

ORDINANCE NO.: 1359B

An Ordinance amending Section No. 1095B Chapter 38 Sections 38-371 through 38-410 of the Municipal Code of the City of Antigo regarding all-terrain vehicles and off-road motor vehicles.

The Common Council of the City of Antigo does ordain as follows:

Section 1. Sections 38-371 through 38-410 are to read as follows:

Sec. 38-371. State all-terrain vehicle laws adopted.

The provisions describing and defining regulations with respect to all-terrain vehicles in the following enumerated subsections of Wis. Stats. § 23.33 and any amendments or revisions are adopted by reference and made part of this section as if fully set forth in this section. 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:

- (1) Wis. Stats. § 23.33(2), registration.
- (2) Wis. Stats. § 23.33(3), rules of operation, including subsections (a) through (i).
- (3) Wis. Stats. § 23.33(4), operation on or near highway, including subsections (a) through (e).
- (4) Wis. Stats. § 23.33(5)(a)(c), age restrictions.
- (5) Wis. Stats. § 23.33(6), equipment requirements, including subsections (a) through (e).
- (6) Wis. Stats. § 23.33(7), accidents, including subsections (a) and (b).
- (7) Wis. Stats. § 23.33(1), definitions, including subsections (a) through (n).
(Code 1999, § 10-4-1)

Sec. 38-372. Unauthorized operation on public or private property.

(a) *Purpose.* The purpose of this section is as follows:

(1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands, including damage or destruction of vegetation, animal life and improvement to the lands;

(2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution;

(3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and

(4) The unauthorized off-road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.

(b) *Definitions.* For purposes of this section, the following terms shall be defined as follows:

Motor vehicle means any vehicle, which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-carts, motorized three-wheeled vehicles, all-terrain vehicles (ATV), utility-terrain vehicle (UTV), mopeds, snowmobiles, dune buggies and tractors. The term "motor vehicle" shall not mean any airplane, railroad train, boat, wheelchair, golf cart, or bicycle. A vehicle, which would otherwise be defined as a motor vehicle under this section, shall not be so defined while it is being operated:

(1) Solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites, provided such operation is by persons having legitimate business on such lands or sites.

(2) By or at the direction of public employees or utility company employees as part of their employment duties.

(3) By the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.

Off-road means any location which:

- (1) Is not a paved or maintained public street or alley;
- (2) Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
- (3) Is a private trail for use only by the owner or his/her permittees for recreational or other vehicular use. The term "off-road" shall not include any creekbed, riverbed or lake; provided, however that this term shall not apply to snowmobiles or other vehicles being operated on the ice covering such creekbed, riverbed or lake.

Operation means the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it to motion.

Unauthorized means without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.

(c) *Unauthorized off-road operation.* Unauthorized off-road operation is prohibited as follows:

- (1) The unauthorized off-road operation of a motor vehicle is prohibited.
- (2) Except for authorized maintenance vehicles and snowmobiles, all-terrain vehicles, or utility-terrain vehicles operating in areas authorized by the common council, it shall be unlawful to operate any minibike, go-cart, all-terrain vehicle, utility-terrain vehicles, golf carts or any other motor-driven craft or vehicle principally manufactured for off-highway use on the city streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the written consent of the owner before operation of such craft or vehicle on private lands.

(d) Parks and cemeteries. No person shall operate a snowmobile, motorcycle or motorbike in any city park or cemetery, except on city-marked trails.

(e) Go-carts and dirt bikes. The operation of go-carts and dirt bikes (noncomplying motor vehicles) is not permitted on city streets or city-owned property.

(Code 1999, § 10-4-2)

Secs. 38-373—38-387. Reserved.

DIVISION 2. ALL-TERRAIN VEHICLES (ATV) AND UTILITY-TERRAIN VEHICLE (UTV) USE

Sec. 38-388. State all-terrain vehicle and utility-terrain vehicle laws adopted.

The provisions describing and defining regulations with respect to all-terrain vehicles and utility-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, pursuant to Wis Stats §23.33(11).

Sec. 38-389. Applicability of traffic regulations to ATV/UTV operation.

No person shall operate an ATV/UTV upon any street, highway or alley within the city in violation of the traffic regulation provisions of Wis. Stats. § 346.04, 346.06, 346.11, 346.14 (1m), 346.18, 346.19, 346.20, 346.21, 346.215 (3), 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50 (1) (b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92 (1) and 346.94 (1) and (9).

(Ord. No. 1306B, § 1, 9-12-2018)

Sec. 38-390. Intent.

The City of Antigo allows for the operation of all-terrain vehicles and utility terrain vehicles upon the streets throughout the City of Antigo. Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers,

public health, liability aspects, terrain involved, traffic density and history of automobile traffic, these routes and trails have been created.

(1) All-Terrain vehicle and utility-terrain vehicle access may be closed at any time, by order of the chief of police.

(2) The City may designate preferred routes within the City limits, maps of which shall be kept on file with the office of the clerk-treasurer/finance director and the Antigo Police Department. That map delineates preferred routes of travel for ATV/UTV's.

(Ord. No. 1306B, § 1, 9-12-2018)

Sec 38-391. Authority

The City Council of the City of Antigo, Langlade County, Wisconsin has the specific authority to adopt this All-Terrain and Utility Terrain Vehicle Ordinance under Wis. Stats. 23.33(8)(b) and (11).

Sec 38-392. Definitions

For this Section, the following definitions shall be used.

(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 Antigo, the City Council, Common Council, or any other City of Antigo official(s) or agent authorized by the City Council to act on behalf of the City of Antigo.

(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 3,000 pounds or less.
- (b) Four or more low-pressure tires or non-pneumatic tires.

- (c) A steering wheel.
- (d) A taillights.
- (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 does not meet federal motor vehicle safety standards in effect on July 1, 2012; is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle; is designed to be used primarily off of a highway; and has, and was originally manufactured with, a weight, without fluids, of not more than 3,000 pounds.
- (b) It has a width of 65 inches or less as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.
- (c) It is equipped with a seat designed to be straddled by the operator.
- (d) It travels on 3 or more tires.
- (e) It is not an all-terrain vehicle, as defined in s. 340.01 (2g).

Sec 38-393 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 Antigo will be considered ATV/UTV routes and open to ATVs/UTVs, excluding State Highway 64 (aka: Century Ave.) and US Highway 45 (aka: Superior Street, South Superior Street and Neva Road).

(b) The route(s) does not include public properties, City-owned parks, Unified School District of Antigo Property, etc., except for those with

designated parking areas or trails where motorized vehicles normally park. ATV/UTV operators must receive permission from the Unified School District of Antigo to utilize parking lots on school district properties.

(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.

Sec 38-394 Route restrictions.

Pursuant to Wis. Stats. § 23.33(8)(e), the following restrictions are placed on the use of the City all-terrain and utility terrain vehicle routes designated by this Section. Any specific 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.

Sec. 38-395. Prohibited routes for all-terrain or utility-terrain vehicle travel.

Prohibited routes for all-terrain or utility-terrain vehicle travel as follows:

- State Highway 64 (aka: Century Ave.) and US Highway 45 (aka: Superior Street, South Superior Street and Neva Road).

(Ord. No. 1306B, § 1, 9-12-2018)

Sec 38-396. Maintenance of all-terrain and utility terrain vehicle routes.

(a) Designation of segments of the City streets 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 streets 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.

Sec. 38-397. Conditions for operation.

(a) *Speed.* An ATV/UTV operated on a portion of any city street, pursuant to this division, shall observe roadway speed limits.

(b) *Operating While Under the Influence.* 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.

(c) *Intoxicants in ATV/UTV.*

1. No person may drink alcohol beverages or inhale nitrous oxide while he or she is in any ATV/UTV when the ATV/UTV is upon highway/street/route.
2. No person may possess on his or her person, in a privately owned ATV/UTV upon a public highway/street/route, any bottle or receptacle containing alcohol beverages or nitrous oxide 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.
3. The owner of a privately owned ATV/UTV, or the driver of the ATV/UTV if the owner is not present in the ATV/UTV, shall not keep, or allow to be kept in the ATV/UTV when it is upon a highway any bottle or receptacle containing alcohol beverages or nitrous oxide 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. This subsection does not apply if the bottle or receptacle is kept in

the trunk of the ATV/UTV or, if the ATV/UTV has no trunk, in some other area of the ATV/UTV not normally occupied by the driver or passengers. A utility compartment or glove compartment is considered to be within the area normally occupied by the driver and passengers.

(d) *Place of travel.* Shall operate on the far right paved portion of the highway/street/route, unless making a left turn. Operation on the gravel shoulder, grassy in-slope, ditches, or other highway right of way is prohibited, unless yielding the right-of-way

(e) *Single-file operation.* ATV/UTV's shall be operated in single file.

(f) *Headlights and Tail Lights.* Headlights and tail lamps shall be on at all times during operations.

(g) *Turn Signals.* Hand signals shall be used when turning or turn signals used if the vehicle is so equipped.

(h) *Age of Operation.* No person under the age of 16 may operate an ATV/UTV on any segment of City street/road which is a designated ATV/UTV route unless accompanied by an adult and are subject to Wisconsin Statutes and/or DNR rules and regulations pertaining to age, safety, and safety certificate requirements.

(i) *Head Protection.* No person under the age of 18 may operate an ATV/UTV on any designated street/route unless wearing approved protective headgear.

(j) *Traffic and pedestrians.* ATV/UTV operators shall yield the right-of-way to other vehicular traffic and pedestrians.

(k) *Sidewalk operation prohibited.* No person shall operate an ATV/UTV on any sidewalk or pedestrian way within the city. Exceptions, for snow removal maintenance and sidewalk operation is only permitted on the east side of US 45 (South Superior Street) from Forrest Avenue to Antigo Yamaha located at 919 S. Superior Street, City of Antigo, WI.

(l) *Street crossings.* No operator of an ATV/UTV shall cross any street, except at its intersection and then only at right angles to the street crossed.

(m) *Use of trailers or sleds.* No person shall operate an ATV/UTV upon any street within the city with any person, trailer or sled attached or trailing said vehicle, unless it is designed for such activities. Anyone

operating such conveyance in an unsafe or reckless manner shall be deemed in violation of this section.

(n) *Operation in parks.* No person shall drive an ATV/UTV in any park within the city.

(o) *Permission of property owner required.* No person shall operate an ATV/UTV on any private property not owned or controlled by them within the City without the express consent or permission of the owner.

(p) *Golf Cart.* A golf cart is a vehicle whose speed attainable in one mile does not exceed 20 miles per hour on a paved, level surface, and that is designed and intended to convey one or more persons and equipment to play the game of golf in an area designated as a golf course or as defined in § 23.33(fm) Wis. Stats. And any amendments thereto. A golf cart is not an ATV/UTV is not allowed on the ATV/UTV routes established by this section.

(q) *Crossing a bridge.* ATV/UTV's crossing a bridge shall:

1. Cross the bridge in the most direct manner practicable and at a place where no obstruction prevents a quick and safe crossing.
2. Stay as far to the right on the bridge as practicable.
3. Stop the vehicle prior to crossing.
4. Yield the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway.
5. Exit the highway as quickly and safely as practicable after crossing the bridge.
6. ATV/UTV's violating any of the above conditions would be subject to the underlying violation of operating on the roadway.

(Ord. No. 1306B, § 1, 9-12-2018)

Sec 38-398 Licensing, insurance, and registration.

- (a) *Driver's license.* Every person who operates an ATV/UTV on a segment of City street/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). All person(s) are subject to Wisconsin Statutes and/or DNR rules and regulations pertaining to safety certificate requirements.

(b) *Insurance.* Every person who operates an ATV/UTV on a segment of City street, which is designated as an ATV/UTV route, and/or every ATV/UTV operated on a segment of City street 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.

(c) *Registration.* The operator of an all-terrain vehicle or utility terrain vehicle shall have in his or her possession at all times while operating the vehicle proof of the registration certificate or, for an all-terrain vehicle or utility terrain vehicle the owner of which has received a temporary operating receipt but has not yet received the registration certificate, proof of the temporary operating receipt. The operator of an all-terrain vehicle or utility terrain vehicle shall display this proof upon demand for inspection by a law enforcement officer. Registration plate shall be displayed as required.

Sec 38-399 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 street/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 street/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.

Sec.38-400. Unattended vehicles.

No person shall leave or allow an ATV/UTV owned or operated by them to remain unattended on any public street/route or public property while the motor is running or with the starting key left in the ignition.

(Ord. No. 1306B, § 1, 9-12-2018)

Sec. 38-401. Enforcement and procedure.

(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 Antigo Police Department, the Langlade County Sheriff's Department, and the Department of Natural Resources, and any other law enforcement agency serving the City of Rhinelander's jurisdiction.

(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.

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

(Ord. No. 1306B, § 1, 9-12-2018)

Sec 38-402. Savings Clause

If any provision of this Ordinance shall be less restrictive than applicable state statute or in conflict with such statutes, as they exist at passage hereof or as they may hereafter be amended, then, in such case, the state statute shall supersede the provision hereof to the extent applicable.

Sec 38-403 Severability


If any provision of this Ordinance is found to be unconstitutional or otherwise contrary to law, then such provision shall be deemed void and severed from the Ordinance and the remainder of this Ordinance shall continue in full force and effect.

Secs. 38-404—38-410. Reserved.

Section 2. This Ordinance shall be in force and effect from and after its passage and publication.

ADOPTED: December 13, 2023.

APPROVED: December 13, 2023.



Terence V. Brand, Mayor

ATTEST:

Kaye M. Matucheski
Kaye Matucheski, City Clerk