

ORDINANCE NO. 2021-03

**AN ORDINANCE TO REPEAL AND RECREATE SECTION 7.13
OF THE VILLAGE ORDINANCES REGULATING
THE USE OF ALL-TERRAIN VEHICLES**

WHEREAS, the Village previously adopted Section 7.13 of the Village ordinances regulating the use of all-terrain vehicles within the Village; and,

WHEREAS, the Village Board wishes to amend Section 7.13 to allow for expanded use of all-terrain vehicles within the Village.

NOW, THEREFORE, the Village Board for the Village of Palmyra, **DOES HEREBY REPEAL AND RECREATE SECTION 7.13 OF THE VILLAGE ORDINANCES TO PROVIDE:**

SECTION 1:**7.13 ALL TERRAIN VEHICLES**

- (1) **GENERAL** Following due consideration of the recreational and economic value to access businesses and residences weighted against possible dangers, public health, public safety, liability aspects, terrain involved, traffic density and other traffic risks, this ordinance is enacted pursuant to sections 59.02 and 23.33 Wis. Stats., and the provisions of the Wisconsin Administrative Code NR 64 regulating ATV operation, and any other applicable Wisconsin Law defining ATVs/UTVs and regulating ATV/UTV use unless this Ordinance states otherwise, all of which are hereby incorporated and adopted.
- (2) **APPLICABILITY AND ENFORCEMENT** The provisions of this Ordinance shall apply to all Village streets within the jurisdiction of the Village of Palmyra and the provisions of this ordinance shall be enforced by the Palmyra Public Safety Department. Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law, or order that pertains to the subject matter addressed under this section.
- (3) **ATV/UTV ROUTES** Village street routes designated for ATV/UTV use shall be established and approved by the Palmyra Village Board. Any modification to the routes designated for ATV/UTV use shall be approved by the Palmyra Village Board. The routes designated as an ATV/UTV vehicle route shall be as follows: All streets within the Village Limits with a speed limit of 35mph or less unless posted otherwise. The Palmyra Village Board shall have the authority to suspend operation on any Village street or segment thereof due to hazards, construction, emergency conditions, street damage, or

any other issue deemed appropriate for public safety. Routes subsequently removed as an ATV/UTV vehicle route will be posted on the Village of Palmyra website.

- (4) **ROUTE SIGNS** All initial required route signs will be installed and maintained by the Palmyra Public Works Department. All signs shall be in compliance with the Federal Manual on Uniform Traffic Control Devices (MUTCD). No person may erect or, remove any official designated route sign unless authorized by the Palmyra Village Board in writing. No person shall operate an ATV/UTV contrary to any authorized and official posted sign.
- (5) **PRIVATE PROPERTY** All-terrain vehicles shall not be operated on private property without the written consent of the owner.
- (6) **NOISE** All-terrain vehicles shall not be operated in areas or in a fashion to make or cause to be made any loud, disturbing or unnecessary sound such as may tend to annoy or disturb others in, about or adjacent to any private residence or residential structure.
- (7) **MAINTENANCE** Designation of segments Village of Palmyra streets as ATV/UTV routes does not impose upon the Village a greater duty of care or responsibility for maintenance of those segments than for any other segment of Village streets. Operators of ATV/UTVs on Village streets assume all the usual and normal risks of ATV/UTV operation.
- (8) **VILLAGE BOARD REVIEW** This Ordinance shall be reviewed in its entirety each year on or before January 31st. by the Palmyra Village Board giving due consideration to the recreational and economic value to access businesses and residences weighted against possible dangers, public health, public safety, liability aspects, terrain involved, traffic density and other traffic risks since the enactment of this ordinance to make a finding whether or not the benefits of continuing this ordinance outweigh repealing this ordinance. shall be made following consultation with the Palmyra Public Safety Department.
- (9) **LIMITATIONS** The following limitations apply on all areas designated in this Ordinance:
 - a. ATVs/UTVs shall be operated on the extreme right side of the roadway on the paved surface.
 - b. ATVs/UTVs may be operated on paved surfaces only, unless yielding the right of way.
 - c. ATV/UTV operators are required to have applicable liability insurance.
 - d. ATVs/UTVs shall not be operated at a speed greater than the posted speed limits.
 - e. ATVs/UTVs may not be operated on any county highway route without fully functional headlights, taillights, and brake lights.
 - f. ATVs/UTVs may not be operated on any Village street between the hours of 10:00 p.m. and 5:00 a.m.

- g. No person may operate an ATV/UTV on any Village street without a valid driver's license and shall display the license upon demand from any law enforcement officer or official described in section 23.33(12) Wis. Stats.

(10 PENALTIES) This Ordinance shall be enforced by the Palmyra Public Safety Department or any law enforcement official as set forth in section 23.33(12) Wis. Stats., including the issuance of a citation under section 66.0113 Wis. Stats. The penalties set forth in section 23.33(13)(a) Wis. Stats., are adopted and incorporated by reference herein.

SECTION 2: MISCELLANEOUS.

The Clerk is directed to send a copy of this ordinance to the Wisconsin Department of Natural Resources.

SECTION 3: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

This ordinance passed this 5 day of July 2021.

VILLAGE OF PALMYRA

Kathleen Weiss
Kathy Weiss, President

ATTEST:

Laurie Mueller
Laurie Mueller, Clerk

Posted or published this 16 day of July 2021.

