

§ ???-1 Purpose.

This chapter establishes all-terrain vehicle (ATV) and utility-terrain vehicle (UTV) routes pursuant to Wis. Stats., § 23.33. Except as otherwise provided in this chapter, the provisions and definitions as stated in Wis. Stats., § 23.33, including any future additions and amendments, are adopted and incorporated herein by reference for purposes of this chapter. For purposes of this chapter, "ATV/UTV" shall mean all-terrain vehicles and utility-terrain vehicles.

§ ???-2 ATV/UTV routes.

- A. Under Wis. Stats., § 23.33(8)(b)1, the City of Lodi designates all City-maintained roads and streets as ATV/UTV routes, except as posted.
- B. Under Wis. Stats., § 23.33(11)(am)4, the City of Lodi authorizes the operation of ATVs/UTVs on all county and state highways within the City corporate limits that have a posted speed limit of 35 mph or less.
- C. All ATVs/UTVs shall operate only on the paved portion of the roadway. Operation on the gravel shoulders, grassy in slope, ditches, other highway right-of-way, sidewalk, pedestrian way, City park, or multi-purpose trail is prohibited and illegal unless otherwise permitted by the City of Lodi Police Department. Municipal-owned ATVs/UTVs being operated by an on-duty municipal employee conducting municipal business are exempt from this provision.

§ ???-3 ATV/UTV Operation.

- A. ATV/UTV operation shall be subject to all provisions of Wis. Stats., § 23.33, as amended from time to time, and is incorporated herein by reference.
- B. Every person who operates an ATV/UTV on a segment of a City street which is designated as an ATV/UTV route shall carry liability and other insurance coverage consistent with state law for the operation of a motorized vehicle and shall display such proof of insurance upon demand from any law enforcement officer or official described in Sec. 23.33(12) Wis. Stats. Municipal-owned ATVs/UTVs being operated by an on-duty municipal employee conducting municipal business are exempt from this provision.
- C. Every person who operates an ATV/UTV on a segment of a City street which is designated as an ATV/UTV route shall have in his/her immediate possession a valid motor vehicle operator's license or a valid temporary license and shall display such license upon demand from any law enforcement officer or official described in Sec. 23.33(12) Wis. Stats.
- D. No person who is born on or after January 1, 1988, may operate an ATV/UTV on a route within the City unless he or she holds a valid safety certificate issued by the DNR, another state, or province of Canada. The operator shall display such certificate upon demand from any law enforcement officer or official described in Sec. 23.33(12), Wis. Stats.
- E. All ATVs/UTVs shall display either a Wisconsin registration or a nonresident trail pass while operating on City roadways. Municipal-owned and school-owned ATVs/UTVs being operated by an on-duty municipal or school employee conducting municipal or school business are exempt from this provision. Municipal-owned and school-owned ATVs/UTVs must display the organization name or logo.

- F. The operation of ATVs/UTVs is restricted to the daily period of sunrise and sunset the same day. Municipal-owned ATVs/UTVs being operated by an on-duty municipal employee conducting municipal business are exempt from this provision.
- G. ATV/UTV headlamps and taillamps must be turned on at all times and must have operational brake lights. ATV/UTVs also must conform to the § 23.33, Wis. Stats., regarding the color of headlamps and taillamps. Auxiliary light bars must be turned off at all times.
- H. It shall be unlawful for any ATV/UTV operator or passenger in or on an ATV/UTV to operate such unit while under the influence of an intoxicant, a restricted controlled substance, a controlled substance analog, or any combination of these substances, or to possess or have on board any open container containing an alcoholic beverage while operating upon any public street, public way, public alley or public parking lot within the City.
- I. All ATV/UTV operators shall operate at a safe speed not to exceed 35 miles per hour or the posted speed limit, whichever is lower.
- J. All ATV/UTV operators shall operate in accordance with § 23.33 and 346, Wis. Stats.
- K. ATV/UTV operators and passengers under the age of 18 must wear a minimum DOT standard helmet with the chin strap properly fastened as required by § 23.33 (3g) and 347.485 (1) (a), Wis. Stats.
- L. ATV/UTV operators cannot have a passenger riding in or on any part of ATV/UTV that is not designed and not intended for use by passengers. It must be manufactured as a multiple passenger machine to be legal for passengers.
- M. No person may operate or park, stop or leave standing an ATV/UTV while using a radio or other electric sound amplification device emitting sound from the vehicle that is clearly audible under normal conditions from a distance of 50 or more feet, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition.
- N. No muffler or exhaust system on any ATV/UTV shall be equipped with a cutout, bypass or similar device nor shall there be installed in the exhaust system of any such vehicle any device to ignite exhaust gases so as to produce flame within or without the exhaust system. No person shall modify the exhaust system of any such ATV/UTV in a manner which will amplify or increase the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle.
- O. It shall be unlawful for any person to operate an ATV/UTV in such a manner as to cause, or disturb the peace, by excessive and unnecessary acceleration, the tires of such vehicle to spin or emit loud noises, to unnecessarily throw stones or gravel, or to cause the wheels to leave the ground.

§ ???-4 Enforcement.

This chapter shall be enforced by any officer employed by the City of Lodi Police Department or any other law enforcement official as set forth in Wis. Stats., § 23.33(12).

§ ???-5 Violations and penalties.

The penalty for any violation identified in Wis. Stat. Sec. 23.33(13) or Wis. Stat. Chaps. 340 through 347 shall be as provided in the Statutes. Deposit amounts for such violations shall be as set forth in the current Revised Uniform State Traffic Deposit Schedule. The penalty for any violation of this ordinance not addressed in Wis. Stat. Sec. 23.33(13) or Wis. Stat. Chaps. 340

through 347 shall be a forfeiture as set forth in the City of Lodi Municipal Code, together with all applicable costs, surcharges and assessments.

§ ???-6 Severability.

If any provision of this chapter or its application to any person or circumstance is held to be invalid or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions shall not be affected and shall be valid and enforceable to the fullest extent permitted by law.