

## **CHAPTER 459 – ALL-TERRAIN Vehicle and UTILITY TERRAIN VEHICLE ROUTES AND REGULATIONS**

### **§ 459-1 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 under Wis. Stat. § 23.33, and to the extent applicable Chapters 340 to 348, Wisconsin Statutes, and Administrative Code Chapter NR 64, any future amendments or revisions, are hereby adopted by reference and made part of this section as if fully set forth herein. Any acts required to be performed by the following statute or which are prohibited by the statute are required to be performed by this section or are prohibited by this section.

### **§ 459-2 Unauthorized off-road operation of motor vehicles.**

A. Definitions. For purposes of this section, the terms below shall be defined as follows:

MOTOR VEHICLE - 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, utility 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 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 that 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 –

- (1) 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.
- (2) "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.

**OPERATION** - The physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.

**UNAUTHORIZED** - 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.

**B. 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, all-terrain vehicles or utility terrain vehicles operating in areas authorized by the Common Council, it shall be unlawful to operate any minibike, go-kart, all-terrain vehicle, utility terrain vehicles 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.

**§ 459-3 All-Terrain Vehicle and Utility Terrain Vehicle Routes and Trails Designated.**

- A. These routes are created pursuant to city authority under Chapter 1 of City of Fox Lake Ordinances and as authorized by Wis. Stat. § 23.33(8)(b).
- B. All public roadways and streets within the City of Fox Lake are designated as All-Terrain Vehicle "ATV" and Utility Terrain Vehicle routes ("UTV"), unless otherwise posted.
- C. Under Wis. Stat. § 23.33(11)(am) 4., the City of Fox Lake authorizes the operation of an ATV/UTV on the segments of State Trunk Highways 33 and 68, and County Trunk Highways A, C and P that have a posted speed limit of 35 MPH or less.
- D. General Conditions: As a condition for the use of this route, the following conditions shall apply to all operators and passengers:
  - (1) All ATV/UTV operators shall observe posted roadway speed limits.
  - (2) All ATV/UTV operators shall ride single file.
  - (3) Routes must be signed in accordance with NR 64.12, and NR64.12(7)(c).
  - (4) No ATV/UTV may be operated on any authorized route between 11:59 p.m. and 5:00 a.m. daily, unless a different restriction on hours of operation has been specified by the City of Fox Lake and notice of the same is duly posted.

- (5) Every person who operates an ATV/UTV on an approved route shall have in his or her immediate possession a valid motor vehicle operator's license and shall display the license upon demand from any law enforcement officer or official described in Wis. Stat. § 23.33(12).

**§ 459-4 Violations and penalties.**

State of Wisconsin All-Terrain Vehicle and Utility Terrain Vehicle penalties as found in Wis. Stat. § 23.33 are adopted by reference.

**§ 459-5 Enforcement.**

This Ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin as authorized under Wis. Stat. § 23.33(12).

**§ 459-6 Severability.**

The provisions of this ordinance shall be deemed severable and it is expressly declared that the City would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provisions of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons circumstances shall not be deemed affected.

**§ 459-7 Effective Date.**

This ordinance becomes effective upon passage and publication.

Passed this 12th day of December, 2019.

SIGNED:

ATTEST:

Tom Bednarek

Tom Bednarek, Mayor

Susan B. Hollnagel

Susan B. Hollnagel, City Clerk

**AN ORDINANCE AMENDING SECTION 314-19, OPERATOR'S LICENSE OF THE  
CODE OF THE CITY OF FOX LAKE**

The Common Council of the City of Fox Lake do ordain as follows:

**Section 1;** Section 314-19, Operator's License of the Code of the City of Fox Lake is hereby amended as follows:

**B. Procedure upon application.**

- (1) The ~~Common Council~~ City Clerk may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the City Clerk only to persons 18 years of age or older. Operator's licenses shall be operative only within the limits of the City.
- (2) All applications are subject to an investigation by the Chief of Police and/or other appropriate authority to determine whether the applicant to be licensed complies with all regulations, ordinances and laws applicable thereto. The Police Department shall conduct an investigation of the applicant, including but not limited to requesting information from the state, surrounding municipalities, and/or any community where the applicant has previously resided concerning the applicant's arrest and conviction record. Based upon such investigation, the Chief of Police shall recommend, in writing, to the ~~Common Council~~ City Clerk approval or denial of the application. If the Chief of Police recommends denial, the Chief of Police shall provide, in writing, the reasons for such recommendation.

**D. Operator's license fee; provisional or temporary licenses.**

- (3) Provisional license. The City Clerk may issue provisional operator's licenses in accordance with ss. 125.17(5), Wis. Stats. The provisional operator's license shall expire 60 days after its issuance or when an operator's license is issued to the holder, whichever is sooner. The City Clerk may, upon receiving an application for a temporary provisional license, issue such a license without requiring successful completion of the approved program as described herein. However, such temporary license shall be used only for the purpose of allowing such applicant the privilege of being licensed as a beverage operator pending his/her successful completion of the approved program. A provisional license may not be issued to any person who has been denied an operator's license by the ~~Common Council~~ City Clerk or who has had his/her operator's license revoked or suspended within the preceding 12 months. The City Clerk shall provide an appropriate application form to be completed in full by the applicant. The City Clerk may revoke the provisional license issued if he/she discovers that the holder of the license made a false statement on the application.

Following completion of the responsible beverage server training course and notification from the school, the license application will be presented to the ~~Council~~ Clerk, with the appropriate fee as prescribed in Subsection D(1) above for one or two-year operator's license. If approved by the ~~Council~~, Clerk the operator's license is issued.

E. Issuance or denial of operator's licenses.

- (1) After the ~~Common Council~~ City Clerk approves the granting of an operator's license, the City Clerk shall issue the license. Such licenses shall be issued and numbered in the order they are granted and shall give the applicant's name and address and the date of the expiration of such license.
- (2) Denial of license.
  - (a) If the application is denied by the ~~Common Council~~ City Clerk, the City Clerk shall, in writing, inform the applicant of the denial, the reasons therefor, and of the opportunity to request reconsideration of the application by the Common Council in a closed session.
- (3) Application review.
  - (b) If a licensee is convicted of an offense substantially related to the licensed activity, the ~~Common Council~~ City Clerk may act to revoke or suspend the license.
- (4) An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of the licensing procedure, "habitually been a law offender" is generally considered to be an arrest or conviction of at least two offenses which are substantially related to the licensed activity within five years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the ~~Common Council~~ City Clerk, the ~~Common Council~~ City Clerk reserves the right to consider the severity and facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the ~~Common Council~~ City Clerk, at its discretion, may, based upon an arrest or conviction record of two or more offenses which are substantially related to the licensed activity within the five years immediately preceding, act to suspend such license for a period of one year or more.

F. Training course.

- (1) Except as provided in Subsection F(2) below, the ~~Common Council~~ City Clerk may not issue an operator's license unless the applicant has successfully completed a responsible beverage server training course at any location that is offered by a technical college district and that conforms to curriculum guidelines specified by the Technical College System Board or a comparable training course, which may include computer-based training and testing, that is approved by the Department of Revenue or the Educational Approval Board, or unless the applicant fulfills one of the following requirements:

- (2) The ~~Common Council~~ City Clerk may issue a provisional operator's license to a person who is enrolled in a training course under Subsection **F(1)** above and shall revoke that license if the applicant fails successfully to complete the course in which he or she enrolls.
- (3) The ~~Common Council~~ City Clerk may not require that applicants for operator's licenses undergo training in addition to that under Subsection **F(1)** but may require applicants to purchase, at cost, materials that deal with relevant local subjects not covered in the course under Subsection **F(1)**.

**Section 2:** This ordinance shall take effect starting on July 1, 2020 after proper posting or publication, as provided by law.

➤ Deletions indicated by ~~strikethrough~~, additions indicated by underline and italic.

Enacted this 16 day of June, 2020.

ATTEST:

Susan B. Hollnagel  
Susan B. Hollnagel, City Clerk

Tom Bednarek  
Tom Bednarek, Mayor