

VILLAGE OF PLAINFIELD ORDINANCE 2017-01

AN ORDINANCE TO CREATE SECTIONS 8-6-1 THROUGH 8-6-8 OF THE CODE OF ORDINANCES FOR THE VILLAGE OF PLAINFIELD.

THE VILLAGE BOARD OF THE VILLAGE OF PLAINFIELD, WAUSHARA COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION I. Sections 8-6-1 through 8-6-8 of the Code of Ordinances are hereby created to read as follows:

SEC. 8-6-1 INTENT.

The Village of Plainfield adopts the following all-terrain vehicle trails and routes for the operation of all-terrain vehicles and utility terrain vehicles upon the roadways and village owned property throughout the Village of Plainfield. Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, these routes and trails have been created.

Sec. 8-6-2 STATUTORY AUTHORITY.

This ordinance is enacted under the authority of Sections 23.33(8)(b) and 23.33(11) of the Wisconsin Statutes.

SEC. 8-6-3 DEFINITIONS.

The following definitions are applicable to this ordinance:

- (a) **All-terrain vehicle (ATV)** – 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) **All-terrain vehicle route** – a highway designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction as authorized under this section.
- (c) **All-terrain vehicle trail** – a marked corridor on public property or on private lands subject to public easement or lease, designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction, but excluding roadways of highways except those roadways that are seasonally not maintained for motor vehicle traffic.

(d) 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 of a highway, and that has, and was originally manufactured with, all of 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 cargo box installed by the manufacturer.
- (d) A steering wheel.
- (e) A tail light.
- (f) A headlight.
- (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) It has a weight, without fluids, of more than 900 pounds but not more than 2000 pounds.
- (b) It has a width of 50 inches or less.
- (c) It is equipped with a seat designed to be straddled by the operator.
- (d) It travels on 3 or more low-pressure tires or non-pneumatic tires.

All other applicable words or phrases defined within Chapter 23.33 and 340.01 of the Wisconsin Statutes are hereby incorporated within this ordinance by reference.

Sec. 8-6-4 ROUTES AND TRAILS.

(A) Routes and Trails. The specified ATV/UTV routes through the Village of Plainfield are as follows: **See map for details**

- (a) Aniwa Road - from Highway 73 to E. Road.; and
- (b) E. Road – from Aniwa Road to East Street; and
- (c) East Street – from E. Road to Chester Street; and
- (d) Chester Street – from S. East Street to S. West Street; and
- (e) Beach Street - from Chester Street to High Street ; and

- (f) High Street – from Beach Street to N. Main Street; and
- (g) N. Main Street – from Village Limits to Popular Street; and
- (h) Popular Street – from N. Main Street to N. Woodward Avenue; and
- (i) N. Woodward Avenue – from Popular Street to Highway 73; and
- (j) S. Woodward Avenue – from Highway 73 to W. Clark Street; and
- (k) W. Clark Street – from S. Woodward Avenue to S. West Street; and
- (l) S. West Street – from W. Clark Street to Chester Street; and
- (m) Taylor Street – from S. Woodward Avenue to S. Pine Street; and
- (n) S. Pine Street – from Taylor Street to Village Limits

Any operator may temporary use any Village street to gain access to the main ATV/UTV Route from his or her residence. That person must take the most direct route from that person’s residence to the route. That operator shall not vary from the most direct route.

There are only two (2) crossing of State Highway 73, Beach Street and Woodward Avenue.

Streets except:

- (1) State Highway 73
 - (2) Any other street where operation is prohibited by a posted sign.
- (B) **Other Areas Prohibited.** Except as provided in Wisconsin Statutes or this ordinance, no person shall operate an ATV/UTV upon any public right-of-way, street or highway, or nature trail, or in any public park or cemetery, or on any other public or private property within the Village except upon designated routes and trails.
- (C) **Exception for Crossing.** Notwithstanding the foregoing, an ATV/UTV may be operated to cross a prohibited street or highway from a legal area on one side of the street to the other side to reach a street which is legal upon which to operate.
- (D) **Signs.** ATVs and UTVs may only be operated on the routes specified in this ordinance. Anyone operating an ATV or UTV outside of the routes specified herein shall be subject to a fine. Routes shall be marked with uniform ATV and/or UTV route signs in accordance with Wisconsin Statute 23.33(8) and § NR 64.12(7) Wisconsin Admin. Code.

SEC. 8-6-5 CONDITIONS OF USE.

As a condition for the use of these routes and trails, the following shall apply to all

operators and passengers as applicable:

- (a) All ATV/UTV units shall be registered in accordance with Wisconsin Department of Natural Resources regulations.
- (b) No person under twelve (12) years of age shall operate an ATV or UTV under any circumstances.
- (c) Any operator between the ages of twelve (12) and fifteen (15) must be accompanied by an adult with a valid driver's license.
- (d) Any operator who is sixteen (16) years of age or above must possess a valid driver's license.
- (e) All operators must complete the required ATV safety course with the Wisconsin Department of Natural Resources.
- (f) All operators born on or after January 1, 1988 must possess a valid ATV safety certificate with the Wisconsin Department of Natural Resources.
- (g) All operators and passengers under the age of eighteen (18) shall at all times wear a helmet approved by the Wisconsin Department of Transportation.
- (h) ATVs and UTVs shall be operated on the extreme right side of the road, except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
- (i) All operators shall ride in single file at all times.
- (j) The speed limit shall be ten miles per hour (10 MPH) at all times. Any operator exceeding this speed limit shall be subject to normal speeding penalties.
- (k) The hours of operation shall be limited to between 7:00 AM and 12:00 Midnight. Anyone operating outside of the authorized hours shall be subject to a fine.

SEC. 8-6-6 ENFORCEMENT.

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

SEC. 8-7-7 PENALTIES.

Wisconsin State ATV & UTV penalties as found in the Uniform State Traffic Deposit

Schedule are adopted by reference.

1)	Operating an ATV without a valid registration.....	\$186
2)	Permitting Use of an ATV without Valid Registration.....	\$186
3)	Operating ATV in a Careless Manner.....	\$186
4)	Operating on Private Property Without Consent.....	\$249
5)	Intentional Agitation or Pursuit of an animal.....	\$249
6)	Operating without a Helmet (If Required).....	\$135
7)	Operating While Under the Influence (1 st Offense).....	\$438
8)	Operating While Intoxicated With a Passenger.....	\$753
9)	Refusal to Conduct Sobriety Test.....	\$438
10)	Operating Without ATV Safety Course (If Required).....	\$148
11)	ATV Exhaust Louder than 96 Decibels.....	\$186
12)	Failure to Report an Accident.....	\$173
13)	Interfere with Signs and Standards.....	\$312
14)	Failure to Stop for Law Enforcement.....	\$425
15)	Operating on Unopened Road / Highway	\$100

SEC. 8-8-8 SEVERABILITY.

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Village of Plainfield would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision 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 person's circumstances shall not be deemed affected.

SECTION II. This ordinance shall take effect and be in full force and effect if it is passed by the Village Board of the Village of Plainfield.

PASSED AND ADOPTED by the Village Board of the Village of Plainfield, Waushara County, Wisconsin this 11th day of April, 20 17.

VILLAGE OF PLAINFIELD

By: John L. Zouski
John L. Zouski
Village President

Attest: Brenda Black
Brenda Black
Village Clerk/Treasurer

PASSED: 4/11/2017

APPROVED: 4/11/2017

PUBLISHED: 4/17/2017