

**CITY OF EVANSVILLE
ORDINANCE NO. 2024-08**

AN ORDINANCE TO AMEND CHAPTER 122 CREATING ARTICLE XII OF THE MUNICIPAL CODE OF THE CITY OF EVANSVILLE, ROCK COUNTY, WISCONSIN, RELATING TO ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE OPERATION ROUTES AND ESTABLISHING PENALTIES FOR VIOLATION THEREOF

THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, ROCK COUNTY, WISCONSIN, DO HEREBY ORDAIN AS FOLLOWS:

CHAPTER 122 ARTICLE XII: Chapter 122 of the municipal Code of the City of Evansville, Rock County, Wisconsin, shall be amended and Article XII, ATV/UTV Routes, of Chapter 122 is hereby created to read as follows:

1. *Authority and Purpose.* The purpose of this ordinance is to establish all-terrain vehicle (ATV) routes in the City and to provide safe and enjoyable ATV/UTV recreation consistent with public rights and interests pursuant to Wis. Stat. sec. 23.33 adopted by reference.
2. *Applicability and Enforcement; Designation of Routes.*
 - a. The provisions of this ordinance shall apply as described below:
 - i. Under Wis. Stat. sec. 23.33(8)(b), the City designates all City-maintained roads and streets as ATV routes except any road or street that is signed to prohibit ATV/UTV use.
 - ii. Under Wis. Stat. sec. 23.33(11)(am)(4.), the City authorizes the operation of ATVs on:
 1. STH 213 from the Southern City Limits to the intersection with USH14
 2. USH 14 from the Northern City Limits to the intersection with Cty Hwy M
 - iii. Under Wis. Stat. sec. 23.33(1m)(c), utility terrain vehicles (UTVs) may be operated on all roads and streets in the City on which ATVs may be operated.
 - b. The provisions of this ordinance shall be enforced by the City of Evansville Police Department. Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed under this section.
3. *Rules of Operation.* The following rules of operation apply on all routes:
 - a. *Speed.* No ATV/UTV shall be operated at a speed greater than the posted speed limit.
 - b. *Lights.* No ATV/UTV may be operated on the routes without fully functional headlights, taillights, and brake lights. Every ATV/UTV being operated on the routes must display a lighted headlamp and tail lamp at all times.
 - c. *Roadway Travel.* On any ATV route, all ATV/UTV operation is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway which is safe given prevailing conditions. All ATVs and UTVs must operate in a single file. Operation on paved shoulders intended for bicycle or pedestrians, gravel shoulders, sidewalks, grassy in-slope, ditches or other highway right-of-way is prohibited unless the ATV or UTV is actively being used for snow removal.
 - d. *Operation.* ATV/UTV operation on the routes shall be in accordance with the provisions of the Wisconsin State Statutes, the Wisconsin Administrative Code and all other applicable ordinances, as the same may be amended from time to time.
 - e. *Open Intoxicants.* No person may possess on his or her person or in or on an ATV or UTV upon any route, any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken or the contents of the bottle or receptacle have been partially removed or released.
 - f. *Seatbelts.* All UTV operators and passengers must have their seatbelts fastened at all times.

**CITY OF EVANSVILLE
ORDINANCE NO. 2024-08**

"Shall the City of Evansville, Rock County, Wisconsin adopt Ordinance 2024-08, a citizen-initiated direct legislation petition, that would allow all-terrain vehicles (ATV) and utility terrain vehicles (UTV) to operate on City of Evansville streets?"

Explanation

The ballot asked City electors to vote "yes" or "no" on the referendum election question as set forth above.

A "yes" vote would allow the operation of ATVs and UTVs on designated City of Evansville streets, unless otherwise designated, with such requirements and other provisions as further provided in the ordinance.

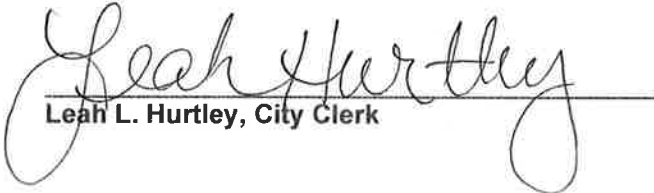
Vote Count: 1824

A "no" vote would indicate the disapproval of the operation of ATVs and UTVs on designated City of Evansville streets.

Vote Count: 1570

The proposed citizen –initiated ordinance relating to all-terrain vehicles and utility terrain vehicles passed **1824/1570** and will take effect immediately upon publication. Ordinance 2024-08 will be adopted and would not be subject to the veto power of the mayor and would not be repealed or amended within 2 years of adoption except by a vote of the electors.

Passed this 5th day of November 2024.


Leah L. Hurtley, City Clerk

Yes 1824

No 1570

Publication: 11/20/2024

Certification of the Board of Canvassers

We, the undersigned, certify that we are the members of the Board of Canvassers for

City of Evansville

(insert municipality and county, if county canvass insert county only)

We certify that the attached Tabular Statement of Votes Cast and Summary Statement of the Board of Canvassers, canvassed and prepared by us, are correct and true as compiled from the original returns made to the

City of Evansville

Clerk.

(County, Municipal, School District)

We further determine and certify that the following referendum question was approved (or rejected) by a majority of the electors voting on the question based on the vote totals recorded on the attached statement.

Text of Question

Date of Referendum Vote: 11/5/2024

BOARD OF CANVASSERS

- (1) [Signature]
- (2) [Signature]
- (3) [Signature]
- (4) [Signature]
- (5) [Signature]

11/5/2024

(Date)

This document is signed by:

For Municipal Elections

- The inspectors when there is only one polling place and one set of election results. s.7.53(1), Stats.
- The municipal board of canvassers when there are 2 or more reporting units. s.7.53(2)(a), Stats.

For State and County Elections

- The county board of canvassers. s.7.60(2), Stats.

Summary Statement of the Board of Canvassers

Presidential Election Election Nov 5, 2024
(Name of Election) (Date of Election)

The total number of votes cast for the Referendum (insert the text of the question) was

3462 of which

YES

received 1824

NO

received 1570

Board of Canvassers Report

Tabular Statement of Votes Cast

City of Evansville, Wisconsin

(Insert Municipality and County, County Canvass insert County Only)

Municipal Referendum (Date of Election) 11/5/2024

Insert Referendum Question: *Adopt 2024-08 allow ATV and VTV to operate on City of Evansville streets?*

Reporting Units	Yes	No	
<i>Ward 1-11</i>	<i>1824</i>	<i>1570</i>	<i>3462 total votes</i>
Total Votes Cast-Yes/No:	<i>1824</i>	<i>1570</i>	
Total Votes Cast-Referendum:	<i>3462</i>		