

ORDINANCE NO. 603

An Ordinance of the Municipal Code of the City of Kiel Creating Section 7.085 and 7.086 (Allowing All-Terrain Vehicles, Utility Terrain Vehicles and Golf Carts)

The Common Council for the City of Kiel ordains as follows:

SECTION 1: Section 7.085 is created to read as follows:

7.085 ALL-TERRAIN VEHICLES (ATVs) and UTILITY TERRAIN VEHICLES (UTVs)

(1) DEFINITIONS:

- (a) All definitions set forth in Wisconsin Statute sec. 23.33(1) and any amendments or modifications thereto are hereby incorporated herein and adopted by reference and made part of the Kiel Code of Ordinances in their entirety.
- (b) "ATV" shall mean all-terrain vehicle.
- (c) "UTV" shall mean utility terrain vehicle.
- (d) "Highway" shall have the meaning as set forth in Wisconsin Statute sec. 340.01(22) and any amendments or modifications thereto and said Wisconsin Statute sec. 340.01(22) is hereby incorporated herein and adopted by reference and made part of the Kiel Ordinance in its entirety.

(2) OPERATION OF ATVs/UTVs ALLOWED AND EXCEPTIONS:

- (a) Allowed. The operation of ATVs/UTVs on Highways that have a posted speed limit of 35 miles or less within the City in compliance with the provisions of this chapter are permitted, however, it is unlawful to operate any ATV/UTV on any Highways within the city or in any manner not authorized herein. All ATVs/UTVs operating on a Highway under this Chapter shall meet the registration requirements under Wisconsin Statute sec. 23.33(2).
- (b) Exceptions. The operation of ATVs/UTVs is not subject to the provisions of this chapter under the following circumstances:
 - i. The use of an ATV/UTV in connection with a parade, a festival, or other special events, provided the consent of the sponsor and the City of Kiel is obtained and provided such a vehicle is only used during such an event.
 - ii. Snow removal. ATVs/UTVs may be operated on sidewalks, walkways or on any property owned by the City of Kiel for snow removal only. ATVs/UTVs with a snow removal device attached may be operated for snow removal purposes under the following situation:
 - 1. on a public sidewalk, speed may not exceed 5 MPH

(3) RESTRICTIONS ON OPERATORS OF ATVs/UTVs

- (a) Operators of ATVs/UTVs on Highways are required to have a valid probationary or regular driver's license and to be at least 16 years of age.

- (b) Any operator or passenger of an ATV/UTV on a Highway under 18 years of age is required to wear a helmet unless the machine is registered as an implement of husbandry and is being used for a legitimate agricultural purpose.
 - (c) All ATVs/UTVs being operated on a Highway must be insured with liability insurance with the same minimum requirements as motor vehicle insurance mandated by Chapter 344 of the Wisconsin Statutes including, but not limited, to secs. 344.33(2) and 344.62 of said Chapter 344 of the Wisconsin Statutes and any amendments or modifications thereto to said Chapter 344 of the Wisconsin Statutes and secs. 344.33(2) and 344.62.
 - (d) If so equipped, all UTV passengers must have their seatbelts fastened at all times.
- (4) MANNER OF OPERATION: ATVs/UTVs will not be operated on the Highways of the City, except in full compliance with the provisions of this Chapter:
- (a) Highways:
 - i. ATVs/UTVs will not be operated on any Highway where such operation is prohibited by a posted sign.
 - ii. ATVs/UTVs will reduce their speed to 10 miles per hour or less when riding within 150 feet of a home or dwelling, unless the ATV/UTV is operating on a Highway that allows for travel of ATVs/UTVs under Section 7.085.
 - (b) Motor vehicle laws: All laws regarding the use of motor vehicles in the State of Wisconsin and all ordinances regarding the use of motor vehicles in the City, not inconsistent therewith, shall be observed.
 - i. ATVs/UTVs must be operated on the extreme right side of the Highway and travel with the flow of traffic.
 - ii. ATVs/UTVs must be operated in single file with headlights and taillights in operation at all times, day or night. If a trailer is towed behind an ATV, the trailer must conform to all lighting requirements for ATVs.
 - iii. ATV/UTV operators will yield the right-of-way to all other vehicular traffic and pedestrians.
 - iv. ATVs/UTVs violating any of the above conditions will be subject to the penalties outlined in Wis. Stats. and city ordinances.
 - v. Speed. ATVs/UTVs operated on any portion of any Highway pursuant to this section will observe the posted speed limit for that Highway.
 - vi. Any ATV/UTV unable to reach a maximum speed of 25 MPH, must display a slow-moving vehicle (SMV) triangle, visible on the rear of such a vehicle according to Wis. Stats. governing the SMV emblems at all times while in operation on any Highway.
 - (c) City property and sidewalks. Except as otherwise provided in Section 7.085(2)(b)(ii). ATVs/UTVs will not be operated on any sidewalk, pedestrian walkway, jogging path, greenway, park, trail except for official police business or by City personnel while on City business. Notwithstanding anything herein to the contrary, ATVs/UTVs will not be operated on property owned or leased by the City except with the express written consent of the

Public Works Foreman or the Chief of Police and upon the terms and conditions as may be set forth in such written permission.

- (d) Commercial purposes. ATVs/UTVs may not be used as a taxicab or bus or the commercial carrying of passengers or the hauling of freight.
- (e) Parking. ATVs/UTVs may only be parked in the same manner and at the same places designated for the parking of motor vehicles. The stopping, standing, or parking of ATVs/UTVs in areas where parking is not allowed or in any place that impedes the flow of traffic, pedestrian walkways or a passageway is prohibited.
- (f) Towing. ATVs/UTVs may not be used for the purpose of towing another cart, or vehicle of any kind including a person on roller skates, in-line skates, skateboard, bicycle, or any other non-motorized equipment with wheels, except as otherwise set forth in Section 7.085(4)(b)(ii) above.

(5) STATE ALL-TERRAIN VEHICLE (ATV) AND UTILITY TERRAIN VEHICLE (UTV) LAWS ADOPTED: Except as otherwise specifically provided in this section, the statutory provisions found in Wisconsin Statute sec. 23.33 as previously adopted by City of Kiel Ordinance 7.01 and the Administrative Code provisions set forth in Wisconsin Administrative Code NR 64 describing and defining regulations with respect to ATVs and UTVs and any amendments or modifications thereto are hereby incorporated herein and adopted by reference and made part of the Kiel Code of Ordinances in their entirety.

(6) VIOLATIONS AND PENALTIES:

- (a) Any person who violates this section are subject to penalty as set forth in Section 7.16.

SECTION 2: Section 7.086 is created to read as follows:7.086 GOLF CARTS

(1) DEFINITIONS:

- (a) "Golf cart" shall have the meaning set forth in Wisconsin Statute sec. 23.33(1)(fm) and any amendments or modifications thereto and said Wisconsin Statute sec. 23.33(1)(fm) is hereby incorporated herein and adopted by reference and made part of the Kiel Ordinance in its entirety.
- (b) "Highway" shall have the meaning as set forth in Wisconsin Statute sec. 340.01(22) and any amendments or modifications thereto and said Wisconsin Statute sec. 340.01(22) is hereby incorporated herein and adopted by reference and made part of the Kiel Ordinance in its entirety.

(2) OPERATION OF GOLF CARTS ALLOWED and EXCEPTIONS:

- (a) Allowed. The operation of Golf carts on the Highways within the City of Kiel in compliance with the provisions of this chapter are permitted, however, it is unlawful to operate any Golf cart at any place or in any manner not authorized herein.
- (b) Exceptions. The operation of Golf carts is not subject to the provisions of this chapter under the following circumstances:
 - i. The use of Golf cart in connection with a parade, a festival, or other

special events, provided the consent of the sponsor and the City of Kiel is obtained and provided such a vehicle is only used during such an event.

- (c) Golf carts are allowed on a Highway that has a speed limit of 25 miles per hour or less except as otherwise provided in this Chapter. Golf carts, however, are not allowed on State Highway 67/32/57, except as provided in 7.086(4)(b). Golf carts are not allowed on any Highway that has a speed limit of greater than 25 miles per hour.

(3) LICENSE/INSURANCE REQUIRED.

- (a) Operators of Golf carts on Highways are required to have a valid probationary or regular driver's license and to be at least 16 years of age.
- (b) All Golf carts being operated on a Highway must be insured with liability insurance with the same minimum requirements as motor vehicle insurance mandated by Chapter 344 of the Wisconsin Statutes including, but not limited, to secs. 344.33(2) and 344.62 of said Chapter 344 of the Wisconsin Statutes and any amendments or modifications thereto to said Chapter 344 of the Wisconsin Statutes and secs. 344.33(2) and 344.62.

(4) MANNER OF OPERATION

- (a) Hours of operation. Golf carts may be driven on Highways and approved areas of crossing from sunrise until sunset, except that Golf carts equipped with at least one operating headlight, having at least a fifty-five-watt halogen, or equal, bulb on the front of the Golf cart, and two operating taillights on either side of the rear of the Golf cart, all of which are visible for a distance of not less than 250 feet, may be operated from one-half hour before sunrise until one-half hour after sunset. Golf carts may not be operated when fog, smog, smoke, snow, or other conditions reduce visibility so that the Golf cart is not visible for a distance of 250 feet.
- (b) Highways and crossings. Golf carts are only allowed to cross the State Highway 67/32/57 system at these designated locations:
 - i. 1st Street
 - ii. 2nd Street
 - iii. 3rd Street
 - iv. 4th Street
 - v. 5th Street
 - vi. 6th Street
 - vii. St. Paul Street
- (c) Motor vehicle laws. All laws regarding the use of motor vehicles in the State of Wisconsin and all ordinances regarding the use of motor vehicles in the City, not inconsistent therewith, shall be observed by the Golf cart operator.
- (d) Right-of-way. The operator of a Golf cart will yield the right-of-way to overtaking motor vehicles.
- (e) City property and sidewalks. Golf carts will not be operated on any sidewalk, pedestrian walkway, jogging path, greenway, park, trail except for official police business or by City personnel while on City business. Notwithstanding anything herein to the contrary, Golf carts will not be operated on property

owned or leased by the City except with the express written consent of the Public Works Foreman or Chief of Police and upon the terms and conditions as may be set forth in such written permission.

- (f) Golf cart capacity. The seating capacity (normally no more than four passengers) will not be exceeded nor the operator or any passenger be permitted to stand while the Golf cart is in operation.
- (g) Commercial purposes. Golf carts may not be used as a taxicab or bus or the commercial carrying of passengers or the hauling of freight.
- (h) Parking. Golf carts may only be parked in the same manner and at the same places designated for the parking of motor vehicles. The stopping, standing, or parking of Golf carts in areas where parking is not allowed or in any place that impedes the flow of traffic, pedestrian walkways, or a passageway is prohibited.
- (i) Towing. Golf carts may not be used for the purpose of towing another cart, trailer or vehicle of any kind including a person on roller skates, in-line skates, skateboard, bicycle or any other non-motorized equipment with wheels.

(5) VIOLATIONS AND PENALTIES

- (a) Violations and penalties. Any person who violates this section are subject to penalties set forth in Section 7.16.

SECTION 3: This ordinance takes effect on March 1, 2023.

Ordinance No. 603 introduced on November 15, 2022 by Alderperson _____,
seconded by Alderperson _____.

Upon a call of votes thereof, the result was as follows:

_____ Votes Cast
_____ Votes Aye
_____ Votes Nay

The Mayor declared Ordinance No. 603 introduced and approved this 15th day of November, 2022.

MICHAEL STEINHARDT, Mayor

COUNTERSIGNED:

JAMIE J. AULIK, City Administrator