

## Title 10 ► Chapter 3

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### **Snowmobiles and All-Terrain Vehicles**

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#### **Sec. 10-3-1 State Laws Adopted.**

- (a) Except as otherwise specifically provided in this Chapter, the statutory provisions describing and defining regulations with respect to snowmobiles and all-terrain vehicles in the following enumerated sections of the Wisconsin Statutes and any future amendments or revisions, are hereby adopted by reference and made part of this Chapter as if fully set forth herein. Any acts required to be performed or prohibited by such statutes are required to be performed or prohibited by this Chapter:

23.33(1)	Definitions
23.33(2)	Registration
23.33(3)	Rules of operation
23.33(4)	Operation on or near highway
23.33(5)(a)(c)	Age restrictions
23.33(6)	Equipment requirements
23.33(7)	Accidents
350.01	Definitions
350.02	Operation of Snowmobiles on or in the Vicinity of a Highway
350.03	Right of Way
350.045	Public Utility Exemptions
350.05	Operation by Youthful Operators Restricted

350.055	Safety Certification Program Established
350.06	Firearms and Bows
350.07	Driving Animals
350.08	Owner Permitting Operation
350.09	Head Lamps, Tail Lamps and Brakes
350.10	Miscellaneous Provisions for Snowmobiles Operation
350.12	Registration of Snowmobiles
350.13	Uniform Trail Signs and Standards
350.15	Accidents and Accident Reports
350.17	Enforcement
350.19	Liability of Landowners
346.02(10)	Applicability of Rules of Road to Snowmobiles

- (b) The adoption of Sec. 346.02(10), Wis. Stats., by reference is intended to include the Rules of the Road therein enumerated, which are as follows: Sections 346.04; 346.06; 346.11; 346.14(1); 346.18 to 346.21; 346.26; 346.27; 346.33; 346.35; 346.37; 346.39; 346.40; 346.44; 346.46 to 346.48; 346.50 (1)(b); 346.51 to 346.55; 346.87 to 346.91; 346.92 (1) and 346.94 (1), (6), (6m) and (9), Wis. Stats.

### Sec. 10-3-2 Purpose.

- (a) 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
- (b) 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
- (c) 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
- (d) 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.

### Sec. 10-3-3 Definitions.

For purposes of this Chapter, the terms below shall be defined as follows:

- (a) **Unauthorized.** Operation, use or presence without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee or land. Authorization shall not be implied from a failure to post private or public land.
- (b) A **“snow removal device”** means an attachment designed and installed for the purpose of removing snow, such as a plow blade, blower, bucket, or brush.

- (c) **Off-Road.** Any location which:
- (1) Is not paved or maintained public street or alley; or
  - (2) Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
  - (3) 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.
- (d) **Operation.** The physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.
- (e) **Motor Vehicle.** 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 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 Chapter shall not be so defined while:
- (f)
- (1) 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;
  - (2) It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.
  - (3) It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring, including operation by the holder's employees or agents.
- (f) **Mini-Bike.** Any motorized vehicle primarily used for transportation or sport, including, but not limited to, motorcycles, off-the-road trail bikes and motorized bicycles.
- (g) **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., as amended, but not snowmobiles.
- (h) **Motorized Vehicle.** Any self-propelled device in, upon or by which any person or property is or may be transported.
- (i) **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.

#### **Sec. 10-3-4 Unauthorized Off-Road Operation Prohibited.**

- (a) The unauthorized off-road operation of a motor vehicle is prohibited.
- (b) 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 mini-bike, go-kart, 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 lands.

### **Sec. 10-3-5 Snowmobile and All-Terrain Vehicle Routes Designated.**

- (a) **Designated Routes.** Except as provided in Sections 350.02 and 350.045, Wis. Stats., as amended, or for snowmobile events authorized in accordance with Sec. 350.04, Wis. Stats., as amended, no person shall operate a snowmobile or all-terrain vehicle upon any public right of way, in any public park, or on any other public municipal property in the Village of Merrilan except upon the following streets or portions thereof which are designated as snowmobile and all-terrain vehicle route:

**All-Terrain Vehicle Route:**

Paines Mill Road to Summit Street to North Street to Jackson Street.

Then proceed to Clark Street to North Main Street to Railroad Street. At this point an option is to travel west on Railroad Street to Washington Street (Hwy 12/27) The route then proceeds to the parking lot of Merrilan Café. The route then goes out the west end of the parking lot onto a trail owned and maintained by the Village of Merrilan. The trail travels in an easterly and westerly direction to Sand Road or travel south on North Main Street to its termini with Charles Street on the west. Or an option is to proceed from Railroad Street south from its intersection with Wisconsin Street continue south on Wisconsin Street to its termini with West Pearl Street (aka STH 95). In all cases the operator shall follow appropriate signage and detours as appropriate.

**Snow Mobile Route:**

Paines Mill Road to Summit Street to North Street to Jackson Street.

Then proceed to Clark Street to North Main Street to Railroad Street. At this point an option is to travel west on Railroad Street to Washington Street (Hwy 12/27) The route then proceeds to the parking lot of Merrilan Café. The route then goes out the west end of the parking lot onto a trail owned and maintained by the Village of Merrilan. The trail travels in an easterly and westerly direction to Sand Road or travel south on North Main Street to its termini with Charles Street on the west. Or an option is to proceed from Railroad Street south from its intersection with Wisconsin Street continue south on Wisconsin Street to its termini with West Pearl Street (aka STH 95). In all cases the operator shall follow appropriate signage and detours as appropriate.

- (b) **Closing of Routes.** The Village Board grants the authority to temporarily close the designated route for repair or maintenance or in the event ground and/or weather conditions to the Chief of Police and/or Street Superintendent for repair or maintenance or in the event ground and/or weather conditions in their discretion require closure. The designated ATV/Snowmobile route shall open and close in conjunction with the Clark County trail systems.
- (c) **Use of Village Streets; Restricted Streets.** All other streets within the Village limits of the Village Merrilan, except those streets or highways set forth below, may be used to gain entry to the designated snowmobile and all-terrain vehicle route. However, said streets may be used for access purposes only and the most direct route must be used in order to gain access to the designated route. Those streets that shall not be used in order to gain access to the designated route are as follows:
- (1) U.S. Highway 12, except that portion of U.S. Highway 12 which is included in the designated route.
  - (2) State Highway 95.
  - (3) Main Street, except that portion of Main Street which is included in the designated route.
- (d) **Signage.**
- (1) The Chief of Police is directed and authorized to procure the necessary signs and the Village Marshall is directed and authorized to erect and maintain appropriate snowmobile and all-terrain vehicle routes, limit signs and markers as approved by the Wisconsin Department of Natural Resources.
  - (3) No person shall fail to obey any route sign, marker, or limit erected in accordance with this Chapter.

**Sec. 10-3-6 Additional Restrictions.**

- (a) No person shall operate a snowmobile or all-terrain vehicle upon any public highway within the Village at a speed in excess of ten (10) miles per hour.
- (b) No person shall operate a snowmobile or all-terrain vehicle within the Village between the hours of 3:00 a.m. and 6:00 a.m.
- (c) No person shall leave or allow a snowmobile or all-terrain vehicle to remain unattended on any public highway or public property while the motor is running or with the starting key in the ignition.
- (d) No person shall operate a snowmobile or all-terrain vehicle on any sidewalk, pedestrian way or mall within the Village, except for the purpose of crossing to obtain immediate access to an authorized area of operation and for snow removal purposes.
- (e) **All-Terrain Vehicle Snow Removal Regulated:**

A person may operate an ATV with a snow removal device attached, for snow removal purposes and under the following situations:

- On a public sidewalk, speed may not exceed 5 mph
- On or adjacent to a roadway which is not a freeway, speed may not exceed 15 mph
- Only on roadways where the motor vehicle speed limit is 45 mph or less
- Only on the far right hand side of the road
- On roads that are posted ATV Routes and currently open to use of ATVs
- The operator must be 16 years or older and if born after December 31, 1987, a valid ATV Safety Certificate is also required
- Only between October 1 and April 30 for the purpose of removing snow
- For a distance not to exceed 2 miles from your original starting or your unloading point
- Displaying one or more illuminated, yellow lights that are flashing or rotating and visible for 360 degrees

**Other All-Terrain Vehicle Regulations:**

- ATVs operating within 150 feet of a dwelling devoted to human occupancy are required to slow their ATVs to 10 mph under current law.
- ATVs are required to have their headlights on at all times while operating on any road.
- ATV headlights must be able to illuminate an object at least 200 feet away. Taillights must be visible from at least 500 feet away during the hours of darkness.
- Operators must be certain that their snow removal equipment does not interfere with these legal lighting requirements.
- ATVs must have current Public Use Registration while operating on public roadways, public road right of ways or on public sidewalks.
- Children under age 18 are required to wear helmets while operating ATVs off of private property that is owned by their parents or legal guardians.

**Sec. 10-3-7 Operation of Mini-Bikes and Self-Propelled Vehicles.**

No person shall operate a mini-bike or self-propelled vehicle in the Village of Merrillan in the following manner:

- (a) At a rate of speed that is unreasonable or imprudent under the circumstances.
- (b) In any careless way so as to endanger the person or property of another.
- (c) While under the influence of intoxicating liquor, fermented malt beverages, narcotics or other controlled substances.
- (d) In such a way that the exhaust of the motor makes an excessive or unusual noise.
- (e) Without a functioning muffler.
- (f) Upon any public highway, street, or alley, or upon any sidewalk or parkway in the Village of Merrillan 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.

- (g) Upon any slide, ski or skating area, except for the purposes of serving the area or crossing the places where marked.
- (h) Upon any lands owned, operated or leased by the Village of Merrilan.
- (i) Upon a cemetery, burial ground, school or church property, without the express consent of the owner.

### **Sec. 10-3-8 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 Chapter. 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.

### **Sec. 10-3-9 Penalty.**

Any person who shall violate any provision of this Chapter shall upon conviction thereof forfeit not less than Fifty Dollars (\$50.00) nor more than Three Hundred Dollars (\$300.00), together with the costs of prosecution, and in default of payment thereof may be imprisoned in the county jail for not exceeding ninety (90) days; provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wisconsin Statutes for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of snowmobiles or all-terrain vehicles under Section 10-1-50 of the Village of Merrilan Code of Ordinances.

### **Sec. 10-3-10 Enforcement.**

- (a) The Uniform Traffic Citation promulgated under Sec. 345.11, Wis. Stats., as amended, shall be used for violations of this Chapter relating to highway use, except as herein provided.
- (b) The special traffic citation described and defined in Section 10-1-50 shall be used for enforcement of violations of Rules of the Road relating to parking of vehicles adopted by reference in the Chapter.
- (c) All violations of this Chapter not described in Subsection (a) or (b) of this Section shall be enforced in accordance with Sec. 66.12 and 66.114, Wis. Stats., as amended.

Updated and approved by the Board on 1/11/11

Updated and approved by the Board on 10/2/12

10-3-5 (a) All-Terrain Vehicle Route and Snowmobile Route amended and approved 5/13/14, 10/6/15

10-3-5 (c) Use of Village Streets, Restricted Streets amended and approved 10/6/15