

VILLAGE OF ALMENA
ORDINANCE NO. 2018-6
Code of Ordinances
TRAFFIC CODE: LSV-ATV-UTV REGULATION

An Ordinance to repeal the following:

Ordinance 2017-4 Sec. 7.06 Traffic Code: All-Terrain and Off-Road Motor Vehicle Operation;

A creation of Ordinance 2018-6 to be read as the following: 7.06 TRAFFIC CODE: LSV-ATV-UTV REGULATION; AUTHORITY TO ALLOW LOW SPEED VEHICLES, ATV [ALL TERRAIN VEHICLES], AND UTV [UTILITY TERRAIN VEHICLES] ON VILLAGE STREETS INCLUDING THOSE PORTIONS OF COUNTY HIGHWAY P WITHIN THE VILLAGE LIMITS

The Village Board of the Village of Almena ordains: Chapter 7.06 of Traffic Code to adopt as follows:

7.06 TRAFFIC CODE: LSV-ATV-UTV REGULATION; AUTHORITY TO ALLOW LSV [LOW SPEED VEHICLES], ATV [ALL TERRAIN VEHICLES], AND UTV [UTILITY TERRAIN VEHICLES] ON VILLAGE STREETS INCLUDING THOSE PORTIONS OF COUNTY HIGHWAY P WITHIN THE VILLAGE LIMITS

(1) PURPOSE

The purpose of Section 7.06 is to allow, subject to regulation, the use of LSV's [low-speed vehicles], ATV's [all-terrain vehicles], and UTV's [utility-terrain vehicles] on all village streets including those portions of County Highway P within the village limits in the Village of Almena.

(2) DEFINITIONS

- A. LSV – "Low-speed vehicle" must meet the National Highway Traffic Safety Administration's (NHTSA) Federal Motor Vehicle Safety Standards and must have a certification label stating that the vehicle meets those standards. An ATV, UTV, or golf cart is not a low speed vehicle.
- B. ATV – "All-terrain vehicle" has the meaning set forth at §23.33(1)(b), Wis. Stats., which incorporates the definition at §340.01(2g), Wis. Stats. It is not a low-speed vehicle. Defined as a commercially designed and manufactured motor driven device to which all of the following applies:
 - i. It has a net weight, without fluids, of less 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 3 or more low-pressure or non-pneumatic tires.
- C. UTV - "Utility terrain vehicle" has the meaning set forth at §23.33(1)(ng), Wis. Stats. Defined as 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 non-pneumatic tires.
 - iii. A steering wheel.
 - iv. A tail light, brake light, and two headlights.
 - v. A width of not more than 65 inches.
 - vi. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
 - vii. 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.

- D. Operator – has the same meaning as is set forth in §23.33(1)(iw), Wis. Stats., and shall further be defined as meaning a person who “operates” an LSV, ATV, UTV, or Golf Cart as the term “operate” is defined at §23.33(1)(ir), Wis. Stats.

(3) STANDARDS OF AN LSV

To be eligible for use on streets of the Village, a low speed vehicle shall comply with the following standards:

- A. It shall be four-wheeled and shall have a speed range potential of at least 10 miles per hour but not more than 25 miles per hour on a paved surface and a gross vehicle weight at rest of less than 3,000 pounds.
- B. It shall have headlights, front and rear turn signals and stop lamps.
- C. It shall have red reflex reflectors on each side as far to the rear as practicable and one such reflector on the rear.
- D. It shall have an exterior mirror mounted on the driver’s side and either an exterior mirror on the passenger side or an interior rearview mirror.
- E. It shall have a parking brake.
- F. It shall have a windshield which conforms to the requirement of the Federal Motor Vehicle Safety Standard on glazing material (49 CFR 571.205).
- G. It shall possess a vehicle identification number (VIN) which complies with the federal Code (49 CFR 565).
- H. It shall have a Type 1 or Type 2 seatbelt assembly conforming to 49 CFR 571.50056 and Federal Motor Safety Standard No. 209 for each designated seating position.
- I. It shall meet the general test conditions under 49 CFR 571.50056.
- J. It shall be self-propelled by gas or electric power (also known as “neighborhood electric vehicles”).”

(4) OPERATION OF AN LSV

- A. For operation on public roads, an LSV must be titled and registered through the DMV. The license plate must be displayed on the LSV.
- B. The operator of a low speed vehicle shall be in possession of a valid driver’s license at the time of its operation on Village streets and follow all traffic laws.
- C. LSV operators must have a motor vehicle liability policy in effect that covers the LSV and meets minimum required coverage. The LSV operator must display proof of insurance coverage upon demand from any traffic officer.
- D. Low speed vehicles may be operated only upon those streets having a posted speed limit of thirty-five (35) miles per hour or less.
- E. LSVs may never travel on or across U.S. highways, expressways, freeways, interstate highways or other controlled-access highways.
- F. The operator of an LSV shall comply in all respects with all ordinances of the Village, together with applicable State laws.
- G. A slow-moving vehicle sign is not required on LSV.
- H. Operator shall not exceed 10 m.p.h. on village streets.

(5) OPERATION OF AN ATV OR UTV

- A. No person shall operate either an ATV or UTV on any streets who fails to meet all of the following conditions:
 - i. The operator shall follow all current traffic laws.
 - ii. Operator shall not exceed 10 m.p.h. on village streets.
 - iii. ATV or UTV’s may be operated only upon those streets having a posted speed limit of thirty-five (35) miles per hour or less.
 - iv. The operator shall follow all current local ordinances.
 - v. Operators shall proceed and ride in single file.

- vi. Unattended Vehicles: No person shall leave or allow an ATV or UTV owned or operated by him to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.
 - vii. Operation on sidewalks, pedestrian way, and parks are Prohibited: NO person shall operate an ATV or UTV on any sidewalk, pedestrian way, or park within the Village.
 - viii. Operation on Private Premises Restricted: No person shall operate an ATV or UTV on any private property not owned or controlled by him within the Village without the express consent or permission of the owner.
- B. Operation shall be subject to all provisions of Wis. Stats., Sec. 23.33, which is adopted as a part of this ordinance by reference, pursuant to Wis. Stats., Sec. 23.33(11).
- C. A copy of this ordinance shall be filed with the Department of Natural Resources, Barron County Sheriff's Department, Turtle Lake Police Department, and any other law enforcement agency who services the Village of Almena.

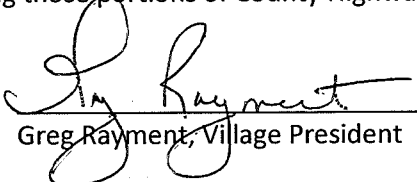
(7) ENFORCEMENT

All violations of Village ordinances or state law in the operation of an LSV, ATV, or UTV shall be enforced by any law enforcement officer in the same manner as are violations of ordinances and state laws by the operators of standard motor vehicles. In addition, the violation of the standards set forth in this ordinance shall be subject to a forfeiture of not less than \$20.00 nor more than \$250.00 for each violation plus court costs as outlined in the approved Municipal Court Bond Schedule.

This Ordinance shall become effective passage and publications as provided by law.

Adopted this 12th day of June, 2018.

Amended this 10th day of July, 2018 to read as: Including those portions of County Highway P within the village limits.


Greg Rayment, Village President

Attest:


Ardith Story, Village Clerk-Treasurer

Adopted: 12 June 2018

Published/Posted: 13 June 2018

Amended: 10 July 2018

Effective: 13 June 2018