

ORDINANCE #535

ORDINANCE AUTHORIZING ALL-TERRAIN/ UTILITY TASK VEHICLES USE ON CITY STREETS WITHIN THE CITY OF DURAND AND REGULATING THE OPERATION OF SUCH VEHICLES

I. STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authority of Wisconsin Statutes sections 23.33(11) and 59.02, as amended. In addition, the provisions of Wisconsin Statutes section 23.33, and the provisions of Wisconsin Administrative Code NR 64 regulating All-Terrain Vehicles and Utility Terrain Vehicles (ATV/UTV) operations are hereby incorporated by reference.

II. PURPOSE AND INTENT

The City of Durand enacts this ordinance to authorize operation of ATV/UTVs upon city streets designated for such use in paragraph 3 of this ordinance. Pepin County has adopted its Ordinance 7.07 which authorizes recreational use of ATV/UTVs on designated routes within the County, some of which are located in the City of Durand. After considering the recreational value of ATV/UTV use to the City of Durand and the potential impacts to the public's health, safety and welfare, this Ordinance is enacted. A copy of a map showing the location of ATV/UTV routes shall be kept on file at the Pepin County Highway Department.

III. AUTHORIZED ROUTES

All City Streets are designated as ATV/UTV routes, unless posted otherwise. State and county highways within the City limits are not City Streets. Authorization and signage regarding ATV/UTV access on those roadways are controlled by their respective entities.

IV. CONDITIONS

Operation of ATVs and UTVs on any City of Durand Street designated as an ATV/UTV route shall be subject to the following:

- A. All provisions of Wisconsin Statutes section 23.33 are incorporated into this ordinance by reference pursuant to authorization of Wisconsin Statutes section 23.33(11).
- B. All ATV/UTV operators shall observe the posted roadway speed limit.
- C. All ATV/UTV operators shall ride single file on the extreme right hand portion of the road, not in the ditch.
- D. All ATV/UTV operators shall maintain liability insurance for their ATV/UTV use on town roads in the amount established by the State of Wisconsin for motor vehicle operation and by utilizing any ATV/UTV, agrees to fully indemnify and hold harmless City of Durand for all liability arising from use or non-use of ATV and/or UTV's on City of Durand.
- E. All ATVs and UTVs must be equipped with functioning brake lights, headlights and tail lamps must be illuminated at all times during operation.
- F. All ATV/UTV operators born on or after January 1, 1988 must possess a valid DNR issued ATV safety certificate.
- G. All ATV/UTV operators shall not operate the vehicles on city streets during the period starting one hour after sunset and ending one hour before sunrise.
- H. All ATV/UTV operators shall have a valid driver's license.

I. All ATV/UTV operators who are under the age of 18 must wear a helmet as required by Wisconsin Statutes section 23.33.

V. SIGNAGE

The City of Durand is required to post signs on designated ATV/UTV routes in accordance with Wisconsin Statutes section 23.33 (8)(e), The City will follow its usual procedure to have the Durand Public Works Department erect and maintain signs required by the statute on the designated routes. The Pepin County ATV/UTV Club has agreed to purchase or reimburse the Durand Public Works Department or City for signs required by statute on designated routes and pay for installation and maintenance of required signs as necessary for them to continue to conform to statutory requirements.

VI. ENFORCEMENT

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

VII. REVIEW

This ordinance or any route designated by it may be canceled at any time by act of the City Council. The City Council may add or delete authorized routes by action that conforms to the requirements of Wisconsin Statutes section 23.33 and all public notice required by law for City Council action.

VIII. PENALTIES

The penalties set forth in Wisconsin Statutes section 23.33(13)(a) are incorporated by reference.

IX. 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 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 persons' circumstances shall not be deemed affected.

EFFECTIVE DATE

This ordinance becomes effective on the passage by the City Council and publication by the City Clerk as required by Wisconsin Statutes section 59.14. Actual use of City Streets under this ordinance may begin only after the Durand Public Works Department certifies to the Mayor that signage required by this ordinance is in place on the routes authorized in section 3.

Adopted this 13th day of November, 2019.

Date published: November 21, 2019

CITY OF DURAND

By: Patrick Milliren
Patrick Milliren, Mayor

ATTEST: Angela Morgan
Angela Morgan, City Clerk