

ORDINANCE NO. 2012-1

The City of New Lisbon, Juneau County, Wisconsin, does hereby ordain as follows:

SECTION I: PURPOSE

The purpose of this ordinance is to amend/create portions of Title 10, Chapter 4, of the New Lisbon Code pertaining to the regulation of the operation of all-terrain vehicle trails.

SECTION II: PROVISIONS AMENDED/CREATED

Title 10, Section 10-4-3, is hereby created.

SECTION III: PROVISION AS AMENDED/CREATED

Section 10-4-3 is hereby created to read as follows

SEC. 10-4-3 REGULATION OF MUNICIPALLY AUTHORIZED ALL-TERRAIN VEHICLE TRAILS.

(a) **Regulation.**

- (1) **General operations:**
  - (I) On all-terrain vehicle routes, operators must only travel on the extreme right side of a roadway.
  - (II) Operators must always yield the right-of-way according to State's Rules of Road.
  - (III) Operators must always travel in a single file fashion.
- (2) **Hours of Operation.** No one under the age of 18 shall operate an all-terrain vehicle after 9:00 p.m. unless accompanied by a parent or legal guardian.
- (3) **Speed.** Operators shall observe and follow all posted roadway speed limit signs except:
  - (i) Operators shall slow the vehicle to 10 m.p.h. or less when operating within 150 feet of a dwelling or 100 feet of a pedestrian or bicyclist.
  - (ii) Operators shall not exceed a speed of 35 m.p.h.
- (4) **Private Property.** No one shall operate an all-terrain vehicle on any private property not owned or controlled by the operator without the express permission of the property owner.
- (5) **Lamps.** Operators shall at all times display a lighted head lamp and tail lamp while operating an all-terrain vehicle.
- (6) **Unattended all-terrain vehicles prohibited.** No person shall leave or allow an all-terrain vehicle owned or operated by him to remain unattended on any public property while the motor is running or with the starting key left in the ignition.

(b) **Permitted Routes and Trails.** No person shall operate an all-terrain vehicle upon any public highway, park or any other public property in the City except as hereinafter designed:

- (1) Route one: Frontage Road from City limit to Germantown Road to designated trail to north across to Highway 80 to point designated as trail end.
- (2) Route two: Hog Island Road from City limit to Highway 80.
- (3) Route three: Welch Prairie Road from City limit to Highway 80.

(c) **Conditions of designation of routes and trails.**

(1) All-terrain vehicles routes and trails cannot be utilized until after the City Council posts the routes and trails in accordance with Section 23.33 Wis. Stats., NR 64.12 and the Uniform Trail and Route Signing Handbook created by the Wisconsin Department of Natural Resources and the Department of Transportation.

(2) The permitted routes and trails shall be placed upon a City map designated as the official City of New Lisbon All-Terrain Vehicle Route and Trail Map, which shall be made available for public inspection at the City Hall.

(d) **Penalties.** The penalties enumerated in 23.33(13) are hereinafter incorporated by reference.

(1) Generally. Except as provided in pars. (am) to (4), any person who violates this section shall forfeit not more than \$250.

(am) Penalty related to interference with signs and standards. Except as provided in par. (cg), a person who violates sub. (8)(f) and who, within the last 2 years prior to the arrest for the current violation, was 2 or more times previously convicted for violating a provision of this Chapter shall forfeit not more than \$500.

(ar) Penalty related to nonresident trail passes. Any person who violates sub (2) shall forfeit not more than \$1,000.

(b) Penalties related to intoxicated operation of an all-terrain vehicle.

(i) Except as provided under subs 2 and 3, a person who violates sub (4c)(a)1, 2 or 2m, or (4p)(e) shall forfeit not less than \$150 nor more than \$300.

(ii) Except as provided under sub 3, a person who violates sub (4c)(a)1, 2 or 2m or (4p)(e) and who, within 5 years prior to the arrest for the current violation, was convicted previously under the intoxicated operation of an all-terrain vehicle law, shall be fined not less than \$300 nor more than \$1,100 and shall be imprisoned not less than 5 days nor more than 6 months.

(iii) A person who violates sub (4c)(1)1, 2, 2m or (4p)(e) and who, within 5 years prior to the arrest for the current violation, was convicted 2 or more times previously under the intoxicated operation of an all-terrain vehicle or refusal law, shall be fined not

- less than \$600 nor more than \$2,000 and shall be imprisoned not less than 30 days nor more than 1 year in the County jail.
- (iv) A person who violates sub (4c)(a)3 or (4p)(e) and who has not attained the age of 19 shall forfeit not more than \$50.
- (br) Penalties related to intoxicated operation of all-terrain vehicle; enhancers.
- (i) If a person convicted under sub (4c)(a)1.2 had an alcohol concentration of 0.17 to 0.199 at the time of the offense, the minimum and maximum fines specified under par (b)3 for the conviction are doubled.
  - (ii) If a person is convicted under sub (4c)(1) 1 or 2 had an alcohol concentration of 0.20 to .249 at the time of the offense, minimum and maximum fines specified under par (b)3 for conviction are tripled.
  - (iii) If a person convicted under sub (4c)(a) 1 or 2 had an alcohol concentration of 0.25 or above at the time of the offense, the minimum and maximum fines under par (b)3 for the conviction are quadrupled.
  - (iv) The increased fines in this paragraph do not apply if the person is convicted under sub (4c)(a)1 or 2 if subject to par (bg).
- (c) Penalties related to causing injury; intoxicants. A person who violates sub (4c)(b) shall be fined not less than \$300 nor more than \$2,000 and may be imprisoned not less than 30 days nor more than a year in the County jail.
- (cg) Penalties related to causing death or injury; interference with signs and standards. A person who violates sub (8)(f)1 is guilty of a Class H Felony if the violation causes the death or injury, as defined in S. 30.67(3)(b), of another person.
- (cm) Sentence of detention. The legislature intends that courts use the sentencing option under s. 973.03(4) whenever appropriate for persons subject to par (b)2 or 33 or (c). The use of this option can result in significant cost savings for the state and local governments.
- (d) Calculation of previous convictions. In determining the number of previous convictions under par (b)2 or 3 or (c), convictions arising out of the same incident or occurrence shall be counted as one previous conviction.
- (dm) Reporting convictions to the department. Whenever a person is convicted of a violation of the intoxicated operation of an all-terrain vehicle law, the clerk of the court in which the conviction occurred, or the justice, judge or magistrate for a court not having a clerk, shall forward the department records of such conviction. The record of conviction forwarded to the department shall state whether the offender was involved in an accident at the time of the offense.

- (e) Alcohol, controlled substances or controlled substance analogs; assessment. In addition to any other penalty or order, a person who violates sub (4c)(a) or (b) or (4p)(e) or who violates sec 940.09 or 040.25, if the violation involves the operation of an all-terrain vehicle, shall be ordered by the court to submit to and comply with an assessment by an approved public treatment facility for an examination of the person's use of alcohol, controlled substance or controlled analogs. The assessment order shall comply with sec 343.30(1q)(c)1.a to c. Intentional failure to comply with the assessment ordered under this paragraph constitutes contempt of court punishable under Chapter 785.
- (f) Restoration or replacement of signs and standards. In addition to any other penalty, the court may order the defendant to restore or replace any uniform all-terrain route or trail sign or standard that the defendant removed, damaged, defaced, moved or obstructed.

SECTION IV: VALIDITY

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION V: CONFLICTING PROVISIONS REPEALED

All ordinances in conflict with any provisions of this ordinance are hereby repealed.

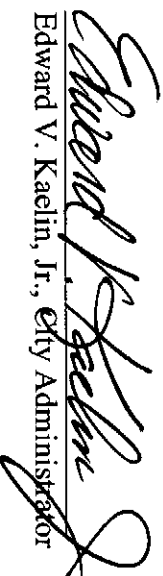
SECTION VI: EFFECTIVE DATE

This ordinance shall be in force from and after its introduction and publication as provided by statute.

SECTION VII:

This ordinance becomes a part of Chapter 10 of the City of New Lisbon Code.

  
Lloyd Chase  
Mayor

  
Edward V. Kaelin, Jr.,  
City Administrator

INTRODUCED: February 20, 2012  
PUBLIC HEARING: March 19, 2012  
PASSED: March 19, 2012  
PUBLISHED: March 29, 2012

Ordinance drafted by:  
Stephen D. Chiquoine, City Attorney  
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