

**NOTICE OF REFERENDUM**  
**City of Evansville, Rock County, Wisconsin**  
**November 5, 2024**

**Referendum Election Details**

NOTICE IS HEREBY GIVEN, that at an election to be held in the City of Evansville, on November 5, 2024, a proposed ordinance will be submitted to a vote of the people:

**Ballot Text**

A question will appear on the ballot as follows:

“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 will ask 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.

A “no” vote will indicate your disapproval of the operation of ATVs and UTVs on designated City of Evansville streets.

In the event a majority of the electors voting on the question vote “yes,” the proposed citizen – initiated ordinance relating to all-terrain vehicles and utility terrain vehicles would take effect immediately upon publication. Ordinance 2024-08 would be adopted and would not be subject to the veto power of the mayor and would not be repealed or amended within 2 years of adoption except by a vote of the electors.

The full version of Ordinance 2024-08 is as follows:

**Proposed Ordinance**

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

A CITIZEN INITIATED DIRECT LEGISLATION PETITION TO CREATE ORDINANCE 2024-08 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 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.
4. *Operation*
  - a. Hours of operation restriction: None

- b. Seasonal restriction: None
- 5. *Operators.*
  - a. All operators of ATVs/UTVs on City routes shall be at least 16 years of age.
  - b. All operators of ATVs/UTVs shall possess a valid driver's license.
  - c. All operators of ATVs/UTVs shall possess valid proof of liability insurance consistent with State of Wisconsin minimum requirements for motor vehicles.
  - d. All operators of ATVs/UTVs who were born after January 1, 1988, shall possess a valid safety certificate.
- 6. *Route Signs.*
  - a. The City is solely responsible for ATV/UTV route signage.
  - b. The City shall procure, install and maintain signs that conform to the requirements of Wisconsin law, the Manual on Uniform Traffic Control Devices, the Wisconsin Department of Transportation NR64.12 and the Wisconsin Department of Natural Resources under Wis. Stat. sec. 23.33.
  - c. The City shall procure Wisconsin DOT permits for locations Section 2(a)(ii) authorized under this ordinance.
  - d. No person may erect, remove, obscure, or deface any official designated route or preferred route sign unless authorized by the Common Council or its designee.
  - e. Signage shall be put in place within 30 days after passage of this ordinance.
- 7. *Penalties.*
  - a. The penalties under Wis. Stat. sec. 23.33(13) are adopted by reference. Deposits for violations shall be required in accordance with the Revised Uniform State Traffic Deposit Schedule, as the same may be amended from time to time.
  - b. Juvenile penalties shall be as permitted under Wis. Stat. sec. 938.17. Deposits for violations shall be required in accordance with the Revised Uniform State Traffic Deposit Schedule, as the same may be amended from time to time and as the same may apply to juveniles.
  - c. The penalty for any violation of this ordinance for which no statutory penalty is provided shall be \$50.00 together with court costs, fees and assessments except that the penalty for violation of section 3 (e) shall be \$100.00 together with court costs, fees and assessments.
- 8. *Severability:* If a court of competent jurisdiction adjudges any section, provision or portion of this ordinance invalid, the remainder of this ordinance shall not be affected thereby.
- 9. *Copies to be Distributed to Law Enforcement.* The City Clerk, upon passage of this ordinance, shall immediately send a copy of this ordinance to the City Evansville Police Department, the Department of Natural Resources, to the Wisconsin State Traffic Patrol, and to the Rock County Sheriff's Department. A copy shall also be provided to the Rock County Highway Department and Wisconsin Department of Transportation.

### **Additional Information**

Acceptable Photo ID will be required to vote at this election. If you do not have a photo ID you may obtain a free ID for voting from the Division of Motor Vehicles.

Done in the City of Evansville on August 21, 2024

  
Leah Hurtley, City Clerk