

## **ORDINANCE NO. 26-21**

### **ORDINANCE CREATING ARTICLE IVA OF CHAPTER 262 OF THE CODE OF THE VILLAGE OF BELGIUM, OZAUKEE COUNTY, WISCONSIN**

BE IT ORDAINED, by the Village Board of the Village of Belgium, Ozaukee County, Wisconsin, that Article IVA of Chapter 262 is hereby created to read as follows:

#### **Chapter 262 VEHICLES AND TRAFFIC**

#### **ARTICLE IVA All-Terrain Vehicles and Utility Terrain Vehicles**

##### **§ 262-18.1. Intent.**

Pursuant to the authority granted in § 23.33, Wis. Stats., the Village Board adopts the following provisions concerning the operation of all-terrain vehicles within the Village.

##### **§ 262-18.2. Definitions.**

- A. Except as otherwise may be specifically provided in this Article, the definitions set forth in § 23.33(1), Wis. Stats., and as amended from time to time, are hereby incorporated herein and made part of this Article by reference as if fully set forth.
- B. As used in this Article, the term "ATV/UTV" shall refer to an "all-terrain vehicle" as defined in § 23.33(1)(b), Wis. Stats., and/or a "utility terrain vehicle" as defined in §23.33(1)(ng), Wis. Stats.

##### **§ 262-18.3. Designated ATV/UTV Routes.**

- A. Only those streets within the Village designated with signage as provided under §23.33(8)(e), Wis. Stats., shall be open to ATV/UTV usage as ATV/UTV routes.
- B. ATV/UTV routes shall be limited to state and county highways posted with speed limits of 35 mph or less and shall be further limited to the areas in the Village of Belgium that have been posted with signage required under Subsection A above.
- C. Use of ATV/UTV routes designated under this Article shall be limited to the hours of 5:00AM through 11:00PM.
- D. The Lakeshore ATV/UTV Club, or its successor, shall provide and install signage on designated routes in compliance with § 23.33(8)(e), Wis. Stats. and §§ NR 64.12 and NR 64.12(7), Wis. Adm. Code. The location of all route signs shall first be approved by the Village Public Works Superintendent. All route signs shall be inspected annually and maintained by the Lakeshore ATV/UTV Club, or its successor. The Village shall be notified immediately of any change in responsibility for maintenance of the route signs.
- E. The Village retains the right to close to ATV/UTV operation for special events, street construction or repair, or for any other reason.

#### **§ 262-18.4. Rules of Operation.**

All ATV/UTV operators and passengers shall comply with the following rules of operation:

- A. No ATV/UTV operator shall operate at a speed in excess of the posted speed limit.
- B. Age-related restrictions set forth in § 23.33(5), Wis. Stats., and as amended from time to time, are incorporated herein and made part of this Article by reference as if fully restated herein.
- C. Operation of ATVs and UTVs on roadways designated as ATV/UTV Routes are authorized only for the extreme right side of the roadway, on the paved surface, except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
- D. Approved hand signals are required whenever the operator intends to change direction if the vehicle is not equipped with turn signals.
- E. All ATV/UTV operators shall ride single file.
- F. The operator of an ATV/UTV shall obey all traffic laws, Village ordinances and DNR regulations.
- G. No person shall operate an ATV/UTV that does not comply with all applicable equipment provisions in § 23.33(6), Wis. Stats.
- H. No person shall ride in or upon any part of any ATV/UTV in violation of the passenger restrictions set forth in § 23.33(6r), Wis. Stats.
- I. No person shall operate an ATV/UTV that is in violation of the noise limits set forth in § 23.33(6m), Wis. Stats.
- J. ATV/UTV operators are required to have proof of liability insurance coverage.
- K. ATV/UTV operators shall restrict noise issues; radios and sound systems are allowed but the volume must be kept to a minimum and is limited to within the personal space of the vehicle.
- L. No open intoxicants are allowed in or upon any ATV/UTV while the vehicle is in operation.
- M. On all streets shared with another jurisdiction, the more restrictive ordinance or regulation shall apply.
- N. Provisions concerning operation of an ATV/UTV while under the influence of an intoxicant set forth in § 23.33, Wis. Stats., are incorporated and made part of this Article as if fully set forth herein and a violation of any such provision shall constitute a violation of this Article.
- O. No person may operate an ATV/UTV on or across a public park or upon a public sidewalk (except for the purpose of snow removal). No person shall operate an ATV/UTV on any private property not owned or controlled by the operator without the express consent or permission of the property owner.
- P. No person may operate an ATV/UTV at a rate of speed that is unreasonable or improper under the circumstances.
- Q. The operator of an ATV/UTV shall slow his or her vehicle to a speed not to exceed 10 miles per hour and yield the right-of-way when traveling within 100 feet of a person who is not on an ATV/UTV, a snowmobile or a motorcycle except as provided under Chapter 346, Wis. Stats., where applicable.

#### **§ 262-18.5. Village Immunity from Liability.**

ATV/UTV operation is at the risk of the operator and any passenger. In establishing ATV/UTV routes under this Article for recreational use the Village of Belgium intends to utilize the liability and immunity protections under § 895.52, Wis. Stats., provided, however, that the Village does not waive any other liability exemptions and/or limitations afforded the Village under Wisconsin law.

**§ 262-18.6. Interference, Possession of Posted Signs Prohibited.**

No person shall interfere with or possess any sign posted pursuant to this Article in violation of § 23.33(8)(f), Wis. Stats.

**§ 262-18.7. Enforcement**

A. Pursuant to § 23.33(12), Wis. Stats., any State traffic patrol officer under § 110.07(1), Wis. Stats., an inspector under § 110.07(3), Wis. Stats., a conservation warden appointed by the Wisconsin Department of Natural Resources under § 23.10, Wis. Stats., county sheriff, or the Village Marshal shall have authority and jurisdiction to enforce this Article.

B. No operator of any ATV/UTV may refuse to stop after being requested to do so by a law enforcement officer or a conservation warden.

**§ 262-18.8. Penalties**

The penalties as set forth in § 23.33(13)(a), Wis. Stats., are adopted by reference, and notwithstanding anything to the contrary in § 262-19, the penalty provisions of § 23.33(13)(a), Wis. Stats., shall apply to violations of this Article. The penalty for any violation of this Article not addressed in § 23.33(13)(a), Wis. Stats., shall be as set forth in § 262-19 or § 1-5 as applicable.

**§ 262-18.9. Village Clerk to Provide Required Notices.**

Pursuant to § 23.33(11)(b), Wis. Stats., following adoption, the Village Clerk shall provide copies of this Ordinance to the Wisconsin Department of Natural Resources, the Wisconsin State Patrol, and the Ozaukee County Sheriff's Office.

This ordinance shall become effective upon its passage and posting.

Dated this 10<sup>th</sup> day of November, 2021.

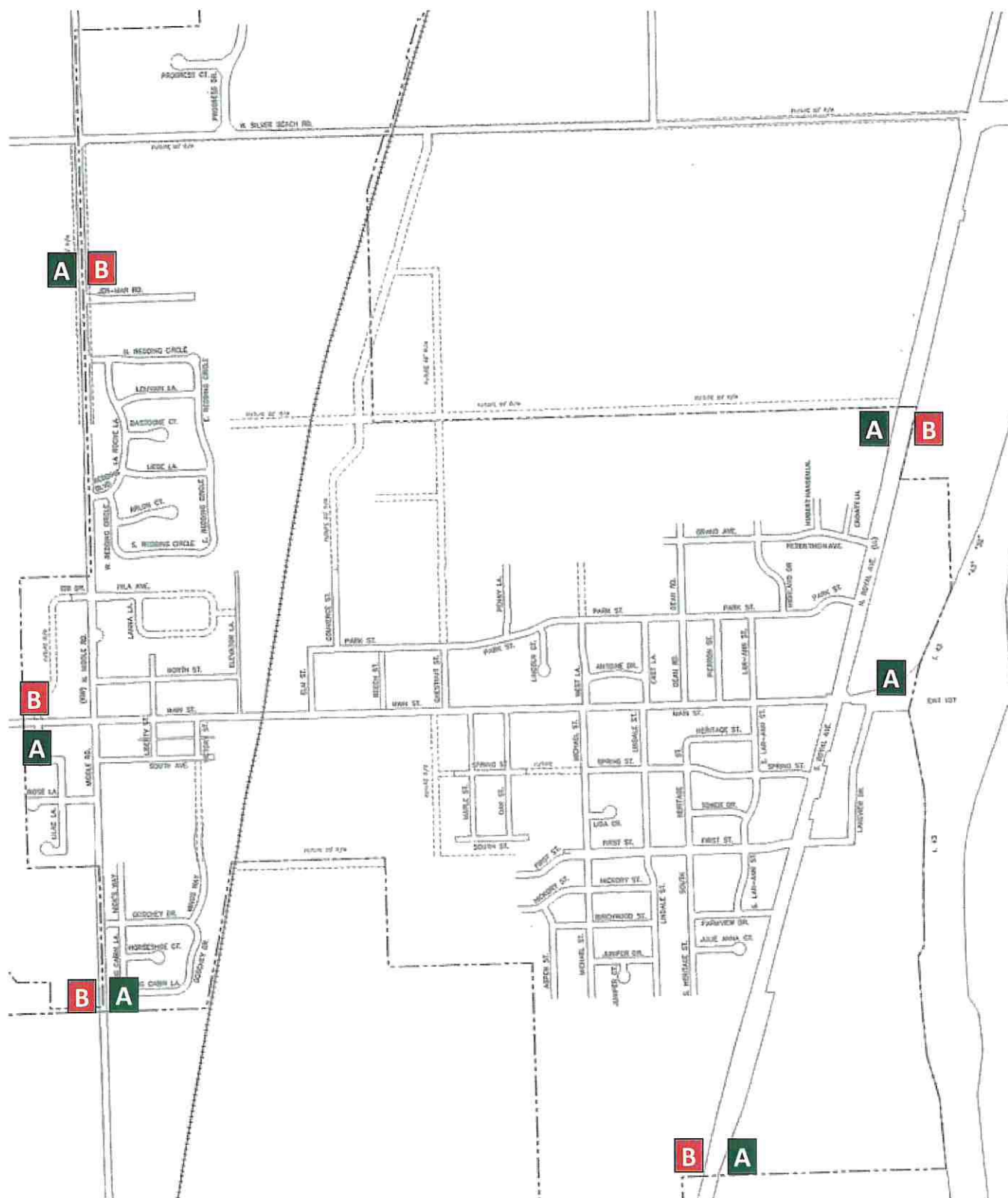
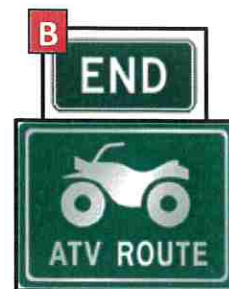
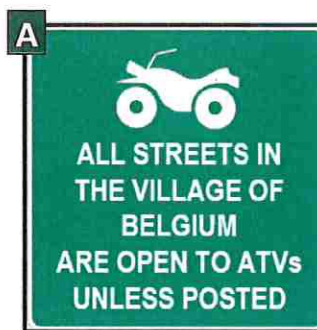
  
\_\_\_\_\_  
Pete Anzia  
Village President

**ATTEST:**

  
\_\_\_\_\_  
Julie Lesar  
Village Clerk

## Village of Belgium

**Signs to be installed within  
35 MPH speed zones.**



# AFFIDAVIT OF POSTING

STATE OF WISCONSIN)

COUNTY OF OZAUKEE)

Julie Lesar, being duly sworn, on oath, deposes and says:

1. That she is duly appointed and acting as the Clerk/Deputy Treasurer for the Village of Belgium, Ozaukee County, Wisconsin.
2. That on the 16th day of November, 2021 pursuant to Section 61.50 of the Wisconsin State Statutes duly posted:

Ordinance No. 26-21, of the Code of the Village of Belgium, Ozaukee County, Wisconsin.

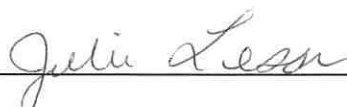
Aforementioned notice was posted at the following posting locations:

Belgium Village Hall  
Belgium Post Office  
Port Washington State Bank

all being public places within said Village. The ordinance may also be viewed in the following website:


<https://ecode360.com/documents/pub/BE2004/Legislation/>

Dated this 16th day of November 2021.

  
\_\_\_\_\_  
Julie Lesar  
Clerk/Deputy Treasurer

Subscribed and sworn before me this 16th day of November, 2021.



  
\_\_\_\_\_  
Notary Public, Ozaukee County, Wisconsin  
My Commission Expires: 7/9/2022