

RESOLUTION NO 21-09

CITY OF PLATTEVILLE

**RESOLUTION REQUESTING WISCONSIN STATE LEGISLATURE STRENGTHEN
ATV/UTV STATUTE REQUIREMENTS**

WHEREAS, the Common Council of the City of Platteville, Grant County, Wisconsin, has the specific authority to adopt an All-Terrain Vehicle (ATV)/Utility Terrain Vehicle (UTV) Route Ordinance under s. 23.33 (8) (b) and (11); and

WHEREAS, the Common Council of the City of Platteville adopted an ATV/UTV Ordinance on January 22, 2020, creating section 38.17 of the Municipal Code of the City of Platteville, and

WHEREAS, during the adoption of an ATV/UTV Ordinance the Common Council heard from residents who continue to express concerns that:

1. ATV/UTV's are not recommended for on-road usage by the manufacturer owner's manual. The City of Platteville requests the state legislature work with ATV/UTV manufacturers to determine the necessary action steps for ATV/UTV vehicles to be authorized and approved for paved/gravel road usage.
2. The state legislature has not corrected a loophole in the law that allows offenses while operating an ATV or UTV to be adjudicated through the DNR and not the DOT. A person who is convicted of certain offenses while operating a regular motor vehicle will be cited, fined, and have points against the driver's license that could lead to suspension or revocation of the license. A person convicted of a similar offense on an ATV or UTV does not have the same consequences and may not have their driver's license suspended or revoked. The City of Platteville is in support of the adoption of WI AB280 and WI SB301 Assembly and Senate bills which makes the laws regulating the intoxicated operation of different recreational vehicles including ATV/UTV's more consistent.
3. The goal of any municipality should be the safety of its citizens and neighborhoods and the inclusion of ATV/UTV's on public roads or within neighborhoods poses continuous safety and health concerns. The City of Platteville requests the state legislature review and update the safety/training courses required for an individual to operate an ATV/UTV and to include a dedicated training course related towards operating an ATV/UTV on a designated municipal ATV/UTV route.
4. The current WI state statute m(23.33(6m)) allows ATV/UTV's to operate at a decibel level not to exceed 96. City of Platteville residents have expressed concerns this level of decibel can have adverse health impacts to a neighborhood's population. City of Platteville residents encourage state legislators to review information produced by the World Health Organization and Center for Disease Control regarding decibel levels. City of Platteville resident also encourage state legislatures to review the adverse health effects increased decibel levels can cause when considering a revision to the state statute.

5. Confusion on the official classification of an ATV/UTV. City of Platteville residents have expressed confusion over what is defined as an authorized ATV/UTV on approved routes. Although under Wisconsin State Statute 23.33 it does provide a definition for all-terrain vehicle/utility terrain vehicle residents encourage state legislators to consider providing further clarification to the size, quad variation, engine type, and transmission requirements.

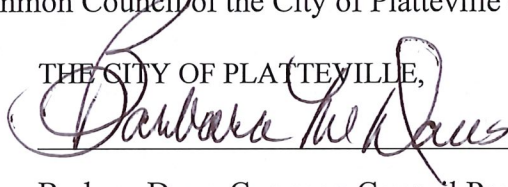
6. The City of Platteville requests the state legislature require any operator of an ATV/UTV driving on a municipal route, trail, or frozen waterway to possess a valid operator's license as defined in section 340.01 (41g) of the Wisconsin Statutes. Currently the law to be changed states all ATV operators at least age 12 and born on or after January 1, 2009, must possess a valid ATV safety certificate issued by the state of Wisconsin or any other state or province. Operators must be in possession of this certificate while operating in areas open to the public such as trails, routes and frozen waterways and display it to a law enforcement officer upon request.

WHEREAS, The Common Council of the City of Platteville has been approached by a local ATV/UTV enthusiast organization requesting the City of Platteville consider expanding the routes within the City of Platteville to all but a select few streets, and


WHEREAS, although the Common Council of the City of Platteville is supportive of an ATV/UTV Ordinance to support recreational opportunities and tourism for residents and visitors, the concerns addressed by residents in opposition to an ordinance continue to be prevalent.

NOW, THEREFORE, BE IT RESOLVED the Common Council of the City of Platteville requests the Wisconsin State Legislature adopt legislation to strengthen the statute safety requirements for ATV/UTV's to be authorized for on road utilization, direct that offenses committed while operating an ATV or UTV on a highway right-of-way to be adjudicated through the DOT and strengthen the statute requirements for decibel levels and definitions of ATV/UTVs.

Approved and Adopted by the Common Council of the City of Platteville on this 8th day of June 2021.

THE CITY OF PLATTEVILLE,

Barbara Daus, Common Council President

ATTEST:


Candace Klaas, City Clerk