

CITY OF OMRO  
NOTICE OF ORDINANCE ADOPTION

ORD: 191203-C#491 An Ordinance Creating Section 7.20.030 Operation of ATV/UTV, Section 7.20.040 ATV/UTV Routes, 7.20.050 Signage for ATV/UTV Routes, 7.20.060 Enforcement and 7.20.070 Violations and Penalties.

CHAPTER 7.20. - ALL-TERRAIN AND OFF-ROAD VEHICLES

**Sec. 7.20.010. - State all-terrain vehicle laws adopted.** The provisions describing and defining regulations with respect to all-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.

**Sec. 7.20.020. - Unauthorized operation of motor vehicles on public or private property.**

- A. Purpose.**
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 terms below shall be defined as follows:
1. **Motor vehicle** means, for purposes of this section, any vehicle which is self-propelled and shall include, but not be limited to, automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this section shall not be so defined while:
    - a. It is being operated 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;
    - b. It is being operated by or at the direction of public employees or utility company employees as part of their employment duties;
    - c. It is being operated 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.
  2. **Off-road** means any location which:
    - a. Is not a paved or maintained public street or alley;
    - b. Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
    - c. Is a private trail for use only by the owner or his/her permittees for recreational or other vehicular use. Off-road shall not include any creek bed, riverbed or lake; provided, however, that this subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creek bed, riverbed or lake.
  3. **Operation** means the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.
  4. **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 Prohibited.**

1. The unauthorized off-road operation of a motor vehicle is prohibited.
2. Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas authorized by the common council, it is unlawful to operate any minibike, go-kart, all-terrain vehicle 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 always have the written consent of the owner before operation of such craft or vehicle on private lands.

**Sec. 7.20.030 Authorized Use of ATV/UTV on Designated Routes.**

- A. Purpose.** The purpose for this ordinance section is to establish authorized use of all-terrain vehicle (ATV) and utility-terrain vehicle (UTV) routes in the city and to regulate the operation thereof.
- B. Intent.** Following due consideration of the recreational and economic value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, the terrain involved, traffic density and history of automobile traffic, this section has been created pursuant to city council authority under Wis. Stats. §23.33(1)(am), Wis. Stats., and any amendments thereto.
- C. Definitions.** For purposes of this section, the terms below shall be defined as follows:
1. **ATV/UTV Route** means a street designated by City of Omro ordinance for use of all-terrain vehicle and utility-terrain vehicle operators or as defined in §23.33(1)(c), Wis. Stats., and any amendments thereto.
  2. **Golf Cart** means 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 or UTV and is not allowed on the all-terrain or ultra-terrain vehicle routes established by this section.
  3. **All-Terrain Vehicle or 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 nonpneumatic tires or as defined in §23.33(1)(b), Wis. Stats., and any amendments thereto.
  4. **Utility-Terrain Vehicle or UTV** means any of the following, or as defined in §23.33(fg), Wis. Stats., and any amendments thereto:
    - a. 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 of a highway, and that has, and was originally manufactured with all of the following:
      - i. A weight, without fluids, of 2,000 pounds or less.
      - ii. Four or more low-pressure tires or nonpneumatic tires.
      - iii. A steering wheel.
      - iv. A taillight.
      - v. A brakelight.
      - vi. Two headlights.
      - vii. A width of not more than 65 inches.
      - viii. A system of seat belts, or a similar system for restraining each occupant of the vehicle in the event of an accident.
      - ix. 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.
    - b. A commercially designed and manufactured motor driven device to which all of the following applies:
      - i. It has a weight, without fluids, of more than 900 pounds but not more than 2,000 pounds.
      - ii. It has a width of 50 inches or less.
      - iii. It is equipped with a seat designed to be straddled by the operator.
      - iv. It travels on three or more low-pressure tires or pneumatic tires.
    - c. Restriction on equipment. No ATV/UTV may be operated on any street within the city limits unless it confirms to all noise, registration and other equipment requirements as stated in chapter 23 Wis. Stats., or the Municipal Code of the city.

**C. ATV/UTV rules of operation.**

1. Operators must have attained the age of 16 and must have a valid driver's license to operate an ATV/UTV on any ATV/UTV route designated by the city.
2. Helmets must be worn on any operator or passenger of an ATV/UTV if they are under the age of 18. If the driver of the vehicle is required to wear a helmet, then all vehicle

occupants must wear a helmet.

3. Seat belts must be worn on UTVs by all persons at all times.
4. Eye protection must be worn by any operator of an ATV/UTV.
5. ATVs/UTVs shall operate only on the paved portion of the roadway. Operation on the gravel shoulders, grassy in-slopes, ditches, or other rights-of-way is prohibited and illegal.
6. Sidewalk operation of ATV/UTV within the City of Omro is prohibited.
7. Parking of ATV/UTVs allowed in municipal parking lots if the lot is directly accessible from the route.
8. ATV/UTVs must be registered for public use through the Department of Natural Resources and display such registration on the vehicle.
9. ATV/UTVs must be insured to the minimum Wisconsin Department of Transportation insurance requirements as follows:
  - a. \$10,000 for property damage.
  - b. \$25,000 for the injury or death of one person.
  - c. \$50,000 for the injury or death of two persons.
10. Headlights must always be operational and visible from 200 feet and taillights must always be operational and visible from 500 feet in the hours of darkness.
11. Speed limit on city ATV/UTV routes is 25mph.
12. Operators shall operate in single file on the right side of the roadway.
13. Hand signals shall be used when turning, or turn signals used if vehicle is so equipped.
14. City residents wishing to use the city ATV/UTV routes may travel directly from their residence to the nearest city ATV/UTV route; provided that they take the most direct route.
15. Hours of operation are from 7:00 a.m. to 10:00 p.m.
16. Operators of UTVs/ATVs on county highways assume all the usual and normal risks of ATV/UTV operation.
17. Three or more violations will result in revocation of route privileges.

**Sec. 7.20.040 ATV/UTV Routes Established.**

- A. City of Omro roadways designated as ATV/UTV routes shall be established and approved by the Police Chief, Public Works Director, City Administrator, Planning Commission and Common Council.** Together, the above listed entities shall develop policies and procedures for designation of ATV/UTV routes, including appropriate criteria for making a designation. Any modification to a designated ATV/UTV route shall be approved by the common council per ordinance amendment. A copy of ATV/UTV routes, along with a map showing their locations, shall be kept on file at the offices of the City Clerk and Police Department. The Planning Commission shall have the authority to close or terminate any ATV/UTV route on the city roadway system on a permanent basis, subject to approval by the common council.
- B. City of Omro ATV/UTV routes can be closed temporarily at any time by the City Administrator or Police Chief when public safety is at risk.**
- C. The City of Omro ATV/UTV routes are intended for recreational travel to and from other ATV/UTV routes located outside the city, places of business, or other destinations along the City of Omro ATV/UTV routes. The City of Omro ATV/UTV routes are not intended for continuous circular travel on the city ATV/UTV routes only.**
- D. The following are City of Omro ATV/UTV routes:**
1. East - West Route: From East city limits on Lincoln Avenue, then west on Kiwanis Street, then south on Omreau Avenue, crossing Main Street (Hwy 21) with slight jog to go south on McKinley Avenue, then west on Huron Street to Washington Avenue, then south to Michigan Street to the west city limits (route end).
  2. South Route: Harrison Avenue south to East Scott Street, then east on East Scott Street, then north on Industrial Drive, then east on Barnard Drive to Alder Avenue (route end).
  3. North Route: Adams Avenue north to bridge crossing to Spruce Street, then north to Balsam Street, then north to Poygan Road to northwestern city limits (route end).
  4. Connector Routes:
    - a. Harrison Avenue from East Scott to south city limits.
    - b. East Scott Street from Industrial Drive to east city limits.
    - c. Poygan Road at northwest city limits.
    - d. Lincoln Avenue (Springbrook Road) at northeast city limits.

**E. Bridge crossing.**

5. Hwy. 21 / Hwy. 116 Bridge Crossing: See also §23.33(1)(am)(3)(a-d) Wis. Stats.
6. The operation of ATV/UTV is permitted on a highway bridge that is not part of the national system of interstate and defense highways, that is 1,000 feet in length or less, and that is located within the territorial boundaries of the city whether the city has jurisdiction over the highway bridge, provided that a person crossing the bridge while operating an ATV/UTV shall do all of the following:
  - a. Cross the bridge in the most direct manner practicable and at a place where no obstruction prevents a quick and safe crossing.
  - b. Stay as far to the right of the roadway or shoulder as practicable.
  - c. Stop the vehicle prior to the crossing.
  - d. Yield the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway or shoulder.

**Sec. 7.20.050 Signage for ATV/UTV Routes.**

- A. Pursuant to Wis. Stats. §23.33(8)(d), the following restrictions are placed on the use of ATV/UTV routes designated by this chapter:**
1. Routes shall be marked with uniform ATV/UTV route signs in accordance with Wis. Admin. Code §NR 64.12(7). The city public works department has sole responsibility for ATV/UTV signage on city streets. No person may do any of the following, in regard to, signs marking ATV/UTV routes:
    - a. Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle route or trail sign.
    - b. Possess any uniform ATV/UTV route or trail sign or standard of the type established by the department for the warning, instruction or information of the public, unless obtained in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.
  2. ATV/UTV operation shall be subject to all provisions of Wis. Stats. §23.33, which is adopted by reference as a part of this chapter.

- B. Route Maintenance.** Designation of segments of the city roadways as ATV/UTV routes does not impose upon the city public works department a greater duty of care or responsibility for maintenance of those segments than for any other segment of roadway.

**Sec. 7.20.060 Enforcement.**

This article shall be enforced by any officer employed by the Omro police department and county sheriff's department or any other law enforcement official as set forth in Wis. Stats. §23.33(12).

**Sec. 7.20.070 Violations and penalties.**

- A. The penalty for operating any ATV/UTV off the roadway designated an ATV/UTV route (e.g., the gravel shoulder, grassy in-slope, ditch, or other right-of-way) or violating any other provision of this chapter shall result in a forfeiture of not less than \$25.00 nor more than \$500.00, plus court costs. Citations may be issued in accordance with the deposit schedule set forth in this section, which does not include law enforcement training penalties, jail assessments or other applicable costs.**
- B. Any person who shall violate any provision of this chapter shall be subject to a penalty as determined by the Uniform Wisconsin Schedule for Deposit or Cash Bail Traffic Offenses set forth pursuant to authority contained in Section §346.26(2)(a) Wis. Stats. and any amendments thereto. Juveniles 16 to or 17 years of age are treated as adults for ATV/UTV violations.**
- C. Where no bond or deposit is established by this schedule for a traffic violation, bond should be set at one-half of the maximum monetary penalty as provided by law.**
- D. In a forfeiture matter, if a penalty is not set forth, see Section 939.61(1) Wis. Stats. which provides a forfeiture not to exceed \$200.00.**
- E. This schedule contains demerit point assignments for certain traffic offenses. In situations where no demerit points are assessed and there is a question whether a conviction for a certain violation will appear on the driver record, the Department of Transportation should be contacted for verification. Persons who hold a probationary license, instruction permit, or no license at all, will be assessed the regular number of demerit points for their first conviction. Points will be doubled for second and subsequent convictions except for convictions under chapter 347 Wis. Stats.**
- BE IT FURTHER RESOLVED** that ORD: 191203-C#491 shall become effective as of its publication in the Omro Herald on October 31, 2019.