

LEGISLATIVE COMMITTEE MEETING
CITY OF WISCONSIN DELLS
SEPTEMBER 21, 2020

ITEM 2

Chairperson Mike Freel called the meeting to order at 5:00P.M. Notice of the meeting was provided to the *Dells Events*, WNNO Radio, and posted in accordance with State Statutes.

1. Present: Ald. Mike Freel, Mayor Ed Wojnicz, Ald. Brian Holzem and Ald. Ben Anderson.

Others: Ald. Terry Marshall, Ald. Jesse DeFosse, City Clerk/Coordinator Nancy Holzem, City Treasurer Karen Terry, Police Chief Jody Ward, Police Lieutenant Perry Mayer, Public Works & Utilities Director David Holzem, City Planner/Zoning Administrator Chris Tollaksen, Fire Chief Pat Gavinski, City Attorney Joseph Hasler, Sarah Brown, Brian Landers, Adam Makowski, Colin Morse, Doug and Roxanne Clausen, Terry Cook, Eric Adams, Dick Fish, Mark Swigel, Robert Spencer, Erica Dynes from the *Dells Events*.
2. Motion by Mayor Wojnicz seconded by Ald. Holzem to approve the July 21, 2020 meeting minutes. Motion carried unanimously.
3. Motioned by Ald. Holzem seconded by Ald. Anderson to recommend to the Common Council for approval, the Original Class B Beer License Application submitted by MR LUIS, LLC, Luis Martinez agent, for Playa Azul, 229 Broadway, for the licensing period of September 21, 2020 through June 30, 2021. Motion carried unanimously.
4. The committee reviewed a proposed ordinance that would allow and regulate ATVs and UTVs in the city limits. City resident and former mayor Brian Landers, Doug Clausen from Spring Brook Resort, Eric Adams of South Adams Road Runners, Dick Fish from Sauk County Ridge Runners, and Mark Swigel and Robert Spencer of Baraboo Bluffs ATV Club all spoke in favor of passing this ordinance, all noting how it would benefit the community and local businesses. Local business owner Terry Cook questioned insurance requirements and brought up noise concerns adding that he would like to see more control of them. Police Chief Jody Ward stated that the majority of the ATV/UTV clubs are good and he agrees that there would be a financial benefit for the city, however he noted concerns with summer bumper to bumper traffic with semitrucks and dump trucks. He suggested changing the ending hour of operation from 10:00pm to 9:00pm since the downtown is more of an adult entertainment area at night. He suggested a later starting time in the morning however that was met with some resistance so it will be addressed if there are early morning noise complaints. He stated that there was nothing in the ordinance that addressed parking, adding that these units will need to use regular parking stalls and pay the appropriate fees just like motor vehicles. He noted that some of the routes listed in the ordinance include roads that have speed limits in excess of 35mph however, the proposed ordinance limits the speed at 35mph or less so that conflict should be addressed. Ald. Freel questioned if blinkers were required on these units. Current law requires brake lights but not blinkers. Ald. Holzem stated that he would like to see a defined map of the routes, including signage that will be used.

Attorney Hasler suggested that the committee approve the ordinance in principal and have the first reading adopted at the council meeting tonight. Ald. Marshall and Chief Ward will then work with Attorney Hasler on updates for the second reading. Motioned by Ald. Holzem seconded by Ald. Anderson to recommend to the Common Council for approval, the first reading of the proposed ordinance presented, with the time changed to 9:00pm as noted. Motion carried unanimously.

5. Next meeting will be Monday, October 12, 2020 if needed.
6. Motioned by Ald. Holzem seconded by Ald. Anderson to adjourn. Motion carried unanimously and the meeting adjourned at 5:30pm.

Nancy R. Holzem
City Clerk/Coordinator

City of Wisconsin Dells

(All-Terrain/Utility Terrain Vehicle Use)

The City of Wisconsin Dells, Adams, Columbia, Juneau and Sauk Counties, Wisconsin, does hereby ordain as follows:

SECTION I: PURPOSE

This ordinance regulates the use and operation of All Terrain and Utility Terrain Vehicles (ATV/UTV) in the City.

SECTION II: PROVISION AMENDED

Wisconsin Dells Code Sec. 10.40 is created.

SECTION III: PROVISION AS AMENDED:

10.40 All-Terrain/Utility Terrain Vehicles Use & Operation.

- (1) State Laws Adopted. The statutory provisions of Wis. Stat. sec. 23.33 and Wis. Stat. Chaps. 340 to 348 establishing definitions and regulations with respect to ATVs and UTVs and Wis. AdminCodeChap. NR 64 are adopted by reference. Unless otherwise specifically provided here, any act required to be performed or prohibited by any statute or administrative code provision incorporated herein is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the Wisconsin Statutes or Wisconsin Administrative Code incorporated herein are made a part of this ordinance in order to provide uniform statewide regulation of ATVs and UTVs.

(2) Designation of ATV and UTV Routes.

(a) No person shall operate an ATV or UTV on any City street, alley, park or parking lot, on any public lands or parking lots held open to the public, or on any land within the City except as provided below.



(b) All streets in the City are designated ATV/UTV routes except the following:

1. _____
2. _____
3. _____

(c) Pursuant to Wis. Stat. sec. 23.33(11)(am)(4), ATVs/UTVs are authorized to operate on the following highways where the speed limits are 35 MPH or less:

1. STH 13 between Wisconsin Dells Parkway and Trout Road/CR H.
2. USH 12/STH 23 (Wisconsin Dells Parkway) between City limit and Broadway.
3. STH 13/STH 23/USH 16 (Broadway) between Wisconsin Dells Parkway and STH 13/USH 16.

(d) ATV's/UTV's may not be operated on the following highways until authorized by the Wisconsin Department of Transportation. Such authorization shall be

acknowledged by a Common Council Resolution and the
ATV/UTV speed limit on such highways shall be 35 mph:

1. USH 12 (Wisconsin Dells Parkway) North of Broadway
2. STH 13 North of Broadway
3. USH 16 South of Broadway
4. STH 23 East of 13/16/23 intersection

- (e) The City reserves the right to close or modify ATV and UTV routes at any time.
- (f) All ATV and UTV routes shall be signed in accordance with Wis. Admin. Code sec. NR 64.12. The City shall maintain all route signs within the City, including without limitation, on federal, state and county trunk highways within the City.

(3) Conditions and Restrictions on Operation. In addition to the provisions contained in Wis. Stat. sec. 23.33 and Wis. Stat. chaps. 340 to 348 , and as a condition for the use of ATV and UTV routes designated and authorized herein, the following conditions and restrictions shall apply to all ATV and UTV operators and passengers, as applicable:

- (a) All ATV and UTV units shall be registered for public use in accordance with Wisconsin Department of Natural Resources ("DNR")' regulations, and proof of registration shall be displayed as required by statute during all times of

operation.

- (b) All ATV and UTV operators shall observe all applicable rules of the road governing motorized vehicles operating on municipal streets in accordance with Wis. Stat. sec. 23.33 and Wis. Stat. chap. 346.
- (c) No person shall operate an ATV or UTV within the City from 9:00 p.m. to 6:00 a.m., except as permitted in Wis. Stat. sec. 23.33(4)(f), or as otherwise authorized in writing by the City or its designee on a temporary basis.
- (d) No ATV or UTV shall be operated at a speed greater than the posted speed limit, except that no ATV or UTV shall be operated at a speed greater than 35mph.
- (e) All ATV and UTV operators are subject to and shall abide by applicable provisions of the Wisconsin Statutes and DNR regulations pertaining to age, safety and safety certificate requirements.
- (f) No person shall operate an ATV or UTV on any trail or route without fully functional headlights, taillights and brake lights. All operators shall display a lighted headlight and taillight at all times while on the trail or route.

- (g) No person shall operate an ATV or UTV on any trail or route where the vehicle does not meet state or municipal noise and exhaust restriction requirements.
- (h) No person shall operate an ATV or UTV within any municipal park or on any sidewalk, designated bicycle or pedestrian lane, gravel shoulder, ditch or other area of any street right-of-way other than on the paved roadway, unless specifically designated and posted otherwise by the City.
- (i) No person shall leave or allow any ATV or UTV owned or operated by that person to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.
- (j) ATV and UTV operators or passengers under the age of 18 years of age shall wear protective headgear of the type required under Wis. Stat. sec. 347.485(1)(a).
- (k) No ATV or UTV operator or passenger shall be in possession of an open intoxicant while the ATV or UTV is in operation. No person shall operate an ATV or UTV while under the influence of an intoxicant, a restricted controlled substance, a controlled substance analog, or any combination of these

elements, to a degree which renders the person incapable of safely operating the ATV or UTV.

(l) ATV's/UTV's may be operated on streets and public ways within City parks and within City parking lots.

(4) Licensing, insurance and registration.

(a) Driver's license. Every person who operates an ATV/UTV on a segment of City road which is designated as an ATV/UTV route shall have in his or her immediate possession a valid motor vehicle operator's license and shall display the license document upon demand from any law enforcement officer or official described in Wis. Stat. sec. 23.33(12).

(b) Insurance. Every person who operates an ATV/UTV on a segment of a City road which is designated as an ATV/UTV route, and/or every ATV/UTV operated on a segment of City road which is designated as an ATV/UTV route, shall carry liability, and/or other insurances consistent with Wisconsin state law for the operation of a motorized vehicle.

(5) Disturbing the peace, and nuisance activities.

(a) Cruising prohibited. No person shall, while operating an ATV or UTV, engage in the practice of cruising on any authorized road. Cruising is defined as running all or part of the length of a

roadway multiple times, per day, back and forth, for any purpose other than departing or arriving at their residence, or place of lodging, or departing or arriving, at a public boat landing.

- (b) Exhaust system/muffler modifications prohibited. No person shall operate on a City route any ATV/UTV unless such ATV/UTV is equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise or annoying smoke.
- (c) Radios or the electronic sound amplification devices. No person may operate or park, stop or leaving standing an ATV/UTV vehicle while using a radio or other electronic sound amplification device emitting sound from the vehicle that is audible under normal conditions from 75 feet or more, unless the electronic sound amplification device is being used to request assistance to warn against an unsafe condition.

- (6) Enforcement. The penalty for any violation identified in Wis. Stat. sec 23.33(13) or Wis. Stat. chaps. 340 through 347 shall be as provided in the statutes. Deposit amounts for such violations shall be as set forth in the current Revised Uniform State Traffic Deposit Schedule. The penalty for any violation of this ordinance not addressed in Wis. Stat. sec. 23.33(13) or Wis. Stat. chaps. 340 through 347 shall be a forfeiture as set

forth in the Wisconsin Dells Municipal Code, together with all applicable costs, surcharges and assessments.

SECTION IV: VALIDITY

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION V: CONFLICTING PROVISIONS REPEALED

All ordinances in conflict with any provisions of this ordinance are hereby repealed.

SECTION VI: EFFECTIVE DATE

This ordinance shall be in force from and after its introduction and publication and as provided by statute.

SECTION VII: PART OF CODE

This ordinance becomes a part of Wisconsin Dells Code, Chapter 10.

Edward Wojnicz, Mayor

Nancy R. Holzem, Clerk

INTRODUCED: _____

PUBLISHED: _____

PASSED: _____

CITY OF WISCONSIN DELLS
ORDINANCE NO. _____
(Updates to Private Wells)

The City of Wisconsin Dells, Adams, Columbia, Juneau and Sauk Counties, Wisconsin, does hereby ordain as follows:

SECTION I: PURPOSE.

The purpose of this ordinance is to update well operation permits based on DNR requirements.

SECTION II: PROVISIONS AMENDED:

Wisconsin Dells Code Secs. 7.08

SECTION III: PROVISION AS AMENDED:

- 1) Coverage. It is the intention of this Ordinance to provide that all private wells located on any premises which is served by the public water system of the City of Wisconsin Dells shall be properly filled pursuant to Sections 3 and 4 of this Ordinance. Only those wells for which a well operation permit has been granted by the City Clerk may be exempted from this requirement; subject to conditions of maintenance and operation.
- 2) Well Operation Permits. A permit may be granted to a well owner to operate a well for a period not to exceed ~~one (1)~~ five (5) years if the following requirements are met. An owner may request renewal of a well operation permit by submitting information verifying that the conditions of this section are met. The State of Wisconsin or its agent may conduct inspections or have water quality tests conducted at the applicant's expense to obtain or verify information necessary for consideration of a permit application or renewal. Application shall be made on forms provided by the City Clerk and shall be accompanied by a fee as established by resolution adopted pursuant to Section 2.05. The following conditions must be met for the issuance or renewal of a well operation permit:
 - (a) The well and pump installation meet the requirements of Chapter ~~NR 112~~ NR 812, Wisconsin Administrative Code, and a well constructor's report is on file with the Department of Natural Resources, or certification of the acceptability of the well has been granted by the Private Water Supply Section of the Department of Natural Resources.
 - (b) The well has a history of producing safe water and presently produces bacteriologically safe water as evidenced by ~~three samplings two weeks apart~~ at least two samplings taken a minimum of two weeks apart. No exception to this condition may be made for unsafe wells unless the Department of Natural Resources approves, in writing, the continued use of the well. The samples will be taken by the Wisconsin Dells DPW with a private well owner representative present. The Wisconsin Dells DPW will submit the samples for testing. The cost of the testing will be paid by the City and covered by the established well permit fee;

- (c) ~~The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.~~ The well and pump system be evaluated by a licensed well driller or pump installer and certified to comply with Ch. NR 812 subch. IV, prior to issuing the initial permit and every 10 years afterwards;
- (d) Written documentation of the well and pump inspection indicating compliance with Ch. NR 812 requirements using standardized forms provided by the department;
- (e) ~~No physical connection shall exist~~ There shall be no cross-connections between the piping of the public water system and the private well.
- (f) The proposed use of the well can be justified as being necessary in addition to water provided by the public water system.

- (3) Methods. Wells to be abandoned shall be filled according to the procedures outlined in Chapter ~~NR 112~~ NR 812, Wisconsin Administrative Code. The pump and piping must be removed and the well checked for obstructions prior to plugging. Any obstruction or liner must be removed.
- (4) Reports and Inspection. A well abandonment report must be submitted by the well owner to the Department of Natural Resources on forms provided by that agency (available at the Office of the City Clerk). The report shall be submitted immediately upon completion of the filling of the well. The filling must be observed by a representative of the City of Wisconsin Dells.
- (5) Penalties. Any person, firm or other well owner violating any provision of this ordinance shall upon conviction be punished by a fine of not less than \$25.00 nor more than \$75.00 to be imposed by the Director of Public Works, together with the cost of prosecution. Each 24-hour period during which a violation exists shall be deemed and constitute a separate offense.

SECTION IV: VALIDITY

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION V: CONFLICTING PROVISIONS REPEALED

All ordinances in conflict with any provisions of this ordinance are hereby repealed.

SECTION VI: EFFECTIVE DATE

This ordinance shall be in force from and after its introduction and publication and as provided by statute.

SECTION VII: PART OF CODE

This ordinance becomes a part of Wisconsin Dells Codes, Chapter 7.