

**TITLE 2 - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 2 - VEHICLES AND TRAFFIC
ARTICLE 6 - ALL TERRAIN VEHICLES AND SNOWMOBILES**

2.1-2.0605 ADOPTION OF ORDINANCE. The Board, by adoption of this ordinance, confirmed the specific statutory authority, powers and duties noted in specific sections of this ordinance and has established by these sections and this ordinance the management of the affairs of the Town.

2.1-2.0610 STATE STATUES ADOPTED. Except as specifically noted otherwise in this ordinance, Chapters 350 and 23 State Stats. (2009-2010) describing and defining regulations with respect to “all terrain vehicles” and “snowmobiles” are hereby adopted and incorporated by reference by the Town and made part of this ordinance as if fully set forth herein. Any future amendments, modifications, revisions, additions or deletions of the above noted statutory chapters shall be incorporated herein and made part of this ordinance.

2.1-2.0615 DEFINITIONS IN THIS CHAPTER.

A. “All Terrain Vehicle” means any all-terrain vehicle, as defined in §340.01 (2g), Wisconsin Statutes, or any utility terrain vehicle, as defined in §23.33(1)(ng), Wisconsin Statutes.

B. “Roadway” means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. In a divided highway the term “roadway” refers to each roadway separately but not to all such roadways collectively.

C. “Highway” means all public ways and thoroughfares and bridges on every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes those roads or driveways in the state, county or municipal parks and in state forest which have been opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools, as defined in §115.01 (1), Wisconsin Statutes. and institutions under the jurisdiction of the County Board of Supervisors, but does not include private roads or driveways as defined in State Stats 340.01 (46)

D. "Snowmobile" means any engine driven vehicle of a type which utilizes sled type runners, or skis, or and endless belt tread or any combination of these or other similar means of contact with the surface upon which it is operated. A snowmobile does not include a vehicle which is either manually propelled or driven by a motor of four horsepower or less and operated only on private property. A snowmobile cannot be over 48 inches wide if it was manufactured after May 7, 1994.

E. "Operator" means a person who operates or is in actual control of an off-highway motorcycle, all terrain vehicle or snowmobile.

F. "Off-highway motorcycle" means a 2-wheeled motor vehicle that is straddled by the operator, that is equipped with handlebars, and that is designed for use off a highway, regardless of whether it is also designed for use on a highway. "Off-highway motorcycle" does not include an electric bicycle, as defined under s. 340.01 (15ph).

G "Operate" means to control the operation of an off-highway motorcycle, all terrain vehicle or snowmobile.

2.1-2.0618 HIGHWAY-DESIGNATED AS TRAILS OR ROUTES. The following highways or parts of highways thereof are designated separately as trails or routes for off-highway motorcycles, all terrain vehicles or snowmobiles:

A. **OFF-HIGHWAY MOTORCYCLES.**

1. None

B. **ALL TERRAIN VEHICLES.**

1. Those portions of Buena Vista Road (1010th Street) in the Town.
2. County Trunk E (Cameron St.) between Buena Vista Road and Elk Creek Road.
3. Elk Creek Road between County Trunk E and County Line Road (10th Avenue).
4. County Line Road between Elk Creek Road and the Dunn County Line.

C. **SNOWMOBILES.**

1. None

2.1-2.0620 REGULATIONS - OFF-HIGHWAY MOTORCYCLE, ALL TERRAIN VEHICLE, SNOWMOBILE.

- A. No person shall operate an off-highway motorcycle, all

terrain vehicle, or snowmobile on the private property of another without the written permission of the property owner, with that permission to be carried on the person of the operator.

B. No owner or other person having charge or control of an off-highway motorcycle, all terrain vehicle or snowmobile shall knowingly authorize or permit any person to operate such vehicle who is incapable by reason of age, physical or mental disability, or is under the influence of intoxicating liquor, fermented malt beverages or controlled substances.

C. The operation of off-highway motorcycles, all terrain vehicles or snowmobiles in public parks, or property owned by the Town is prohibited without the written permission of the Chair. Other governmental bodies having control of land in the Town may place reasonable conditions or restrictions on such operation.

D. No person shall operate an off-highway motorcycle , all terrain vehicle, or snowmobile in such a manner as to constitute a violation of the Town's "Public Nuisance Ordinance" (3.01.030)

E. It shall be a violation of this ordinance for any person to operate an off-highway motorcycle, all terrain vehicle or snowmobile upon any highway within the Town except in the specific manner permitted by this Article.

2.1-2.0625 HIGHWAY USE PERMISSION GRANTED. The operation of off-highway motorcycles, all terrain vehicles or snowmobiles will be permitted only upon specific highways within the Town listed in section **2.1-2.0618** and only under the following conditions:

A. All off-highway motorcycles, all terrain vehicles and snowmobiles shall be operated at the extreme edge of the roadway. Wherever an embankment does not permit safe and level travel the operator may operate the off-highway motorcycle, all terrain vehicle or snowmobile as close to the embankment as safely possible.

B. Whenever crossing a roadway the operator must stop and proceed with caution.

C. No highway will be used for off-highway motorcycles, all terrain vehicles or snowmobiles except as permitted by this Article.

D. The operation of any off-highway motorcycle, all terrain

vehicle or snowmobile shall comply with the rules of the road established by the chapter 346 of the Wisconsin Statutes in effect on the date of said operation.

E. No highway may be used as a trail or route except as allowed by this ordinance or when crossing a highway. A person crossing a highway must dismount from the off-highway motorcycle, all terrain vehicle or snowmobile and walk the machine across the roadway.

2.1-2.0635 ENFORCEMENT OF ORDINANCE. The Eau Claire County Sheriff department or a designee of the Board shall be the enforcement authority for provisions of this ordinance. It is unlawful for any person, to refuse or fail to comply with any lawful order, signal or direction of an officer of the Eau Claire County Sheriffs Department or the designee of the Board.

2.1-2.0640 ORDINANCE FILED. The Clerk shall file a copy of this ordinance upon passage and posting as required by WI Stats., with the Wisconsin Department of Natural Resources and Eau Claire County Sheriffs Department.

2.1-2.0645 VIOLATION-PENALTY. Any person in violation of any of the provisions of this chapter will forfeit not less than \$25.00 dollars nor more than \$100.00 and the cost of prosecution for each offense and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until the payment of such forfeiture and costs of prosecution but not exceeding 30 days for each violation. Each day of violation shall constitute a separate offense.