

ORDINANCE NO. 2018-3

AN ORDINANCE TO AMEND CHAPTER 7 ENTITLED “TRAFFIC CODE” OF THE CITY OF BOSCOBEL MUNICIPAL CODE.

NOW, THEREFORE, the Common Council of the City of Boscobel, Grant County, Wisconsin, does ordain as follows:

Section I: Chapter 7 of the City of Boscobel Municipal Code shall be and hereby is amended as follows:

7.165 ALL-TERRAIN VEHICLE/UTILITY-TERRAIN VEHICLE (ATV/UTV).

(1) PURPOSE:

The purpose of this ordinance is to establish an all-terrain vehicle/utility-terrain vehicle route and provide safe and enjoyable all-terrain vehicle/utility-terrain vehicle recreation consistent with public rights and interests pursuant to Wis. Stat. secs. 23.33(8)(b) and 23.33(11).

(2) APPLICABILITY AND ENFORCEMENT:

(a) The provisions of this ordinance shall apply to the areas designated in section 4. The provisions of this ordinance shall be enforced by the City of Boscobel Police Department as well as the Grant County Sheriff’s Department.

(b) 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) LIMITATIONS:

The following limitations apply on all areas designated in section 4 of this ordinance.

(a) No ATV/UTV shall be operated at a speed greater than posted speed limits.

(b) No ATV/UTV may be operated on any designated route without fully functional headlights, tail-lights, and brake lights.

(c) ATV/UTV’s may be operated on paved roadway surfaces only.

(d) No ATV/UTV may be operated on any designated route between the hours of 1:00 a.m. to 5:00 a.m. daily.

(e) Only persons with a valid driver’s license may operate an ATV/UTV on any designated route.

(f) No person under the age of eighteen (18) may operate, or ride as a passenger in or on, an ATV/UTV on any designated route unless wearing approved protective head gear.

(g) No ATV/UTV may be operated on any designated route which ATV/UTV does not meet all applicable Wisconsin State noise pollution standards.

(h) All occupants in an UTV are required to wear a seat belt.

(i) City of Boscobel ATV/UTV routes are open year-round.

(j) No open intoxicants are allowed while operating, or as a passenger in, any ATV/UTV on any road or approved ATV-UTV route within the City of Boscobel.

(k) No person shall operate an ATV/UTV without valid proof of liability insurance.

(4) AREAS DESIGNATED:

The areas designated as an all-terrain vehicle/utility-terrain vehicle routes shall be as follows:

(a) All city streets within the City of Boscobel, with the exception of Highways 61 and 133. ATV/UTV operators may cross Highways 61 and 133 but not otherwise operate on Highways 61 or 133.

(1) The Boscobel City Council shall have the authority to suspend operation in any of the above areas for up to ninety (90) days due to hazard, construction, or emergency conditions in any designated area or route segment listed above.

(2) Every area authorized as an all-terrain vehicle/utility-terrain vehicle route shall be designated by an all-terrain vehicle/utility-terrain vehicle route sign having a reflectorized white all-terrain vehicle symbol, bordered and messaged on a reflectorized green background with a minimum size of 24 inches by 18 inches. Any directional route signs will follow state statute, where appropriate, placed at the beginning of an ATV/UTV route and at such locations and intervals as necessary to enable the ATV/UTV operators to follow the route.

(5) ROUTE SIGNS:

(a) All required designated route signs shall be paid for and installed by an ATV/UTV club, approved and under the direction of the Boscobel City Council.

(b) All signs posted shall be in compliance with the Federal manual on uniform traffic control devices.

(c) No sign may be mounted on any existing County sign post, unless authorized by the Grant County Highway Commissioner or designee.

(d) No person may erect, remove, obscure, or deface any official designated route sign unless authorized by the Director of Public Works or designee.

(e) No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

(6) PENALTIES:

Penalty for violation of sections 3 (a), (c), (d), (h) and (j) and 5 (a)-(e), shall not be more than \$200.00 plus costs.

Penalty for violation of sections 3 (b), (e), (f) and (g), shall not be more than \$100.00 plus costs.

Penalty for violation of any other provision of this ordinance for which no specific penalty is specified shall not be more than \$50.00 plus costs.

(7) VIOLATIONS, JUDGMENTS, RESTITUTIONS:

A judgment obtained under the sections and subsections of Chapter 7.165 of the City of Boscobel Municipal Code may be enforced in the same manner as any civil judgment.

Penalties imposed for violations of said ordinances of the City of Boscobel shall be made according to the schedule of forfeitures listed in section 6 of this ordinance.

The procedure set forth in S. 800.09, Wisconsin Statutes, shall apply to all violations of the sections and subsections of Chapter 7 of the City of Boscobel Municipal Code.

Persons accused of violating such ordinances may be cited and summoned to appear in the Grant County Circuit Court by use of one of the forms of appropriate municipal citations. A uniform appearance deposit may be required of any person issued a citation and summons for a violation of any ordinance enacted under Chapter 7 of the City of Boscobel Municipal Code. Upon default in payment of the prescribed forfeiture plus all applicable court costs and restitution, the Grant County Circuit Court shall follow the procedures set forth in S. 800.095, Wisconsin Statutes, including imprisonment in the County Jail for a period not to exceed ninety (90) days, performance of a community service work or suspension of the person's Wisconsin operating privileges as set forth in S. 800.095(4)(b), Wisconsin Statutes.

If the circuit court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and further finds that the violation resulted in damage to the property or physical injury to a person other than the alleged violator, the circuit court may order restitution to be paid by the violator as part of the judgment pursuant to S. 800.093, Wisconsin Statutes.

(8) JUVENILE PENALTIES:

Any juvenile who violates this section shall be subject to the forfeitures prescribed in subsection 6 of this section except that the provisions for the incarceration in jail for the nonpayment of forfeiture shall not apply to juveniles.

Upon default of payment of any forfeiture imposed by this section, a court may order any license issued to a juvenile under Chapter 29 of the Wisconsin Statutes suspended or may order the child's operating privileges as defined in subsection 340.01(40) of the Wisconsin Statutes suspended for not less than thirty (30) days or more than ninety (90) days.

Prior to suspension of licenses under this subsection, the court shall make a finding that the juvenile alone is financially able to pay the amount of the forfeiture and shall allow up to twelve (12) months for the juvenile to make payment.

The court shall immediately take possession of any suspended license and forward it to the department which issued the license together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the court.

If the forfeiture is paid during the first thirty (30) days after the license is suspended, the suspension shall be reduced to the minimum period of thirty (30) days. If it is paid thereafter, the court shall immediately notify the appropriate department which will thereupon return the license to the person.

(9) UNIFORM CITATION AND SUMMONS:

A uniform county ordinance violation citation shall be created and reproduced in such a fashion as to provide alleged violators with proper notice of the ordinance violation alleged and date, time and place of said violation along with a summons to appear before the circuit court for Grant County at the courthouse in Lancaster, Wisconsin, at a date and time specified in the citation and shall provide an option of posting a uniform forfeiture deposit in lieu of the defendant's appearance on that date. The form of such citation and summons shall be on file in the office of the Clerk of Court.

Other uniform citations adopted by the State of Wisconsin for the use of counties and other municipalities may be used in the prosecution of violations under this ordinance.

Section II: This ordinance shall take effect upon its passage and publication or posting as required by law. All other sections of Chapter 7 of the City of Boscobel Municipal Code not specifically amended under this ordinance shall remain in full force and effect as drafted.

Adopted and approved this ____ day of _____, 2018, by the Common Council of the City of Boscobel, Grant County, Wisconsin.

CITY OF BOSCOBEL by:

Stephen R. Wetter, Mayor

ATTEST: I, Arlie Harris, City Clerk, do hereby certify that the amendment to Chapter 7 of the City of Boscobel Municipal Code has been approved by the Common Council of the City of Boscobel, Grant County, Wisconsin, at a meeting held on _____, 2018.

Arlie Harris, City Clerk