

**THE CITY OF PLATTEVILLE, WISCONSIN
COUNCIL SUMMARY SHEET**

COUNCIL SECTION: INFORMATION & DISCUSSION ITEM NUMBER: VIII.B.	TITLE: ATV/UTV Ordinance and Route Designation	DATE: May 11, 2021
		VOTE REQUIRED: Majority
PREPARED BY: Chief of Police Doug McKinley/Director of Public Works Howard Crofoot		

Description:

Brief History of the ATV/UTV route in Platteville:

City staff met with a local club of ATV/UTV enthusiasts who are interested in establishing designated ATV/UTV routes in the City. Recently, Grant County opened all the County Highways to ATV/UTV traffic and the townships around Platteville previously opened their township roads to ATV/UTV traffic. The ATV/UTV representatives would like to have 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 feels that businesses in Platteville will see an increase in revenue due to the access granted by the establishment of ATV/UTV routes.

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

The draft ordinance would identify routes, specific safety requirements and hour/season restrictions for the City of Platteville. In addition, the ordinance would specifically prohibit drinking and open alcohol containers for both drivers and passengers.

Members of the ATV/UTV group will be present to answer questions about the proposal.

A trial ordinance governing ATV/UTV use in the City was adopted in August 2018 that ended on November 14, 2019. After this, the City passed Ordinance 20-01 (Enclosed). It permitted the use of ATV/UTVs year-round from 6:00 am to 10:00 pm on designated routes. These routes were expanded from the original trial ordinance.

Recently, members of the local ATV/UTV club have asked if the City would consider expanding the routes within the City to all but a select few streets as designated on the enclosed map. Streets in green are proposed to be open to ATV/UTV use. Streets in red are proposed to be closed to ATV/UTV use. Generally, routes to be closed are those streets south of Business 151 or east of Valley Road. The group is also asking to exclude Second Street from Pine Street to Furnace Street. There would be no access to Biarritz, DeValera or Malone since the City cannot authorize use of State Highway 80 (Water Street) north of Northside Drive.

On April 19, 2021 representatives of the ATV/UTV club went before the Community Safe Routes Committee (CSRC) to get their recommendation for increasing the streets allowed. The CSRC recommends that the expansion of the number of streets allowed for ATV/UTV use NOT be granted. The vote was 3 – 1 with 1 abstention. Those recommending against the expansion did so on the following grounds:

1. ATV/UTVs are not recommended for on-road use by the manufacturers, thus we should not allow any use on roads.
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.
3. The CSRC is meant to look out for the safety of pedestrians and bicyclists. This action would be contrary to that charter.
4. There are some on the CSRC who believe that certain neighborhoods should be given the opportunity to be polled on whether they want to have ATV/UTVs in their neighborhood and recommend the City delay action until such polling can take place.

The one member who voted against the motion (in favor of the expansion) did so on the grounds that the worst fears of the opponents of ATV/UTVs have not happened.

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 to expand the city ATV/UTV routes, Staff recommends amending the current Ordinance to allow such use. Staff recommends opening all city streets to ATV/UTV traffic (except those identified on the proposed map), year-round from 6 a.m. to 10 p.m. daily.

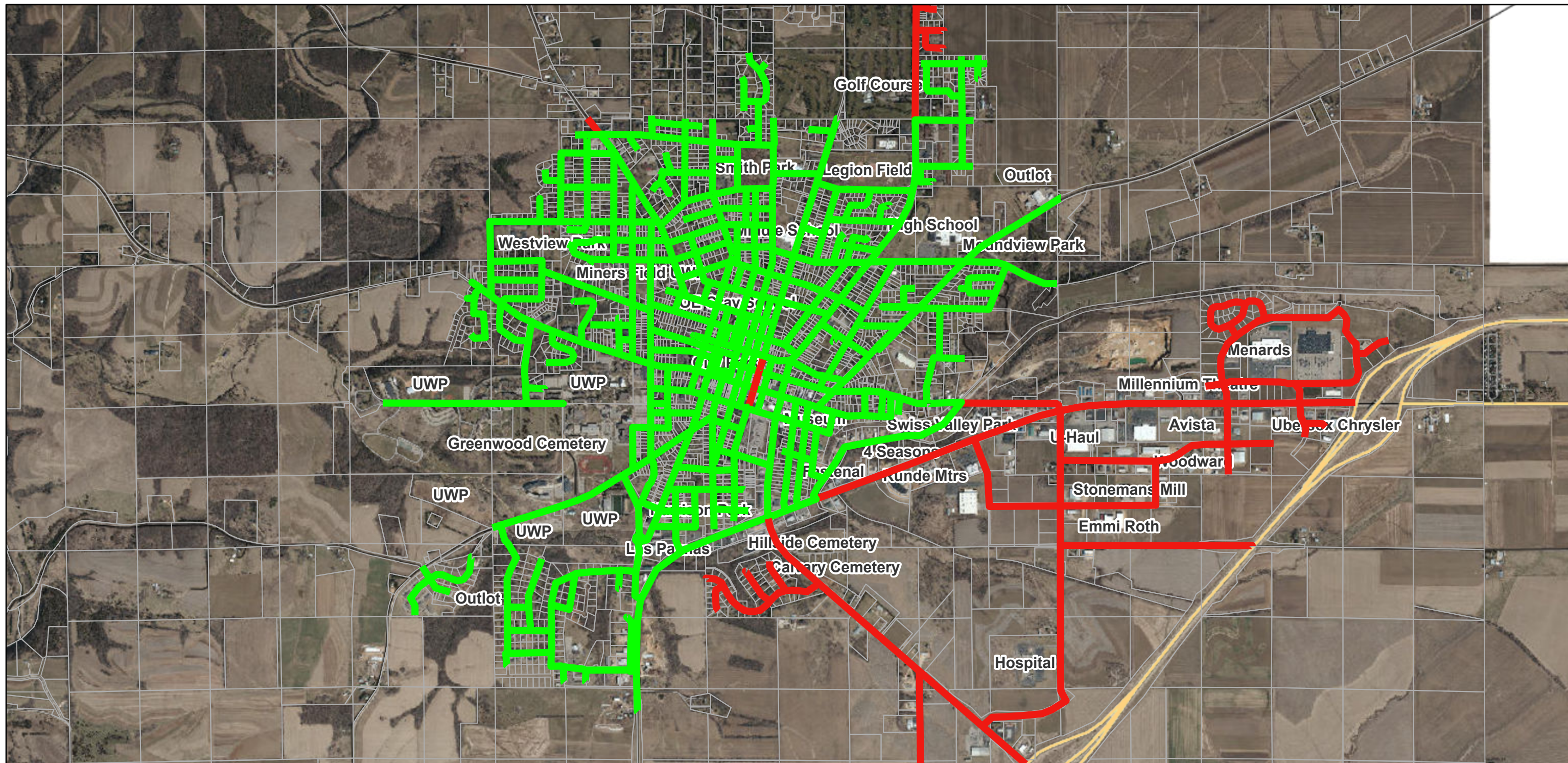
Sample Affirmative Motion:

"I move to approve the amendment to Chapter 38.17 of the Platteville Municipal Code regarding the use of All-Terrain Vehicles and Utility Terrain Vehicles in the City of Platteville."

Enclosures:

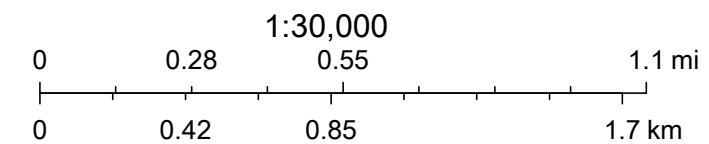
- Proposed Map
- Current Map
- Ordinance 20-01
- Ordinance 21-xx
- Police Department Report of Incidents

City of Platteville - Proposed ATV/UTV 2021



GREEN: Proposed ATV/UTV routes within the City of Platteville

RED: Streets NOT included in proposed routes.



APPROVED ATV/UTV ROUTES

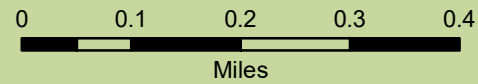
ROUTE DESCRIPTIONS

- Main St (CTH B) from the west city limit to Broadway St
- Broadway St (CTH B) from E Main St to the east city limits
- Third St from Main St to Furnace St
- Oak St from Main St to Furnace St
- BUS 151 from the west city limits to Valley Rd
- Valley Rd from BUS 151 to E Mineral St
- E Mineral St from Valley Rd to Broadway St
- Madison St from the entrance to Mound View Park to Water St
- Water St (STH 80) from BUS 151 to Pitt St
- Pitt St from Water St (STH 80) to Second St
- Lancaster St from the north city limit to Adams St
- Adams St from Lancaster St to N Chestnut St
- Chestnut St from BUS 151 to Adams St

ROUTES ARE OPEN YEAR ROUND
HOURS OF USE: 6 AM - 10 PM

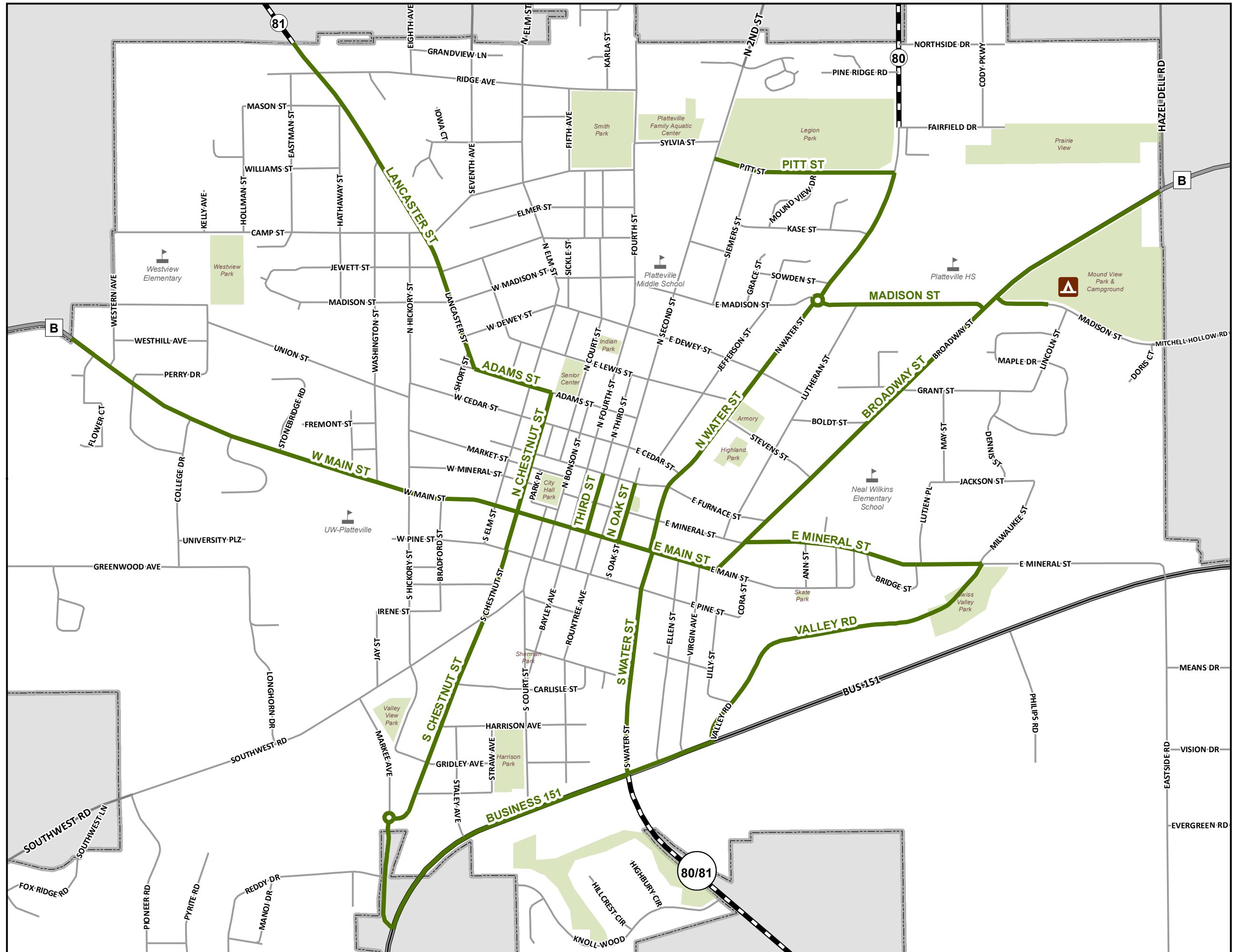
Legend

- School
- Park
- Approved Route
- City Limits



ATV/UTV Routes are approved by the Platteville Common Council and are subject to the Section 38.17 of the city municipal code and WI Statutes 23.33. Please visit www.platteville.org/recreation/page/atvutv-routes for more information.

Last Update: 1/14/2020



ORDINANCE NO. 20-01

**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. Oak Street, north from Main Street to Furnace Street.
 4. Business Highway 151 from the west city limit to the intersection with Valley Road

5. State Trunk Highway 80/81 (Water Street) north from Business Highway 151 to the intersection with Pitt Street.
6. Valley Road from Business Highway 151 to Mineral Street.
7. Mineral Street from Valley Road to Broadway Street.
8. Madison Street from the entrance to Mound View Park to Water Street.
9. Pitt Street from Water Street to Second Street.
10. State Trunk Highway 81 (Lancaster Street) from the north city limit, south to Adams Street.
11. Adams Street from Lancaster Street to Chestnut Street.
12. Chestnut Street from Adams Street, south to the city limit.

- 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 10:00 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 may close ATV/UTV routes at any time through removal of all route signage and by providing notice to the public.

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

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

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

K. 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.

L. 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.

M. 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.

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

O. 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.

P. The designated ATV/UTV routes in the City will be open year-round.

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 1.07 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.

CITY OF PLATTEVILLE



Eileen Nickels, Council President Pro-Tem

ATTEST:



Candace Klaas, City Clerk

Date Published: 01-22-2020

ORDINANCE NO. 21-_____

AN ORDINANCE AMENDING SECTION 38.17 (5) OF THE MUNICIPAL CODE
OF THE CITY OF PLATTEVILLE

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

Section 1. Section 38.17 (5) is hereby amended as follows:

38.17(5) DESIGNATED ROUTES. Except as otherwise specifically provided in Section 23.33 of the Wisconsin Statutes, all-terrain vehicles (“ATV”) or utility terrain vehicle (“UTV”) shall be authorized to operate upon all public rights of way except as hereinafter designated.

A. ATVs and UTVs are not authorized on the following streets:

1. East Mineral Street from Valley Road to Business Highway 151.
2. Business Highway 151 from Valley Road to the east city limits.
3. Second Street from East Pine Street to East Furnace Street.
4. Biarritz Boulevard
5. Commercial Drive
6. Cornerstone Circle
7. DeValera Drive
8. Eastside Road
9. Enterprise Drive
10. Estates Boulevard
11. Evergreen Road
12. Hillcrest Circle
13. Highpoint Circle
14. Insight Drive
15. Keystone Parkway
16. Knollwood Way
17. Ledge Stone Road
18. Malone Drive
19. Millennium Drive
20. Oakhaven Court
21. Philips Road
22. Pleasant Valley Road
23. Progressive Parkway
24. Stone Crest Road
25. Ubersox Drive
26. Vision Drive

Section 2. All other provisions of Section 38.17 remain in effect.

Section 3. This Ordinance shall become effective upon passage and publication as provided by law.

Approved and adopted by the Common Council of the City of Platteville on a vote of ___ to ___ this ___ day of _____.

CITY OF PLATTEVILLE

By: _____
Barbara Daus, Council President

ATTEST:

Candace Klaas, City Clerk

Published:

DRAFT

UTV/ATV Contacts

Description	Date	Number	Narrative	Location
Equipment Warning	11/29/18	18-012609	Off-duty officer reported a four wheeler was plowing snow nearby, but had been driving on city streets with no amber lights on the vehicle making it hard to see. Officer went to the area but did not initially locate it. Officer did locate it elsewhere in the city. Contact was made with the driver. Driver told officer he chose not to put the light on since he was afraid to wake up people with the flashing light. Officer educated the driver that amber lights are required for ATVs that are used for snow removal.	N WATER ST/ NORTHSIDE DR
Equipment Warning	11/29/18	18-012609	Off-duty officer reported a four wheeler was plowing snow nearby, but had been driving on city streets with no amber lights on the vehicle making it hard to see. Officer went to the area but did not initially locate it. Officer did locate it elsewhere in the city. Contact was made with the driver. Driver told officer he chose not to put the light on since he was afraid to wake up people with the flashing light. Officer educated the driver that amber lights are required for ATVs that are used for snow removal.	FIFTH AVE
Civil Assist - Other City Department	1/23/19	19-000906	Complainant advised of an ATV that was plowing snow from the sidewalk into the street. An officer responded and made contact with the operator and warned him for the offense.	MADISON ST/ LANCASTER ST
Traffic Complaint	3/28/19	19-003717	Complaint of an ATV at this location with an adult male and male child, no helmets. Officer was unable to locate the ATV.	GRANT ST/ MAY ST
Moving Warning	4/5/19	19-004050	An officer stopped an ATV that had been repeatedly observed operating in an area that was not part of a designated route. The officer issued the operator a written warning for license plate placement on the ATV and sticker placement on the ATV. The operator was educated on the routes.	275 WASHINGTON ST
Traffic Complaint	4/5/19	19-004057	Complainant stated two ATVs were operating at high rates of speed in her neighborhood. Officer responded and located one of the vehicles at a nearby residence. He made contact with the owner, and explained the rules with regard to operating an ATV in the city.	REDDY DR/ MATADOR DR
Traffic Complaint	4/18/19	19-004573	Complainant called to report students riding four wheelers on Madison st near this location. Officer spoke with the student and advised him of the streets that ATVs are allowed on.	PLATTEVILLE HS -- 710 E MADISON ST

UTV/ATV Contacts

Description	Date	Number	Narrative	Location
Civil Assist - Code Violations	4/20/19	19-004697	Officer noted an unoccupied ATV parked on the city street. Officer noted that it was already dark and the driver will be operating during darkness at this point. No contact info for the owner was available. 21:00 Off Lee observed them getting ready to leave and made contact. The driver was ID'd and advised of the ordinance. He was allowed to drive back to the campground in Belmont as they had no other transportation. Verbal warning issued for the violation.	N THIRD ST/ E MINERAL ST
Traffic Complaint	4/25/19	19-004877	An after the fact traffic complaint was received by administration. The complaint was of ATV/UTV use on unapproved route in the city.	730 N WATER ST
Traffic Complaint	5/2/19	19-005168	Traffic complaint of a red ATV with a snow blade on the front operating off designated city routes. Due to another call an officer was unavailable to respond immediately and the ATV was not found.	730 N WATER ST
Moving Warning	5/3/19	19-005224	Traffic stop on UTV operating on a road that is not an approved UTV route. The driver was given a verbal warning for the offense.	E MAIN ST/ N SECOND ST
Equipment Warning	5/5/19	19-005317	Traffic stop on a UTV. Driver was given a verbal warning for improper registration. The driver advised the UTV had just been purchased.	W MAIN ST/ COLLEGE DR
Moving Warning	5/10/19	19-005552	Officers made contact with two subjects riding four wheelers. They were warned for the UTV violation and followed back to the address they were visiting on Eastside RD.	EASTSIDE RD/ MEANS DR
Traffic Complaint	5/11/19	19-005592	Complaint of an ATV operating off of designated routes. Due to call volume officers were unable to respond, OIC informed of complaint.	730 N WATER ST
Traffic Complaint	5/12/19	19-005653	Two callers were upset about two four wheelers racing on their street. Officer made contact. Both four wheelers were parked when the officer arrived. Subjects were advised of the ordinance and told to pass on to their friends.	JEWETT ST/ LANCASTER ST
Traffic Complaint	5/13/19	19-005675	Information was received regarding an ATV/UTV that travelled on an unauthorized road. An officer responded to the residence of the driver. The officer had an educational contact with the driver who advised that the violation would not occur again.	480 ROUNDTREE AVE
Traffic Complaint	5/14/19	19-005718	Complainant reported a problem with ATVs speeding on Jewett St. Officer made contact with some individuals who were outside of a residence. The were advised of the complaint, and they told the officer they knew about the ATV routes. They were planning on moving soon, because the school year was finished.	SEVENTH AVE/ JEWETT ST

UTV/ATV Contacts

Description	Date	Number	Narrative	Location
Traffic Complaint	5/15/19	19-005750	Complaint of a green ATV parked at this location. ATV would have had to operate off of approved routes to be parked here. Responding officer advised that the vehicle was not there upon arrival.	THE TICKET -- 60 S COURT ST
All Other-Service	5/25/19	19-006228	Complainant would like an officer to speak with residents at this location regarding ATV routes, as he believes the kids may have been riding off route. Officer will follow up.	550 S COURT ST
Community Policing	6/7/19	19-006796	Officer followed up on a complaint of ATVs possibly operating off of approved routes. Subject contacted was advised that operations needed to stay on approved routes only, but states he has not been off the routes.	550 S COURT ST
Traffic Complaint	6/10/19	19-006889	Complainant reported a habitual violation of the regulations for ATV/UTV use in the city. An officer was advised. Follow up will be conducted.	BUSINESS HWY 151/ STALEY AVE
Equipment Warning	6/23/19	19-007384	Officer noticed an individual driving a UTV on Main St., and made contact with him in the parking lot of a local business. He was issued a written warning for operating a vehicle with an expired drivers license, with a fix date of 6/28/2019. 06/28/2019 Warning satisfied	PRECISION AUTO -- 225 E MAIN ST
Non-Hazardous Violation - No Accident	6/26/19	19-007495	Traffic stop was made on a driver of a 4 wheeler who had been observed travelling on Business Hwy 151. Driver had a suspended DL. Owner of the 4 wheeler came to the scene and took it back home. Citations will be mailed.	COUNTY D/ HWY 151
Traffic Complaint	7/5/19	19-007879	Complainant advised of two four-passenger UTVs that travelled from Water St to Madison St. An officer was advised of the complaint.	ROUNDAABOUT/ WATER ST/MADISON ST
All Other-Traffic	7/27/19	19-008722	Traffic stop was made on a rider on a UTV in the city. Driver warned for not using a designated route and after hours. He was parking back at his neighbors house.	W MINERAL ST/N ELM ST
Moving Warning	7/29/19	19-008771	Lt. was out at this location with a subject. Verbal warning was given for operating a mini bike not on a designated trail and for non registration.	N WATER ST/ E PINE ST
Traffic Complaint	7/29/19	19-008780	Complainant stated a UTV had been passing back and forth on Madison St. in front of the high school, and had just headed west toward the roundabout. Officer responded and remained in the area, but did not see the vehicle.	PLATTEVILLE HS -- 710 E MADISON ST

UTV/ATV Contacts

Description	Date	Number	Narrative	Location
Moving Warning	8/1/19	19-008894	Officer made contact with the rider of a UTV at the hospital. He was spoken to about the route he would be taking when he left the hospital. Warned for violating the ATV route.	SOUTHWEST HEALTH -- 1400 EASTSIDE RD
Moving Warning	8/2/19	19-008935	A traffic stop was made on a UTV driver out after hours. Verbal warning issued.	WALGREENS -- 675 S WATER ST
Moving Warning	8/6/19	19-009093	Traffic stop at this location with a UTV for violation of ATV route operating hours, driver was given a verbal warning for same. UTV was being followed by a regular passenger car that also pulled over for the stop. The second officer made contact with the driver of this vehicle and the driver was given a verbal warning for expired registration.	BROADWAY/ STEVENS ST
Non-Hazardous Violation - No Accident	8/29/19	19-009847	Complainant reported a seemingly impaired driver. Officers witnessed the driver's vehicle leave city limits and Grant County Sheriff's Office was advised of the complaint. Grant County located the vehicle, which was unoccupied. The driver will be mailed a citation.	KWIK TRIP -- 430 S WATER ST
Suspicion	4/5/20	20-003000	Complainant reported unsafe ATV usage on a trail nearby this location. Officers were dispatched. Unable to locate.	WEBBER METALS -- 12 INSIGHT DR
Equipment Warning	5/24/20	20-004151	Traffic stop on two UTVs on Second Street north of Mineral Street. Both drivers were verbally warned for operating on a non-ATV route and advised of the appropriate routes to use. One driver received an additional verbal warning for expired registration.	N SECOND ST/ E MINERAL ST
Civil Assist - Code Violations	6/27/20	20-005294	Traffic stop on an ATV operating after hours. Driver was given a verbal warning for same.	UW-P DOUDNA HALL -- 860 W MAIN ST
Civil Assist - Code Violations	6/27/20	20-005301	Officer made contact with two subjects riding ATV's outside of the hours. Verbal warnings issued. Also warned for a tag that fell off.	W MAIN ST/ BRADFORD ST
All Other-Traffic	7/8/20	20-005639	Traffic stop on Business Hwy 151 at this location. Driver was issued a written warning for driving a UTV off of the trail.	RUNDES -- 885 E BUSINESS HWY 151
Equipment Warning	7/10/20	20-005716	Traffic stop on a UTV. Driver was issued written warnings for no proof of insurance and failure to display license plate, with a fix date of 7/24/2020, and a written warning for operating off of approved UTV routes.	LANCASTER ST/ W DEWEY ST
Civil Assist - Code Violations	7/22/20	20-006108	Officer noticed a UTV on the sidewalk at this location, and provided information on ATV/UTV routes.	N SECOND ST/ PITT ST

UTV/ATV Contacts

Description	Date	Number	Narrative	Location
Non-Hazardous Violation - No Accident	8/17/20	20-006911	Traffic stop on two ATVs. Driver was issued a citation for a route violation and a written warning for no visible license plate, with a fix date of 8/31/2020. Driver was provided with a copy of the City's ATV ordinance.	E MAIN ST/ WATER ST
Moving Warning	9/1/20	20-007398	Officer made contact with three individuals who were riding ATVs at this location. One individual was given written warnings for improperly registered vehicles and riding ATVs off of the approved trails. They were provided with information on the approved ATV routes in the City.	E MAIN ST/ VIRGIN AVE
Equipment Warning	10/31/20	20-009571	Officer noticed a Polaris ranger at this location with no visible licence plate. Driver was given a verbal warning for having no visible licence plate.	STOP AND GO -- 795 N WATER ST
All Other-Traffic	11/2/20	20-009621	Complainant reported a UTV driving at this location and was not supposed to be. Officer responded but was unable to locate.	CAMP ST/ N ELM ST
Traffic Complaint	11/8/20	20-009808	Complainant stated a UTV was travelling on City streets, and not on an approved ATV/UTV route. Officers were advised for extra patrol.	N ELM ST/ RIDGE AVE