

## Title 10 ► Chapter 4

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# All-Terrain Vehicles and Utility Terrain Vehicles and Off-Road Motor Vehicle Operation

**10-4-1** All-Terrain Vehicle and Utility Terrain Vehicle Laws

**10-4-2** Unauthorized Operation of Motor Vehicles on Public or Private Property

**10-4-3** Mini-Bikes and Self-Propelled Vehicles Regulated

### **Sec.10-4-1 All-Terrain/Utility Vehicle Laws**

(a) **Purpose**

(1) The title of this ordinance is the Village of Elmwood All-Terrain/Utility Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain/utility vehicle routes in the Village and to regulate the operation of all-terrain/utility vehicles in the Village.

(b) **Authority**

(1) The Village Board of the Village of Elmwood, Pierce County, Wisconsin, has the specific authority to adopt this All-Terrain/Utility Vehicle Route Ordinance under s.23.33 (8) (b) and (11), Wis. Stats.

(c) **Adoption Of Ordinance**

(1) The Village Board of the Village of Elmwood, Pierce County, Wisconsin, by this ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Village board present and voting, provides the authority for the Village to designate all-terrain/utility vehicle routes in the Village and to regulate the use of those routes and all-terrain/utility vehicles in the town.

(d) **Operation Of All-Terrain Vehicles**

(1) Pursuant to s.23.33 (4) (d) 4., Wis. Stats., except as otherwise provided in s.23.33 (4), Wis. Stats., no person may operate an all-terrain/utility vehicle on the roadway portion of any highway in the village except on roadways that are designated as all-terrain/utility vehicle routes by this ordinance. Operation of all-terrain/utility vehicles on a roadway in the Village that is an all-terrain/utility vehicle route is authorized only for the extreme right side of the roadway except that left turns maybe made from any part of the roadway that is safe given prevailing conditions. On paved roadways all-terrain/utility vehicles must be operated on the paved portion of the roadway and not on the gravel shoulder.

(e) **Designation Of All-Terrain/Utility Vehicle Routes**

- (1) The following routes are designated all-terrain/utility vehicle routes in the village:  
Start at County Road P North at the Village of Elmwood limits, then proceed South on County Road P to the Village limits. To access the business district on County Road P, Go West on the marked trail to Omaha Avenue, turn right on Woodworth Street, go one block, take a left on Groot Avenue, go one (1) block to Main Street and take a left to Cenex/C-Store.

(f) **Conditions Applicable To All-Terrain/Utility Vehicle Routes**

- (1) Pursuant to s. 23.33 (8) (d), Wis. Stats., the following restrictions are placed on the use of the Village all-terrain/utility vehicle routes designated by this ordinance:
- (A) Routes shall be marked with uniform all-terrain/utility vehicle route signs in accordance with s. NR 64.12 (7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking town all-terrain/utility vehicle routes:
- (1) Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain/utility vehicle route or trail sign or standards if the sign or standard is legally placed by the state, any municipality or any authorized individual.
  - (2) Possess any uniform all-terrain/utility vehicle route or trail sign or standard of the type established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform all-terrain/utility vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain/utility vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
- (2) Operation shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33 (11), Wis.Stats.
- (3) A copy of this ordinance shall be sent by the Village Clerk to the Pierce County Sheriff's Department and the Wisconsin Department of Natural Resources.
- (4) In addition to the provisions of s. 23.33, Wis. Stats., the following restrictions are placed on the use of the Village all-terrain/utility routes designated by this ordinance:
- (a) All ATV/UTV operators shall observe a speed limit of 10 mph or the posted roadway speed limit, whichever is lower.
  - (b) All ATV/UTV operators shall ride single file.
  - (c) The allowed hours of operation shall be from 6:00 a.m. to 8:00 p.m. during Daylight Savings Time and from 6:00 a.m. to 7:00 p.m. during Standard Time.
  - (d) All ATV operators at least 12 and those born on or after January 1, 1988 shall possess a valid state-issued ATV Safety Certification.
  - (e) All operators ages 12 to 15 must be under the direct supervision of a parent or legal guardian at all times when operating on a designated all-terrain/utility vehicle route.
  - (f) All UTV operators at least 16 and those born on or after January 1, 1988 shall possess a valid state-issued ATV Safety Certification.

(g) **Enforcement**

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

(h) **Penalties**

The penalties under s. 23.33 (13) (a), Wis. Stats., are adopted by reference.

**Sec.10-4-2 Unauthorized Operation of Motor Vehicles on Public or Private Property.**

(a) **Purpose**

- (1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands including damage or destruction of vegetation, animal life and improvement to the lands; and
- (2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution; and
- (3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and
- (4) The unauthorized off-road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.

(b) **Definitions** For purposes of this Section, the terms below shall be defined as follows:

- (1) **Unauthorized** shall mean without the express prior consent of the owner, lessee, Manger or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.
- (2) **Off-Road** shall mean any location which:
  - (a) Is not a paved or maintained public street or alley; or
  - (b) Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles;

- (3) **Off-Road** shall mean any location which:
  - (c) Is not a paved or maintained public street or alley; or
  - (d) Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles;
  - (e) Is a private trail for use only by the owner or his/her permittees for recreational or other vehicular use. Off-road shall not include any creek bed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creek bed, riverbed or lake.
- (4) **Operation** shall mean the physical manipulation or activation of any of the controls of motor vehicle necessary to put it in motion.
- (5) **Motor Vehicle** shall mean, for purposes of this Section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain/utility vehicles, mopeds, snowmobiles, dune buggies and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be so defined while:
  - (a) It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;
  - (b) It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.
  - (c) It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.

(c) **Unauthorized Off-road Operation Prohibited.**

- (1) The unauthorized off-road operation of a motor vehicle is prohibited.
- (2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas authorized by the Village Board, it shall be unlawful to operate any minibike, go cart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Village streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the written consent of the owner before operation of such craft or vehicle on private land.

### **Sec.10-4-3 Mini-Bikes and Self-Propelled Vehicles Regulated**

- (a) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Min-Bike.** Any motorized vehicle primarily used for transportation or sport, including, but not limited to, motorcycles, off-the-road trail bikes and motorized bicycles.
  - (2) **Self-Propelled Vehicles.** Any motorized vehicle primarily used for off-the road use, including but not limited to, go-carts, all-terrain vehicles and all other vehicles not registered pursuant to Chapter 341, Wis. Stats., but not snowmobiles.
  - (3) **Motorized Vehicles.** Any self-propelled device in, upon or by which any person or property is or may be transported.
  - (4) **Highway.** All public ways and thoroughfares and bridges on the same. It includes the entire highway right-of-way width, not limited to the actual traveled portion, but also includes the shoulders, ditches and other areas adjacent thereto.
- (b) **Operation of Mini-Bikes and Self-Propelled Vehicles.** No person shall operate a mini-bike or self-propelled vehicle in the Village of Elmwood in the following manner:
- (1) At the rate of speed that is unreasonable or imprudent under the circumstances.
  - (2) In any careless way so as to endanger the person or property of another.
  - (3) While under the influence of intoxicating liquor, fermented malt beverages, narcotics or other controlled substances.
  - (4) In such a way that the exhaust of the motor makes an excessive or unusual noise.
  - (5) Without a functioning muffler.
  - (6) Upon any public highway, street or alley, or upon any sidewalk or parkway in the Village of Elmwood unless such vehicle is registered as required by Chapter 341, Wis. Stats., and its operation and operator are specifically permitted to operate the said vehicle by the Wisconsin Statutes or by Title 10, Chapter 3 of this Code of Ordinances.
  - (7) Upon any slide, ski or skating area, except for the purposes of serving the area or crossing the places where marked.
  - (8) Upon any lands owned, operated or leased buy the Village of Elmwood.
  - (9) Upon a cemetery, burial ground, school or church property, without the express consent of the owner.
- (c) **Liability of Parent or Guardian.** No parent or guardian of any child under the age of eighteen (18) years shall authorize or permit such child to violate any of the provisions of this Section. Any child under the age of eighteen (18) years who shall operate a mini-bike or self-propelled device shall be presumed to be operating said vehicle under the authority of a parent or guardian.
- (d) **Penalties.** Any person who shall violate this Section shall, upon conviction thereof, forfeit for each offense not less than Twenty-five Dollars (\$25.00) or more than Two Hundred Dollars (\$200.00), together with the costs of prosecution and in default or payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail not to exceed thirty (30) days.