

## Title 10 ► Chapter 4

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# All-Terrain Vehicles and Utility Terrain Vehicles

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### **Sec. 10-4-1 State All-Terrain Vehicle Laws Adopted.**

- (a) **Adoption of Statutory Provisions.** The provisions describing and defining regulations with respect to all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) in the following-enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

23.33(1)	Definitions
23.33(1m)	Utility Terrain Vehicle Program
23.33(2)	Registration
23.33(2j)	Non-Resident Trail Passes
23.33(2k)	Weekend Exemption
23.33(2m)	Rental of All-Terrain Vehicles and Utility Terrain Vehicles
23.33(3)	Rules of Operation
23.33(3c)	Firearms
23.33(3g)	Use of Headgear
23.33(4)	Operation On or Near highway
23.33(4c) through 23.33(4z)	Intoxicated Operation of an All-Terrain Vehicle or Utility Terrain Vehicle and Related Laws
23.33(5)	Age Restrictions
23.33(6)	Equipment Requirements
23.33(6m)	Noise Limits

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23.33(7)	Accidents
23.33(8)(f)	Interference With Signs and Standards Prohibited
23.33(12)(b)	Refusal to Stop for Law Enforcement Officer
23.33(13)	Penalties [subsections (a) – (b)1 and (b)4, (bg), (c), and (f)]

(b) **Definitions.** The following definitions shall be applicable in this Chapter:

- (1) **All-Terrain Vehicle.** An engine-driven device which has a net weight of nine hundred (900) pounds or less, which is originally manufactured with a width of fifty (50) inches or less, which is equipped with a seat designated to be straddled by the operator and which is designed by the manufacturer to travel on three (3) or more low-pressure tires. [Sec. 340.01(2g), Wis. Stats.]
- (2) **Snow Removal Device.** An attachment designed and installed for the purpose of removing snow, such as a plow blade, blower, bucket or brush.
- (3) **Utility Terrain Vehicle (UTV).** Means any of the following:
  - a. A motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:
    1. A net weight of less than two thousand (2,000) pounds.
    2. Four (4) or more low-pressure tires.
    3. A cargo box installed by the manufacturer.
    4. A steering wheel.
    5. A tail light.
    6. A brake light.
    7. Two (2) headlights.
    8. A width of not more than sixty-five (65) inches.
    9. Seats for at least two (2) occupants, all of which seating is designed not to be straddled.
    10. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
    11. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.
  - b. A motor driven device that has a net weight of more than nine hundred (900) pounds, that is originally manufactured with a width of fifty (50) inches or less, that is equipped with a seat designed to be straddled by the operator, and that is designed by the manufacturer to travel on three (3) or more low-pressure tires. [See Sec. 23.33(ng), Wis. Stats.]

## **Sec. 10-4-2 ATV and UTV Routes and Use Regulations.**

(a) **Operation on Designated Routes; Exception for Municipal Vehicles.**

- (1) All-terrain and utility terrain vehicles shall only be operated in the Village of Elk Mound on routes designated by Village Board resolution. The operation of all-terrain

or utility terrain vehicles on streets or right-of-ways in the Village of Elk Mound is prohibited, except that municipal or other governmental all-terrain or utility terrain vehicles used for governmental purposes are authorized to operate on streets and rights-of-ways. As part of a designated route system, the Village Board may also designate limited access routes for the sole purpose of access to main designated routes.

- (2) All-terrain and utility terrain vehicle routes within the Village of Elk Mound shall be marked by uniform marking signs which conform with regulations of the Wisconsin Department of Transportation (WisDOT) and Wisconsin Department of Natural Resources (WisDNR).
- (b) **Snow Removal Exception.** For the sole purpose of snow removal, an all-terrain or utility terrain vehicle, with a snow removal device attached, may be operated on a public sidewalk, street, or alley, when all of the following provisions are complied with:
- (1) The operator is actively engaged in snow removal activity on the property, or is enroute to or from the property, and not exceeding 5 m.p.h while on the sidewalk, street, or alley.
  - (2) The operator shall follow the shortest and most direct route to the property at which snow removal activities will be conducted.
  - (3) The operator of the all-terrain or utility terrain vehicle is sixteen (16) years of age or older and has a valid driver's license.
  - (4) The ATV's/UTV's headlights are on at all times and not obstructed by the attached snow removal device.
  - (5) The operator of the all-terrain or utility terrain vehicle yields the right of way to any pedestrian, bicyclist or motor vehicle approaching on a street, sidewalk, or alley.
  - (6) The manner of snow removal is consistent with Village ordinances.
- (c) **Rules of the Road.** Except as otherwise provided in Section 23.33, Wis. Stats., and herein, all-terrain vehicles and utility terrain vehicles shall follow the State of Wisconsin rules of the road that are applicable to automobiles.
- (d) **Yield to Traffic and Pedestrians.** All all-terrain and utility terrain vehicles shall yield to all vehicular traffic and pedestrian movement.

### **Sec. 10-4-3 Miscellaneous ATV/UTV Regulations.**

- (a) **Conditions of Operation.** The following conditions of operation shall apply to all operators and passengers of all-terrain and utility terrain vehicles:
- (1) **Speed; Hours.** No person shall operate an all-terrain or utility terrain vehicle within the Village of Elk Mound, including on private property, at a speed in excess of 20 m.p.h., on any type of designated route or public way, including road shoulders, designated as a part of a designated route. The speed on limited access routes shall be 10 m.ph.

- (2) **Restrictions on Equipment.** No all-terrain or utility terrain vehicle may be operated within the Village of Elk Mound unless it complies with all noise, registration, and other equipment standards as established in the Wisconsin Statutes, Wisconsin Administrative Code, or this Code of Ordinances.
- (3) **Headlight/Taillight and Trailer Requirements.**
  - a. Every all-terrain and utility terrain vehicle operating within the Village of Elk Mound shall display a lighted headlight and taillight at all times, and said lights shall conform to applicable standards.
  - b. Headlights shall be of a white or clear light and be capable of illuminating the road ahead during the hours of darkness and be observed at a distance of five hundred (500) feet. Headlights shall be properly adjusted so as to not interfere with the operation of other vehicles on the roadway.
  - c. Taillights shall be red in color and be observable to a distance of five hundred (500) feet at night.
  - d. If a trailer is towed behind an all-terrain or utility terrain vehicle, the trailer shall conform with all lighting requirements applicable to an all-terrain or utility terrain vehicle.
- (4) **Operations Restrictions.** If the Village Board does designate by resolution a street, public right-of-way or public lands, or portion thereof, as an official designated route, all-terrain and utility terrain vehicles operating on Village of Elk Mound streets, roads, and other public property shall comply with the following:
  - a. All-terrain and utility terrain vehicles shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
  - b. All-terrain and utility terrain vehicles shall be operated in single-file, with headlights and taillights in operation at all times.
  - c. All-terrain and utility terrain vehicle operators shall yield the right-of-way to all other vehicular traffic and pedestrians.
  - d. No racing-type all-terrain or utility terrain vehicles, all-terrain or utility terrain vehicle conversions, or converted drive trains will be allowed on Village streets or public ways.
- (b) **Licensed Operator Requirements.** Operation of an all-terrain or utility terrain vehicle on a Village street or public way by unlicensed or youth operators shall be governed by the restrictions of Section 23.35(5), Wis. Stats. No person who is not lawfully licensed, or under a current driver's license suspension, revocation or cancellation for any reason, may operate a all-terrain and utility terrain vehicle upon a public street or public way in the Village of Elk Mound.
- (c) **Routes.**
  - (1) **Routes/Trails Designated.**
    - a. The Village Board designates routes/trails within the Village of Elk Mound for all-terrain and utility terrain vehicle operation as set forth by resolution, which is incorporated herein by reference.

- b. Except as provided in this Section and the Wisconsin Statutes, or unless operating on a Village-designated route/trail, no person shall operate an all-terrain or utility terrain vehicle upon any public right-of-way, public park or cemetery, on any other public property in the Village, or on private property without the owner's express permission except upon routes and trails designated by the Village Board as all-terrain or utility terrain vehicle routes/trails.
- (2) **Operation Prohibited Areas.**
- a. No person may operate an all-terrain or utility terrain vehicle in the following public areas of the Village of Elk Mound, unless a part of a Village designate trail or authorization is first obtained from the Village Board; Village-owned property need not be posted regarding this regulation:
    - 1. Any Village of Elk Mound parks.
    - 2. Any Village of Elk Mound cemeteries.
    - 3. Any property owned or leased by the Village of Elk Mound.
  - b. It is the responsibility of all-terrain and utility terrain vehicle operators to know whether they are operating on public or private property.
- (d) **Route Markers.**
- (1) **Erection of Trail Markers.** The Department of Public Works is directed and authorized to procure, erect and maintain appropriate route, trail, and/or speed limit signs and markers as required by the Wisconsin Statutes and according to the Wisconsin Department of Transportation (WisDOT) standards. The Department of Public Works may request the assistance of all-terrain/utility terrain vehicle organizations in satisfying this requirement.
  - (2) **Trail Status/Closure.** The Chief of Police shall have the authority to declare designated all-terrain and/or utility terrain vehicle routes and trails open or closed. Such closure and openings information shall be posted by the Village of Elk Mound.
  - (3) **Signs and Markers to be Obeyed.** No person shall fail to obey any route or trail sign, marker or speed limit or other control device erected in accordance with this Section or traffic sign or signal under authority of the Wisconsin Statutes.

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

- (a) **Purpose.**
- (1) The unauthorized off-road operation of motor vehicles within the Village of Elk Mound can result in serious damage to public and private lands including damage or destruction of vegetation, animal life and improvements on the lands; and
  - (2) The unauthorized off-road operation of motor vehicles can result in the permanent scarring of land and an increase in erosion, noise pollution and air pollution; and

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- (3) The unauthorized off-road operation of motor vehicles can result in collisions or near collisions threatening the life and safety of the operators of such vehicles as well as of other persons and personal property; and
  - (4) The unauthorized off-road operation of motor vehicles can result in a loss of the privacy, quietude and serenity to which the owners and users of land, and their neighbors, are rightfully entitled.
- (b) **Definitions.** For purposes of this Section, the terms below shall be defined as follows:
- (1) **Unauthorized.** Without the express prior consent of the owner, lessee, manager 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.** Any location which:
    - a. Is not a paved or maintained as a 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; or
    - c. 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 creekbed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creekbed, riverbed or lake.
  - (3) **Operation.** The physical manipulation or activation of any of the controls of a motorized vehicle necessary to put it in motion.
  - (4) **Motor Vehicle.** 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, utility terrain vehicles, all-terrain vehicles, mopeds, snowmobiles, and dune buggies. "Motor vehicle" shall not mean any airplane, railroad train, boat, assisted mobility device, 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 in the Village of Elk Mound.
  - (2) Except for authorized maintenance vehicles and snowmobiles or all-terrain/utility terrain vehicles operating on routes/trails authorized by the Village Board or as otherwise authorized by this Chapter, it shall be unlawful to operate any minibike, go-

kart, 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 lands.

- (3) Operation of vehicles regulated by this Section shall not be operated in the following manner:
- a. At a rate of speed that is unreasonable or imprudent under the circumstances.
  - b. In a careless way so as to endanger people or property.
  - c. While under the influence of intoxicating liquor, fermented malt beverages, wine, narcotics or other controlled substances.
  - d. Without a functioning muffler or in such a way that the exhaust of the engine produces an excessive or unusual noise.
  - e. Upon any public street or alley, or upon a sidewalk or public right-of-way, unless such vehicle is registered for street operation as required by Chapter 341, Wis. Stats., and its operation in the Village is permitted by this Code of Ordinances.
  - f. Except where authorized, upon any lands owned, operated or leased by the Village of Elk Mound.
- (d) **Liability of Parent or Guardian.** No parent or guardian of any person under the age of eighteen (18) years of age shall authorize or permit such child to violate any of the provisions of this Section. Any person under the age of eighteen (18) years of age who shall operate a vehicle in a manner prohibited by this Section shall be presumed to be operating such vehicle under the authority of a parent or guardian.

