

**VILLAGE OF WALWORTH
WALWORTH COUNTY, WISCONSIN**

Ordinance 2022-2

**AN ORDINANCE REPEALING AND AMENDING SECTION 10-4-1,
UTILITY TERRAIN VEHICLES ROUTES AND REGULATING THE
OPERATION OF UTILITY TERRAIN VEHICLES, OF THE VILLAGE OF
WALWORTH CODE OF ORDINANCES**

WHEREAS, the Village Board does intend by this Ordinance to make certain amendments to the Village of Walworth Municipal Code.

NOW, THEREFORE, the Village Board of the Village of Walworth, Walworth County, Wisconsin, do ordain and adopt as follows:

SECTION 1:

To repeal and amend Section 10-4-1, Utility Terrain Vehicles Routes and Regulating the Operation of Utility Terrain Vehicles, as follows:

“(a) Intent

The Village of Walworth, Walworth County adopts the following Utility Terrain Vehicle (UTV) routes for the operation of Utility Terrain Vehicles (UTV) upon the streets and roadways listed in section (c).

Following due consideration of the recreational value to street and roadway opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this route(s) has been created.

(b) Statutory Authority

This route is created pursuant to village authority under section 1.1.01 as authorized by 23.33 (8) (b), Wis. Stats.

The applicable provisions of 23.33(3), 23.33(3g), 23.33(4), 23.33(6), 23.33(13); Wis Admin Code § NR64 (All-Terrain Vehicles); and Wis. Stats. § 346 (Rules of the Road) are hereby adopted by reference and made part of this Code as to the regulation of UTV operation. Any future amendments, revisions, or modifications of these statutes are intended to be incorporated in this Code.

(c) Routes

The following streets/roadways are designated as routes:

1. Under Wis. Stats. § 23.33(8)(b)2., the Village of Walworth designates all Village maintained streets, roadways, alleys, highways, and Village maintained parking lots as UTV routes except as posted.

2. Under Wis. Stat. § 23.33(11)(am)4., the Village of Walworth authorizes the operation of UTV's on all County or State highways within the Village of Walworth municipal limits with a posted speed limit of 35mph or less.

(d) Conditions

As a condition for the use of this route, the following conditions shall apply to all operators (and passengers);

- A. Hours of operation is from dawn until dusk
- B. All UTV operators are required to be 18 years of age or older
- C. All UTV operators must possess a valid driver's license
- D. All UTV passengers must be a minimum of 10 years of age
- E. All UTV passengers under age 18 must wear a DOT approved helmet
- F. All UTV operators are required to have at a minimum, liability insurance, and provide proof of said insurance.
- G. All UTVs on public streets or roads (routes) are required to ride in single file format.
- H. The operator and all passengers must ride in a commercially manufactured seat with commercially manufactured seatbelt. Riding in all other areas is prohibited. Prohibited examples are, on the lap of another passenger, in the dump-box, on the roof, on the bumper, etc.
- I. Operators and/or passengers are prohibited from possessing any form of open alcohol containers or consumables.
- J. Lighted whips are acceptable, however are restricted in color to Amber or White and must be forward facing.
- K. All operators shall observe posted roadway speed limits.
- L. All UTV Operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling except when operating on a designated route.
- M. Operation of UTVs for snow removal may occur at any time consistent with the Wisconsin Statutes.
- N. All UTV operators born on or after January 1, 1988, are required to have an UTV safety certificate.

(e) Equipment

All UTVs traveling on a village-maintained street, parking lots, alleyways, state or county roadway within the Village of Walworth, must at a minimum have the following equipment:

- A. Two Head Lights and must be used at all times of operation
- B. Taillights/Brake Lights - visible for 500 feet
- C. Front/rear Turn Signals

- D. Reflex reflector: one red on each side as far to the rear as practical, and one red on rear
- E. Seatbelts
- F. Must operate with four rubber tires. (This does not apply to private property or on frozen navigable waters.) Track systems, skis or other forms of mobility are prohibited
- G. Driver and passenger side rear view mirror
- H. At least one brake that is operated by hand or foot
- I. Horn
- J. Current Registration
- K. Current Trail Pass
- L. All UTVs must have a commercially manufactured system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of device (Rollbar system.)
- M. A VIN that conforms to the requirements of part 565 Vehicle Identification Number of this chapter.
- N. A Type 1 or Type 2 seatbelt assembly conforming to Sec. 571.209 of this part, Federal Motor Vehicle Safety Standard No. 209, Seat belt assemblies, installed at each designated seating position.
 - 1. Aftermarket seating does not comply with the law and are prohibited.
 - 2. Passengers in cargo area of UTV whether in a seat or not if prohibited.
- O. All UTVs traveling on a village-maintained street, parking lots, alleyways, state or county roadway within the Village of Walworth must be a commercially designed and manufactured motor driven device to which all the following applies:
 - 1. It does not meet federal motor vehicle safety standards in effect on July 1, 2012; it is not a street legal golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle; is designed to be used primarily off a highway, and has, and was originally, manufactured with, a weight, without fluids, of not more than 3000 pounds. 49 CFR 571.3(b)
 - 2. All UTVs must be a width not to exceed 65 inches but no less than 50 inches as measured laterally between the outmost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operations.

(f) Registration and Decal Display

All UTVs traveling on a village-maintained street, parking lots, alleyways, state or county roadway within the Village of Walworth, must use the following registration display requirements:

- A. UTVs must have two DNR decals. One decal for each side of machine.
- B. Decals must be always forward of the operator and visible to law enforcement.

- C. Decals shall not be blocked by the operator's body while in operation.
- D. Until decals are received by mail, operators must possess the temporary operating receipt issued for the machine.
- E. Operators shall carry all necessary registration cards and paperwork with them for display to law enforcement officer upon request.

(g) Rear Registration ID Plate

All UTVs traveling on a village-maintained street, parking lots, alleyways, state, or county roadway within the Village of Walworth, shall have a registration plate attached to the rear of the machine. Private and Private Agricultural registrations do not need a plate. The plate may be commercially purchased by the owner – DNR does not provide them.

(h) Rear Registration ID Plate Specifications

All UTVs traveling on a village-maintained street, parking lots, alleyways, state or county roadway within the Village of Walworth, shall use the following ID Plate specifications:

- A. A minimum of 4 inches high and 7 ½ inches wide
- B. The plate shall be white in color and shall display the four-number and two-letter registration ID in black characters for the UTV issued by the Department.
- C. The minimum 4" x 7 ½" area shall be white and shall only contain the registration ID characters. (Plates may be larger than the minimum size and the area outside the minimum white area may contain other graphics or colors.)
- D. The registration ID numbers shall be located on the registration decals and registration certificate card.

(i) Temporary Operating Receipt

Customers who submit registration applications and payment online, at a DNR Service Center or at a DNR license agent will receive a temporary operating receipt that allows for immediate operation until the registration decals and certificate are received by mail. Customers who submit their application and payment by mail will have to wait until they receive their materials in the mail before they can operate.

(j) Change of address

Within 15 days of changing your address, you must notify the DNR in writing, stating your new address and the certificate number for the machine you own. This process is important to complete so that you receive a registration renewal notification by mail. You can also change your address by updating your customer account information at gowild.wi.gov. Add your email address and you will receive renewal notifications for all your recreational vehicles.

(k) Prohibited Devices

The following devices do not meet the UTV definition and are prohibited in the Village of Walworth:

- A. A motor-driven device that meets federal motor vehicle standards
- B. A dune buggy
- C. An UTV modified with tracks, skis, etc.
- D. A homemade or non-commercially manufactured machine
- E. An UTV that's been modified after original manufacture to meet the definition of weight or width whether by a dealer or by a private party
- F. A non-street legal golf cart
- G. Vehicles that meet the legal definition of a low speed vehicle
- H. A mini-truck
- I. Any vehicle legally defined as an All-Terrain Vehicle (ATV)

(I) Speed Limits & Operational Restrictions

All UTVs traveling on a village-maintained street, parking lots, alleyways, state or county roadway within the Village of Walworth:

- A. Must obey the posted regular motor vehicle speed limit when operating on a street or within a highway, or a reduced speed limit posted specifically for UTVs that may be along the highway.
- B. Must obey all regulatory signs, such as stop signs, yield signs and speed limit signs.
- C. Must stop your UTV after being requested or signaled to do so by a law enforcement officer.
- D. Cannot operate at speeds that are unreasonable or improper.
- E. Cannot operate in a careless manner so that it endangers a person or property.
- F. UTV operators and passengers must have their seatbelts fastened at all times.
- G. Cannot pass other motor vehicles or UTVs unless stationary and parked.
- H. Must use hand signals to indicate your turning or stopping intentions if UTV is not equipped with turn lamps.
- I. Operate at the extreme right side of the roadway surface.
- J. Cannot operate on public property in areas closed to such operation. Ex-parks
- K. Must dim multiple beam headlamps, adverse weather lamps, spot lamps, auxiliary lamps, high-beam lamps, or any other lamps when approaching oncoming UTVs or other vehicles when within 500 feet, or when following a UTV or other vehicle when within 500 feet to the rear so that the glaring rays are not directed or reflected into the eyes of the operator of the other UTV or vehicle.
- L. No lighted backup lamp or white lamp visible from directly behind may be displayed on any UTV upon a street or highway, or public area except when being driven backward.

(m) Prohibited Operators

The following are prohibited from operating UTV's on a village-maintained street, parking lots, alleyways, state or county roadway within the Village of Walworth:

- A. Prohibited by law
- B. Have not obtained a valid driver's license or are under the age of 18
- C. Incapable of operating because they are physically or mentally disabled
- D. Under the influence of alcohol or drugs
- E. Born on or after January 1, 1988, and who does not hold a UTV safety certificate.

(n) Operation on and Around Waterways

No person shall not operate a UTV within the Village of Walworth in any navigable water, or on the exposed bed of any navigable water (including exposed lakebeds in front of your property) except:

- A. To cross a stream by use of a bridge, culvert, ford or similar structure provided the crossing is in the most direct manner practical.
- B. To launch or load a boat, canoe, or other watercraft in the most direct manner practical.
- C. To access the frozen surfaces of any navigable waters provided the crossing or access is in the most direct manner practical. Machines operating on public, frozen waterways must display either valid public use registration decals or a valid trail pass. "Bed of a navigable water*" means all of the area below the ordinary high-water mark of a lake or stream. During low-water periods, there may be several feet or more of exposed lake or streambed that is closed to UTV and other vehicular traffic.

(o) Exhaust and Noise Restrictions

All UTVs traveling on a village-maintained street, parking lots, alleyways, state or county roadway within the Village of Walworth:

- A. Must be equipped with a functioning muffler that prevents unusual or excessive noises.
- B. No person may manufacture, sell, rent or operate an UTV in such a manner that noise emitted from the machine is louder than 96 decibels when measured on the "A" scale; measured in the manner prescribed in the reaffirmed 1998-07, Society of Automotive Engineers Standard J1287, Measurement of Exhaust Sound Levels of Stationary Motorcycles.
- C. No one shall deny or refuse an inspection or testing of an UTV by any law enforcement officer who reasonably suspects a violation of an equipment requirement.
- D. Must be always equipped with a spark arrester, even during the winter.
- E. No person may manufacture, sell, rent, or operate a UTV that is louder than 96 decibels.

F. Shall not increase your exhaust noise or operate with your exhaust system in excess of normal operation.

(p) UTV Crashes

All UTVs traveling on a village-maintained street, parking lots, alleyways, state or county roadway within the Village of Walworth which are involved in a crash must:

- A. Dial 911 for law enforcement response and fire rescue.
- B. Remain on scene until the arrival of law enforcement and fire rescue.
- C. Provide name, address, and the registration number of the UTV to law enforcement, the person struck or to the operator or occupant of or person attending any vehicle collided with; and
- D. Upon request, shall exhibit his or her operator's license to the person struck or to the operator or occupant of or person attending any vehicle collided with.

(q) Firearms, bows, crossbows, other weapons

All UTVs traveling on a village-maintained street, parking lots, alleyways, state or county roadway within the Village of Walworth shall not place, possess, or transport a firearm, bow, crossbow, in or on a UTV, unless one the following applies:

- A. The firearm is unloaded and cased
- B. The firearm is a handgun which is cased or holstered
- C. The bow does not have an arrow nocked
- D. The crossbow is not cocked or is unloaded

(r) Winter (Snow Removal) UTV Use

All UTVs traveling on a village-maintained street, parking lots, alleyways, state or county roadway within the Village of Walworth during the Snow Removal must:

- A. Operators may not travel at a distance greater than 1 mile from their original starting or loading point for the purpose of snow removal.
- B. Machines must display one or more illuminated, yellow lights that are flashing or rotating and visible for 360 degrees.

(s) UTV Routes

A UTV route is a public street or roadway that is designated as being open to legal UTV use by local units of government. Routes must be designated through passage of a local ordinance and posted with UTV route (24"x 18") green signs with the white silhouette of a UTV along with appropriate directional arrows. All roads designated as UTV routes must be signed at the beginning and end of a route and at such intervals that enable riders to follow the route. UTV route ordinances must be filed with any law enforcement agencies that have jurisdiction over the roadway.
OR

Post a sign at every entrance to the village advising: "All Village of Walworth Streets 35mph and under are designated UTV Routes unless posted."

(t) Right of Closure

The village shall retain the right to close any Village streets to UTV operation for special events, street construction/repair or any other safety related purposes, without notice.

(u) Parking

All UTVs parking on a village-maintained street, parking lots, alleyways, state or county roadway within the Village of Walworth, whether in a marked parking stall or unmarked parking stall, or designated parking location shall:

- A. Only use one machine per stall or designated parking location.
- B. All other parking ordinances in the village for motor vehicles apply to UTV use

LAW ENFORCEMENT, PENALTIES This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin.

PENALTIES

Section c-	\$150.00	Section n-	\$150.00 (A-C)
Section d-	\$200.00 (A-N)	Section o-	\$150.00 (A-F)
Section e-	\$150.00 (A-O)	Section p-	\$150.00 (A-D)
Section f-	\$150.00 (A-E)	Section q-	\$300.00 (A-D)
Section g-	\$150.00	Section r-	\$150.00 (A-B)
Section h-	\$150.00 (A-D)	Section s-	\$150.00
Section i-	\$150.00	Section t-	\$200.00
Section j-	\$150.00	Section u-	\$25.00
Section k-	\$200.00 (A-I)		
Section l-	\$300.00 (A-L)		
Section m-	\$500.00 (A-C, E)		
	\$2,000.00 (D)		

SECTION 2:

Effective Date: This ordinance shall be in full force and effect upon passage approval, and publication as required by law.

PASSED AND ADOPTED by the Village Board of the Village of Walworth, Walworth County, Wisconsin this 14th day of July, 2022.

Village of Walworth

By: Louise Czaja
Louise Czaja, President

Attest: Lisa Rogers
Lisa Rogers, Clerk/Treasurer