

ORDINANCE 2019 - 2

**AN ORDINANCE AMENDING 4.08 SNOWMOBILE OPERATION OF
THE MUNICIPAL CODE OF THE VILLAGE OF GLENBEULAH**

WHEREAS, following due consideration of the recreational value to connect trail opportunities, as weighed against possible danger, public health, liability aspects, terrain involved, traffic density and history of automobile traffic and as authorized by Wis. Stat. § 23.33(8)(b), the Village Board of the Village of Glenbeulah, Sheboygan County, Wisconsin, has determined that all Village roads shall be designated as all-terrain vehicle routes to allow the operation of all-terrain vehicles upon all village roads.

NOW, THEREFORE, the Village Board of Trustees of the Village of Glenbeulah does ordain as follows:

Section 1. **Amending Code**. Section 4.08 is hereby amended to read as follows (additions indicated by underlining; deletions by ~~strikeouts~~):

(3) Additional Regulations:

(a) No person shall fail to obey any route or trail sign, marker or limit created in accordance with this ordinance.

(b) No person shall operate a snowmobile ~~or all-terrain vehicle~~ upon any trail or route designated in this ordinance or upon any public street within the Village of Glenbeulah at a speed in excess of ~~40~~ 25 miles per hour.

(c) No person shall operate a snowmobile or all-terrain vehicle or utility-terrain vehicle on any sidewalk or pedestrian way within the Village of Glenbeulah except for the purpose of crossing to obtain immediate access to an authorized area of operation.

~~(d) No person shall operate an all-terrain vehicle (ATV) on any public right of way, in any public park, or on any public municipal property in the Village of Glenbeulah, except municipal employees for designate municipal operations.~~

(4) Routes:

All Village roads will be open to all-terrain vehicle (ATV)/utility-terrain vehicle (UTV) usage. All county and state roadways posted 35 mph or less will be open to ATV/UTV usage as authorized under Wis. Stat. § 23.33(11)(am)4.

(5) Conditions:

As condition for use of Village roads, the following conditions shall apply to all operators (and passengers):

(a) All ATV/UTV operators shall observe posted speed limits.

(b) No person under 18 years of age may operate or be a passenger on an ATV/UTV without wearing protective headgear of the type required under Wis. Stat. § 347.485(1)(a) and with the chin strap properly fastened, except as specifically exempted under Wis. Stat. § 23.33(3g)(b),(c) and (d).

(c) Operation of ATVs and UTVs on roadways designated as ATV/UTV routes are authorized only for the extreme right side of the roadway, on the paved surface (if the roadway is paved), except that left turns may be made from any part of the roadway that is safe given prevailing conditions.

(d) All ATV/UTV operators shall ride single file.

(e) The operator of an ATV/UTV shall obey all traffic laws, local ordinances, and DNR regulations.

(f) The operator of an ATV/UTV shall display a lighted headlamp and tail lamps on the ATV/UTV and display the registration or license plate at all times.

(g) All roads must be signed in accordance with Wis. Admin. Code §§ NR 64.12 and 64.12(7).

(h) ATV/UTV operation is at the risk of the operator. The Village of Glenbeulah has no liability for any damage or injury to persons, real property or personal property, arising out of the operation of ATVs and UTVs on designated ATV/UTV routes.

(i) Routes are open year round.

(6) Penalties:

Wisconsin State All-Terrain Vehicle and Utility-Terrain Vehicle penalties as found in Wis. Stat. § 23.33(13)(a), are adopted by reference."

Section 2. **Amending Code**. Section 4.95 is hereby amended to read as follows (additions indicated by underlining; deletions by ~~strikeouts~~):

" 4.95 ENFORCEMENT:

The provisions of this chapter shall be enforced in accordance with Wisconsin Statutes 345.20 to 345.53, Chapter ~~299~~, and ~~66.12~~ 66.0113 and by any law enforcement officer authorized to enforce the laws of the State of Wisconsin."

Section 3. **Amending Code**. Section 16.04, Village of Glenbeulah Ordinance Bond Schedule is hereby amended to add the following bonds (additions indicated by underlining; deletions by ~~strikeouts~~):

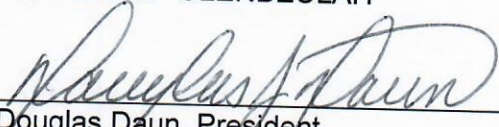
"4.08	Snowmobile Operation (state law adopted)	State Bond
<u>4.08(4)</u>	<u>ATV/UTV Routes</u>	\$ 250
<u>4.08(5)</u>	<u>ATV/UTV Conditions</u>	\$ 250"

Section 4. **Severability.** Any other prior ordinance previously adopted not consistent with the above shall hereby be repealed. Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

Section 5. **Effective Date.** The herein Ordinance shall take effect upon enactment and publication as required by law.

Respectfully submitted this 13 day of March, 2019.

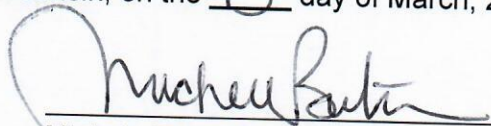
VILLAGE OF GLENBEULAH



 Douglas Daun, President

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Village Board and Trustees of the Village of Glenbeulah, Wisconsin, on the 13 day of March, 2019.



 Michele Bertram, Clerk/Treasurer