

All-Terrain Vehicles and Utility Vehicles

CHAPTER 11

All-Terrain Vehicles and Utility Vehicles

- 9-11-1 State Laws Adopted: Definitions
- 9-11-2 General ATV and UTV Use Regulations
- 9-11-3 Miscellaneous Regulations and Routes
- 9-11-4 Unauthorized Off-Road Operation of Motor Vehicles on Public or Private Property

SEC. 9-11-1 STATE 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) Intoxicated Operation of an All-Terrain Vehicle
- Through(4z) or Utility Related Vehicle and Related Laws
- 23.33(5) Age Restrictions
- 23.33(6) Equipment Requirements
- 23.33(6m) Noise Limits
- 23.33(7) Passenger Restrictions
- 23.33(8)(f) Accidents
- Prohibited
- 23.33(12)(b) Refusal to Stop for Law Enforcement Officer
- 23.33(13) Penalties

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

- (1) **All-Terrain Vehicle (ATV).** 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

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straddled by the operator and which is designed by the manufacturer to [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 motor 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 (2000) 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 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) lb 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. 9-11-2 GENERAL ATV AND UTV USE REGULATIONS

- (a) **Operation on Designated Routes.** ATVs and UTVs shall only be operated within the City of Thorp on routes designated by the City Common Council in Section 9-11-3 (c).
- (b) **Snow Removal Exceptions.** For the sole purpose of snow removal, an ATV or UTV 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:

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- (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 license.
 - (4) The ATV's or UTV's headlights are on at all times and not obstructed by the attached snow removal device.
 - (5) The operator of the ATV or UTV 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 City ordinances.
- (c) **Rules of the Road.** Except as otherwise provided in Section 23.33, Wis. Stats., and herein, ATVs shall follow applicable to automobiles.
- (d) **Yield to Traffic and Pedestrians.** All ATVs and UTVs shall yield to all vehicular traffic and pedestrian movement.

SEC. 9-11-3 MISCELLANEOUS REGULATIONS AND ROUTES.

- (a) **Conditions of Operation.** The following conditions of operation shall apply to all operators and passengers of ATVs and UTVs:
- (1) **Speed; Hours.** No person shall operate an ATV or UTV off-road within the City of Thorp in excess of the speed restrictions established in sec. 23.33(3) Wis. Stats. No person shall operate an ATV or UTV on a public road or way within the City of Thorp in excess of posted speed limits, or if not posted, in excess of twenty-five (25) m.p.h. An ATV or UTV may only be operated within the City of Thorp between 7:00am and 10:00pm.
 - (2) **Restrictions on Equipment.** No ATV or UTV may be operated within the City of Thorp 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) **Headlights/Taillight and Trailer Requirements.**
 - a. Every ATV and UTV operating within the City of Thorp shall display a lighted headlight and taillight at all times and said lights shall conform to applicable standards.

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- 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.
 - c. Headlights shall be properly adjusted so as to not interfere with the operation of other vehicles on the roadway.
 - d. Taillights shall be red in color and be observable to a distance of five hundred (500) feet at night.
 - e. If a trailer is towed behind an ATV or UTV, the requirements applicable to an ATV or UTV.
- (4) **Operation Restrictions.** If the City of Thorp does designate by the ordinance a street, public right-of-way or public lands, or a portion thereof, as an official designated route, ATVs and UTVs operating on City of Thorp Street, roads, and other public property shall comply with the following:
- a. ATVs and UTVs shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
 - b. ATVs and UTVs shall be operated in single file, with headlights and taillights in operation at all time.
 - c. ATV and UTV operators shall yield the right-of-way to all other vehicular traffic and pedestrians.
 - d. No racing-type ATV or UTV conversions or converted drive trains will be allowed on city streets or public ways.
- (b) **Licensed Operator Requirements.** No person may operate an ATV or UTV upon a public street or public way in the City of Thorp unless the person possesses a valid motor vehicle operator's license (not a instruction or learner's permit) issued to the person by the appropriate motor vehicle department in the state in which the person resides which license is not revoked, suspended, canceled or expired. Any operator of an ATV or UTV must have and carry current proof of insurance on the unit in which they are operating.
- (c) **ATV/UTV Routes**
- (1) **Routes/Trails Designated.**
- a. Following due consideration of the recreational value of connection ATV and UTV trail opportunities and consideration of possible dangers, public health concerns, liability aspects, terrain, traffic density and local record of vehicle accidents, the City Common Council has designated ATV and UTV routes/trail below pursuant to Sec. 23.33 (8)(b), Wis. Stats.

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b. The City Common Council designates all public streets within the City of Thorp and State Hwy 73 from Maple Street to Liberty Drive as ATV and UTV routes/trails, except the following streets and highways:

- (1) County Highway X
- (2) State Highway 73 (excluding from Maple Street to Liberty Drive)

c. Except as provided in this Section and the Wisconsin Statutes, or unless operating on a City-designated route/trail, no person shall operate an ATV or UTV upon any private property without the owner's express permission except upon routes and trails designated by the City Common Council as ATV and UTV routes/trails

(2) Operation Prohibited Areas

a. No person may operate an ATV or UTV in the following public areas of the City of Thorp, unless a part of the city designated route/trail or authorized is first obtained from the City Common Council; City-owned property need not be posted regarding regulations:

- (1) Any City of Thorp parks and campground
- (2) Any City of Thorp cemeteries
- (3) Any property owned or leased by the City of Thorp

b. It is the responsibility of ATV and UTV operators to know whether they are operating on public or private property.

(d) Route Markers.

- (1) **Erection of Trail Markers.** City Public Works personnel are 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 NR 64.12, and specifically NR 64.12(7)(C), Wis. Adm. Code. The city may request assistance of ATV and UTV organizations in satisfying this requirement.
- (2) **Trail Status/Closure.** The City Mayor, upon recommendation of law enforcement or public works personnel, shall have the authority to declare designated ATV and/or UTV routes and trails open or closed. Such closure and openings information shall be posted by the City of Thorp.
- (3) **Signs and Markers to Obeyed.** No person shall fail to obey any route or trail signs, marker or speed limit or other control device erected in accordance with this section or traffic sign or signal under the authority of the Wisconsin Statutes.

SEC. 9-11-4 **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 City of Thorp can result in serious damage to public of vegetation, animal life and improvements of 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
- (3) The unauthorized off-road operation of motor vehicles can result in collision 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 the loss of the privacy, quietude and serenity to which the owners and users of land, and their neighbors, are rightfully entitled

(b) Definitions

- (1) **Unauthorized.** Without express prior consent of the owner, lessee, manager, or other person authorized to give consent by the owner or lessee of the land. Authorization shall not be implied from a failure to post private or public land.
- (2) **Off-Road.** Any location which:
 - a. Is not paved or maintained as a public street or alley; or
 - b. Is not used or maintained by the owner or lessee of the 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 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, river, 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 the purpose of this Section, any vehicle which is self-propelled and shall include, but not limited to, automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, ATV, UTV, mopeds, snowmobiles, and dune buggies. "Motor Vehicle" shall not mean an airplane, railroad train, boat, assisted

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mobility device, or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be 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 at the direction of public employees or utility company employees as part of their employee 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 City of Thorp.
- (2) Except for authorized maintenance vehicles and snowmobiles, ATVs or UTVs operating on routes/trails authorized by the City Common Council or as otherwise authorized in 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 City 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 express consent of the owner before operations 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 the careless way so as to endanger people or property.
 - c. While under the influence of intoxicating liquor, fermented malt beverage, wine, narcotics, or controlled substances.
 - d. Without a functioning muffler or in such a way that exhaust of the engine produce excessive or unusual noise.
 - e. Upon any public street or alley, or upon a sidewalk or public right-of-way, unless such a vehicle is registered for street operation as required by Chapter 341, Wis. Stats., and its operation in the City is permitted by this Code of Ordinances.
 - f. Except where authorized, upon any lands owned, operated, or leased by the City of Thorp.

(d) Liability of a 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

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shall be presumed to be operating such vehicle under the authority of a parent or guardian.