Description:
Brief History of the ATV/UTV route issue in Platteville:

In 2018, City staff met with a local club of ATV/UTV enthusiasts who were interested in establishing designated ATV/UTV routes in the city. Recently Grant County had opened all the County Highways to ATV/UTV traffic and staff understood the townships around Platteville had previously opened their township roads to ATV/UTV traffic. The ATV/UTV representative requested connectivity with the township roads and the County Highways surrounding Platteville and the ability to travel through Platteville on routes designated by the City. The ATV/UTV Club felt that businesses in Platteville would see an increase in revenue due to the access granted by the establishment of ATV/UTV routes.

Staff engaged in discussions with nearby communities who had adopted city routes, including Lancaster and Monroe. Generally, the communities reported few issues with the routes and noted a positive economic impact to local businesses.

The ordinance identified routes, specific safety requirements and hour/season restrictions for the city of Platteville. In addition, the ordinance prohibited drinking alcohol and open alcohol containers for both drivers and passengers.

A trial ordinance governing ATV/UTV use in the city was adopted in August 2018. This ordinance has now ended effective November 14, 2019.

On November 12, 2019, the Common Council held a work session on the topic of ATV/UTV use in the city. An outcome of the work session was a consensus for Council consideration of a new ATV/UTV use ordinance. Areas of consensus from the work session are as follows:

- Approving an ATV/UTV ordinance with many of the provisions of the previous ordinance
- Hours of operation on the routes: 6 a.m. to 10 p.m.
- Approved routes would be open year-round

The Council also discussed opening all city streets to ATV/UTV traffic with a speed limit of 35 mph or below. Staff believes opening all city streets would be more efficient for enforcement and signage purposes. However, staff would like the Council to be aware of the following areas of concern due to connectivity issues:

- Lancaster Street at the north city limits - currently ATV/UTV’s are not allowed on Hwy 81 outside of the city
- Knollwood - this development is landlocked by Hwy 80/81 which does not permit ATV/UTV traffic
- N Water Street at Northside Drive - ATV/UTV traffic is not permitted on Hwy 80 beyond the city limits
- Eastside Road - has a speed limit in excess of 35 mph, however the City has the ability to include this in the approved routes
- Business Hwy 151 - east from Valley Road would not be included in the approved routes. Any side streets east of Valley Road which become part of the routes would either terminate at Bus. Hwy 151 or would be allowed to cross Bus. Hwy 151 at intersections to continue traveling on an approved route.
• Southwest Road - Connectivity with Southwest Road in the Township may landlock city streets west of Pioneer Road since Southwest Road is not open to ATV/UTV traffic
• Longhorn Drive - is not a city street and therefore not subject to a city ATV/UTV ordinance. The University has since determined that it will not open this street to ATV/UTV traffic.

Additionally, a question was raised regarding OMVI penalties. The City has the authority to set city penalty amounts for offenses such as OMVI but to do so would require extensive revision to the ordinance as there are a large number (approximately 28) of related OMVI related offenses under State Statutes. In the draft ordinance, OMVI offenses are subject to the penalties established under WI State Statutes.

During the discussion of this item during the November 26th Council meeting, a number of alternative routes were discussed. These included the following:

- Opening all the routes included in the City’s previous ATV/UTV ordinance
- Opening Business Hwy 151 from Water Street to Valley Road
- Opening Valley Road from Business Hwy 151 to Mineral Street
- Opening East Mineral Street from Broadway Street to Valley Road
- Opening Madison Street from Water Street to the east to the entrance to Mound View Park
- Opening Water Street from Madison Street north to Pitt Street
- Opening Pitt Street from Water Street west to Second Street
- Opening Second Street from Pitt Street to Sylvia Street
- Opening Sylvia Street from Second Street to N Fourth Street
- Opening N Fourth Street from Sylvia Street to Ridge Avenue
- Opening Ridge Avenue from N Fourth Street to Lancaster Street
- Opening Lancaster Street from Ridge Avenue to Adams Street
- Opening Adams Street from Lancaster Street to N Chestnut Street
- Opening Chestnut Street from Adams Street south to Business Hwy 151
- Opening Lancaster Street north from Ridge Avenue to the north city limits contingent on the State/Grant County opening Hwy 81 to ATV/UTV traffic from Old Lancaster Road to the Platteville city limits

**Budget/Fiscal Impact:**
Signage for any routes designated by the City will be supplied by the ATV/UTV Clubs as directed by the City. The Street Division would be responsible for installing the signs.

**Recommendation:**
If the Council desires city ATV/UTV routes, staff recommend a successor ordinance should be adopted. The successor ordinance should include changes/additions from the lessons learned during the trial period covered by the previous ordinance. Staff recommends opening all city streets to ATV/UTV traffic (except Business Hwy 151 from Valley Road to the east city limits), year-round from 6 a.m. to 10 p.m. daily.

**Sample Affirmative Motion:**
“I move to adopt the provisions of the previous City of Platteville ordinance governing ATV/UTV operation in the City of Platteville with the following changes: open all streets in the City of Platteville for ATV/UTV traffic except the following streets _______ and open the routes from the hours of 6 a.m. to 10 p.m. daily, year-round.”

**Attachments:**
- Draft ordinance with changes highlighted and items yet to be determined lined through.
- Map of Proposed Routes
ORDINANCE NO.

ORDINANCE CREATING SECTION 38.17 OF THE MUNICIPAL CODE
OF THE CITY OF PLATTVILLE

The Common Council of the City of Platteville, Wisconsin, do ordain as follows:

Section 1. Section 38.17 ATVs/UTVs Permitted on Designated Routes in the City of
Platteville is hereby created as follows:

38.17 All-Terrain Vehicles and Utility Terrain Vehicles.

38.17(1) ADOPTION OF STATUTORY PROVISIONS. The provisions of section 23.33
of the Wisconsin Statutes, and subsequent amendments thereto, are hereby incorporated herein
by reference as part of this Chapter, except for those provisions therein which conflict with this
Chapter.

38.17(2) SAVING CLAUSE. This Chapter shall in no way be deemed to supplant or
otherwise invalidate any provision of the state statutes relating to the subject matter hereof. Any
person entrusted with the enforcement of this Chapter may, in the exercise of his or her
discretion, proceed under applicable state statutes.

38.17(3) SEVERABILITY. Should any provision of this Chapter, or its application to
any person or circumstance, be held invalid, the remainder of the ordinance and the application
of such provisions to other persons circumstances shall not be affected thereby.

38.17(4) DEFINITIONS. For purposes of this Chapter, the definitions set forth in section
23.33(1) of the Wisconsin Statutes, are hereby adopted and incorporated herein as reference.

38.17(5) DESIGNATED ROUTES. Except as otherwise specifically provided in Section
23.33 of the Wisconsin Statutes, no person shall operate any all-terrain vehicle (“ATV”) or utility
terrain vehicle (“UTV”) upon any public right-of-way or on any other public property in the City
of Platteville except as hereinafter designated.

A. ATVs and UTVs are permitted on the following streets, which are hereby
designated all-terrain vehicle routes:

1. Main Street from the west city limit (the entirety of County Trunk Highway
   B) to Broadway Street, north to the east city limit.

2. Third Street, north from Main Street to Furnace Street.

3. Business Highway 151 from the west city limit to the intersection with State
   Trunk Highway 80/81 (Water Street), north on Water Street to the intersection
   with Main Street.
B. ATVs and UTVs are not allowed to park in or along any roadways, alleyways or public parking lots within the City of Platteville between the hours of 11:00 p.m. and 6:00 a.m.

38.17(6) ROUTE SIGNS. Under the direction of the City, all ATV/UTV routes shall be designated by route signs. The route signs shall be provided by the ATV/UTV Club, or its successor, and shall be installed by the Public Works Department, in accordance with Chapter 23.33(8)(e) of the Wisconsin Administrative Code. The route signs shall be inspected by the City annually and shall be maintained by the ATV/UTV Club, or its successor. The City shall be promptly notified by the ATV/UTV Club of any change in responsibility for maintenance of ATV/UTV route signs.

38.17(7) In addition to the provisions of Wisconsin Statute 23.33, the following restrictions are placed on the use of the City ATV/UTV routes designated by this ordinance:

A. The operators of ATVs/UTVs on all designated ATV/UTV routes shall observe the posted roadway speed limits.
B. ATV/UTV operators shall drive in the center of their lane of travel.
C. All ATV/UTV operators shall ride in single file.
D. All ATV/UTV headlamps and tail lamps must be turned on at all times and ATV/UTVs must have operational brake lights.
E. All UTV operators and passengers must wear seat belts at all times.

F. The City of Platteville routes will be closed from 10:00 p.m. to 6:00 a.m.

G. The City of Platteville routes will be closed from November 15th to April 1st.

H. The City of Platteville may close ATV/UTV routes at any time through removal of all route signage and by providing notice to the public.

I. ATVs/UTVs are prohibited from operating on any recreation trails in the City.

J. No person may operate an ATV/UTV that is constructed in such a manner that noise emitted from the vehicle exceeds 96 decibels.

K. No open intoxicants are allowed while operating on, or as a passenger in, any ATV/UTV in the City.

L. All Wisconsin Statutes related to the operation of an ATV/UTV while under the influence of alcohol or a restricted controlled substance will be strictly enforced, including Absolute Sobriety by ATV/UTV operators under the age of 21.
M. ATV/UTV operators shall possess a valid operator’s license as defined in section 340.01(41g) of the Wisconsin Statutes, as may be amended from time to time.

N. No person may operate an ATV/ UTV within the City of Platteville unless the owner or operator of the vehicle has in effect, a liability policy covering the vehicle being operated and such operator has in his or her immediate possession a certificate or proof of insurance covering such vehicle which shall be displayed upon demand from any traffic officer.

O. No ATV/UTV shall be allowed to tow a trailer, wagon or any other wheeled unit in the City.

P. Groups of 8 or more ATV/UTVs traveling together as part of an organized ride must obtain a permit from the Police Department a minimum of ten (10) days in advance.

38.17(8) CLOSURES, SUSPENSION, OR TERMINATION OF ROUTE.  The Common Council President shall have the authority to:

(1) Temporarily close any ATV/UTV route designated herein for a period of sixty (60) days or less due to an emergency, complaint, or other necessary condition as determined by the Common Council.

(2) Request the Common Council to review any ATV/UTV route designated herein for the purpose of suspending or terminating the route.

38.17(9) ENFORCEMENT AND PENALTIES.  Violations of this Chapter shall incur a forfeiture as follows:

A. Violations of section 38.17(1) – As set forth in section 23.33(13) of the Wisconsin Statutes, as may be amended from time to time.

B. Violations of section 38.17(5)B -- $20.00

C. All other violations of this Chapter – As set forth in section 10.7 of this Code.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as required by law and remain in effect through November 14, 2019.

CITY OF PLATTEVILLE

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Barbara Daus, Council President

ATTEST: