-Terrain/Utility Terrain Vehicle Use Ordinance.
- (2) *Purpose.* The purpose of this Section is to establish all-terrain and utility terrain vehicle routes in the City of Rhinelander and to regulate the operation of all-terrain and utility terrain vehicles in the City of Rhinelander.
- (3) *Authority.* The City Council of the City of Rhinelander, Oneida County, Wisconsin, has the specific authority to adopt this All-Terrain and Utility Vehicle Ordinance under Wis. Stats. § 23.33(8)(b) and (11).
- (4) *Definitions.* For this Section, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The words "shall," "will," and "must" are always mandatory. The words "may" and "should" are discretionary terms. The masculine shall include the feminine. Terms not defined in this Section shall be interpreted based on common usage.
  - (a) *All-terrain vehicle (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 low-pressure tires or non-pneumatic tires.
  - (b) *City* means the City of Rhinelander, the City Council, Common Council, or any other City of Rhinelander official(s) or agent authorized by the City Council to act on behalf of the City of Rhinelander.
  - (c) *Utility terrain vehicle (UTV)* means any of the following:
    1. 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 a highway, and that has, and was originally manufactured with, all the following:
      - a. A weight, without fluids, of 2,000 pounds or less.
      - b. Four or more low-pressure tires or non-pneumatic tires.
      - c. A steering wheel.
      - d. A tail lights.
      - e. A brake lights.
      - f. Two headlights.
      - g. A width of not more than 65 inches.
      - h. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
      - i. 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.
    2. A commercially designed and manufactured motor driven device to which all of the following applies:
      - a. It has a weight, without fluids, of more than 900 pounds but not more than 2,000 pounds.
      - b. It has a width of 50 inches or less.
      - c. It is equipped with a seat designed to be straddled by the operator.
      - d. It travels on three or more low-pressure tires or non-pneumatic tires.

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- (5) *Designation of all-terrain and utility terrain vehicle routes.* Pursuant to Wis. Stats. § 23.33(4)(d)4., except as otherwise provided in Wis. Stats. § 23.33(4), no person may operate an all-terrain or utility terrain vehicle on any road, freeway, or highway in the City, except on those roadways that are designated as all-terrain and utility terrain vehicle routes by this Section.
- (a) All streets in the City of Rhinelander are open to ATVs/UTVs except the following: Lincoln Street.
  - (b) The route(s) does not include public properties, City-owned parks, etc., except for those with designated parking areas where motorized vehicles normally park.
  - (c) The routes do not include private roads or driveways nor any private property in the City. The City shall retain the right to close any City street to ATV/UTV operation for special events or street construction/repair without notice.
- (6) *Route restrictions.* Pursuant to Wis. Stats. § 23.33(8)(d), the following restrictions are placed on the use of the City all-terrain and utility terrain vehicle routes designated by this Section. Routes shall be marked with uniform all-terrain and utility terrain vehicle route signs in accordance with section NR 64.12(7), Wisconsin Administrative Code. No person may do any of the following regarding signs marking City ATV/UTV routes unless authorized to do so.
- (a) Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain and utility vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV 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 ATV/UTV route or trail sign or standard of the type established by the City for the warning, instruction, or information of the public, unless he or she obtained the uniform ATV/UTV route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain and utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
- (7) *Maintenance of all-terrain and utility terrain vehicle routes.*
- (a) Designation of segments of the City road system as ATV/UTV routes does not impose upon the City a greater duty of care or responsibility for maintenance of those segments than for any other segment of City road.
  - (b) Operators of ATV/UTVs on City roads assume all the usual and normal risks of ATV/UTV operation.
  - (c) The City accepts no liability for the operation of ATVs/UTVs on any City streets under the provisions of this Section.
- (8) *Operation of all-terrain and utility vehicles.*
- (a) Operation shall be subject to all provisions of Wis. Stats. § 23.33, which is adopted as a part of this Section by reference, pursuant to Wis. Stats. § 23.33(11).
  - (b) Operators must abide by all traffic laws unless further restricted by this Section.
  - (c) Operators will be held to the same enforcement, expectations, permissions, penalties, restrictions, in addition to all other standards adopted by Wisconsin Statutes, which apply to the offense of driving a motorized vehicle under the influence of alcohol, drugs, and/or other chemical agents which impair an operator's safe use of a motorized vehicle.
  - (d) The speed limit for ATVs and UTVs shall be established at not greater than 35 miles per hour or the speed limit for automobiles, whichever is lower, on all segments of City roads designated as ATV/UTV route.
  - (e) ATVs/UTVs may be operated on paved surfaces only, unless yielding the right-of-way.

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- (f) All ATV/UTV operators shall ride single file.
  - (g) No ATV/UTV may be operated on any designated route(s) without fully functional headlights, tail-lights, and brake lights.
  - (h) No ATV/UTV may be operated on any designated route(s) between the hours of 11:59 p.m. and 5:00 a.m. daily, unless a different restriction on hours of operation has been specified by the City and notice of the same is duly posted on the segment.
  - (i) All ATV/UTV operators shall ride on the righthand side of the paved portion of the highway, unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way is prohibited, unless yielding right-of-way.
  - (j) No ATV/UTV may be operated on any designated ATV/UTV route if the ATV/UTV does not meet all applicable federal noise and air pollution standards.
  - (k) No person under the age of 16 may operate an ATV/UTV on any segment of City road which is a designated ATV/UTV route unless accompanied by an adult.
  - (l) No person under the age of 18 may operate an ATV/UTV on any designated route unless wearing approved protective head gear.
- (9) *Licensing, insurance, and registration.*
- (a) *Driver's license.* Every person who operates an ATV/UTV on a segment of City road which is designated as an ATV/UTV route shall have in his or her immediate possession a valid motor vehicle operator's license and shall display the license document upon demand from any law enforcement officer or official described in Wis. Stats. § 23.33(12).
  - (b) *Insurance.* Every person who operates an ATV/UTV on a segment of City road which is designated as an ATV/UTV route, and/or every ATV/UTV operated on a segment of City road 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.
- (10) *Disturbing of 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 road. Cruising is defined as running all or part of the length of a roadway multiple times, per day, back and forth, for any purpose other than departing or arriving at their residence, or place of lodging, or departing or arriving, at a public boat landing.
  - (b) *Exhaust system/muffler modifications prohibited.* No person shall operate on a City route any ATV/UTV unless such ATV/UTV is equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise or annoying smoke.
  - (c) *Radios or the electric sound amplification devices.* No person may operate or park, stop or leave standing an ATV/UTV vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is audible under normal conditions from 75 feet or more, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition.
- (11) *Enforcement.*
- (a) This Section may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin. A copy of the ordinance from which this Section was derived shall be sent by the City Clerk to the Rhinelander Police Department, the Oneida County Sheriff's Department, and the Department of Natural Resources, and any other law enforcement agency serving the City of Rhinelander's jurisdiction.
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- (b) As a substitute for or in addition to forfeiture actions, the City Attorney may, on behalf of the City, seek enforcement of any and all parts of this Section by court actions seeking injunction orders or restraining orders and/or pursuing nuisance actions against the violator.

(12) *Penalties.* The penalties under Wis. Stats. § 23.33(13)(a) are adopted by reference.

(13) *Severability.* Should any portion of this Section be declared unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this Section shall not be affected.

(Ord. No. 01-19, 6-24-2019; Ord. No. 2020-13, § 1, 12-14-2020)

State law reference(s)—All-terrain vehicles and utility terrain vehicles, enforcement, Wis. Stats. § 23.33(12); motor vehicle liability insurance required, Wis. Stats. § 344.62; obedience to traffic officers, signs/signals; fleeing from officer, Wis. Stats. § 346.04; operating under influence of intoxicant or other drugs, Wis. Stats. § 346.63; radios or electric sound amplification devices, Wis. Stats. § 346.94(16); exhaust system/muffler modifications prohibited, Wis. Stats. § 347.39(1).