

# Chapter 4

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

- 10-4-1 State All-Terrain Vehicle Laws Adopted
- 10-4-2 Use of All-Terrain Vehicles in Village Parks
- 10-4-3 Use of All-Terrain Vehicles on City Streets and Alleys.
- 10-4-4 Penalties

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

The provisions describing and defining regulations with respect to all-terrain vehicles 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. The statutory sections adopted by reference herein shall be designated as part of this Code by adding the prefix " 10-4-1-" to each statute section number. 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 [including Subsections (a) through (n)]
- 23.33(2) Registration
- 23.33(3) Rules of operation [including Subsections (a) through (i)]
- 23.33(4) Operation on or near highway [including Subsections (a) through (x)]
- 23.33(6) Equipment requirements [including Subsections (a) through (e)]
- 23.33(7) Accidents [including Subsections (a) and (b)]
- 23.33(12)(b) Fail to Stop for Law Enforcement Officer

### **Sec. 10-4-2 Use of All-Terrain Vehicles in Village Parks.**

- (a) **Definitions.** The following definitions shall be applicable in this Section:

- (1) **All-Terrain Vehicle (ATV).** All-Terrain Vehicle has the meaning specified under Wisconsin State Statute 340.01(2g).
  - (2) **Utility-Terrain Vehicle (UTV).** Utility-Terrain Vehicle has the meaning specified under Wisconsin State Statute 23.33(1)(ng).
  - (3) **Dirt Bike.** Each of the following shall be defined as "dirt bikes" only insofar as they are used off-road. This Section shall further not apply to vehicles licensed by the State of Wisconsin Department of Transportation:
    - (i) **Moped.** Has the meaning specified under Wisconsin State Statute 340.01(29m).
    - (ii) **Motor Bicycle.** Has the meaning specified under Wisconsin State Statute 340.01(30).
    - (iii) **Motorcycle.** Has the meaning specified under Wisconsin State Statute 340.01(32)
  - (4) **Operator.** A person who drives or is in actual physical control of a vehicle.
  - (5) **Owner.** A person who has lawful possession of an ATV, UTV, or dirt bike by virtue of legal title or equitable interest in the all-terrain vehicle or a dirt bike which entitles the person to possession of the same.
  - (6) **Park.** Park used in this chapter shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility, playground, swimming pool, or conservancy area in the village.
- (b) **Conduct Prohibited.**
- (1) No person shall operate any all-terrain vehicle, utility-terrain vehicle or dirt bike in any park within the Village of Muscoda. This Section shall not be construed to exclude the operation of properly licensed and registered vehicles on any road in any park within the Village of Muscoda.
  - (2) No owner of any all-terrain vehicle, utility-terrain vehicle or dirt bike shall permit any person to operate such all-terrain vehicle utility-terrain vehicle or dirt bike in any park within the Village of Muscoda. This Section shall not be construed to prohibit an owner from permitting the operation of properly licensed and registered vehicles by properly licensed persons on any road in any park within the Village of Muscoda.

### Sec. 10-4-3 Use of All-Terrain Vehicles on City Streets and Alleys.

- (a) Designated All-Terrain Vehicle (ATV) and Utility-Terrain Vehicle Routes (UTV)

- (1) State Highway 80 from Catherine Street to the Northern Corporate Limit.
  - (2) State Highway 133 from Wisconsin Avenue to Ohio Street.
  - (3) State Highway 133/80 from 2<sup>nd</sup> Street to 6<sup>th</sup> Street.
  - (4) All Village of Muscoda streets and alleys.
- (b) **Operating requirements.** An ATV or UTV operated on a highway, street, or alley within the Village of Muscoda pursuant to this ordinance shall at all times be operated;
- (1) In the driving lane in single file with the flow of traffic.
  - (2) In compliance with all of the provisions of statutes, rules, regulations, and ordinances applicable to such ATV or UTV operation.
  - (3) No person shall operate an ATV or UTV in the Village of Muscoda during the hours of 1am and 5am.
  - (4) No person shall operate an ATV or UTV in excess of the posted speed limit.
- (c) **Restrictions on ATV and UTV Operators and Equipment.**
- (1) All persons who operate an ATV or UTV on any street, route, or alley, in the Village of Muscoda, must be at least 16 years of age and must possess a valid driver's license.
  - (2) No person shall operate an ATV or UTV within the Village of Muscoda unless it conforms to all noise, registration, and other equipment requirements as stated in the Wisconsin Statutes, Wisconsin Administrative Code, or the Municipal code of the Village of Muscoda.
  - (3) Every ATV and UTV operating within the Village of Muscoda must display a lighted headlight and taillight at all times.
  - (4) No person shall operate an ATV or UTV upon any sidewalk or pedestrian way within the Village of Muscoda unless it is being used for snow removal.
  - (5) No person may operate an ATV or UTV upon any street or alley within the Village of Muscoda unless the owner or operator of the vehicle has in effect, a liability policy covering the vehicle being operated and such operator has in his or her immediate possession a certificate or proof of insurance covering such vehicle which shall be displayed upon demand from any traffic officer.
  - (6) All operators and passengers under the age of 18 must wear protective head gear as defined in Wisconsin State Statute 23.33(3g)

- (7) It shall be unlawful for any person to possess an open intoxicant container while operating, or as a passenger on an ATV or UTV on any route, street, or alley within the Village of Muscoda.
- (8) All occupants riding in, or operating a UTV, shall be required to wear a seatbelt when traveling on any route, street, or alley within the Village of Muscoda.
- (9) It shall be unlawful for any person to operate any ATV or UTV, in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle to spin or emit loud noises, to unnecessarily throw stones or gravel, or cause the front wheels of the vehicle to leave the ground; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the peace. It shall also be unlawful for any operator to ride an ATV or UTV with their feet off of the footboards or footpegs.

**Sec. 10-4-4 Penalty Provisions.**

- (1) Any person who violates Chapter 10-4 shall forfeit not less than Ten Dollars (\$10.00) or more than Five Hundred Dollars (\$500.00) plus the cost of prosecution.
- (2) In the event a person eighteen (18) years of age or older defaults in payment of the forfeiture and costs of prosecution as ordered by the court, the person shall be imprisoned in the Grant County Jail for a period not to exceed thirty (30) days.