

ORDINANCE #01-19

MUNICIPAL CODE OF ORDINANCES SECTION 4.20.20

- (1) Title. The title of this ordinance is the City of Rhineland All-Terrain/Utility Terrain Vehicle Use ordinance.
- (2) Purpose. The purpose of this ordinance is to establish all-terrain and utility terrain vehicle routes in the City of Rhineland and to regulate the operation of all-terrain and utility terrain vehicles in the City of Rhineland.
- (3) Authority. The City Council of the City of Rhineland, Oneida County, Wisconsin, has the specific authority to adopt this All-Terrain and Utility Vehicle Ordinance under s. 23.33(8)(b) and (11), Wis. Stats.
- (4) Definitions. For this Ordinance, 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 3 or more low-pressure tires or non-pneumatic tires.
  - (b) City: means the City of Rhineland, the City Council, Common Council, or any other City of Rhineland official(s) or agent authorized by the City Council to act on behalf of the City of Rhineland.
  - (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) 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.
- (b) Operators must abide by all traffic laws unless further restricted by this Ordinance.
- (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.

Reference s. 346.63, Wis. Stats., Operating under influence of intoxicant or other drugs.

- (d) The speed limit for ATVs and UTVs shall be established at not greater than 35 (thirty-five) 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.
- (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 right-hand 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 sixteen (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 eighteen (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 s. 23.33(12), Wis. Stats.

Reference s. 23.33(12), Wis. Stats. regarding All-terrain vehicles and utility terrain vehicles, Enforcement.

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

Reference s. 1.01.10., Rhinelander Code of Ordinances regarding Severability

CITY OF RHINELANDER, a Municipal Corporation of the State of Wisconsin.

CERTIFICATE

STATE OF WISCONSIN )

) ss.

COUNTY OF ONEIDA )

I, Valerie Foley, City Clerk of the City of Rhinelander, Wisconsin, do hereby certify that the foregoing ordinance was first read at a regular meeting of the Common Council of the City of Rhinelander, held at City Hall on June 24th, 2019 at 6:00 p.m.; was adopted at a regular meeting of the Common Council of the City of Rhinelander held at City Hall on June 24<sup>th</sup>, 2019, at 6:00 p.m. by a vote of 8 Aye and 0 Nay, and published in the Northwoods River News on July 2, 2019.

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Valerie Foley, City Clerk  
City of Rhinelander  
Oneida County, Wisconsin