

CHAPTER 4

All-Terrain Vehicles and Off-Road Motor Vehicle Operation

10-4-1	State All-Terrain Vehicle Laws Adopted
10-4-2	Unauthorized Operation of Motor Vehicles on Public or Private Property
10-4-3	Mini-Bikes and Self-Propelled Vehicles Regulated

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 "10-4-12 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(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 (e)]
23.33(5)(a)(c)	Age restrictions
23.33(6)	Equipment requirements [including Subsections (a) through (e)]
23.33(7)	Accidents [including Subsections (a) and (b)]
23.33(l)	Definitions [including Subsections (a) through (n)]

SEC. 10-4-2 UNAUTHORIZED OPERATION OF MOTOR VEHICLES ON PUBLIC OR PRIVATE PROPERTY.

(a) **Purpose.**

- (1) 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
- (2) 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
- (3) 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
- (4) 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.

(b) **Definitions.** For purposes of this Section, the terms below shall be defined as follows:

- (1) Unauthorized shall mean 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 shall mean any location which:
 - a. Is not a paved or maintained 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 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.
- (3) Operation shall mean the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.
- (4) Motor Vehicle shall mean, 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, 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 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.
- (2) 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 minibike, 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. 10-4-3 MINI-BIKES AND SELF-PROPELLED VEHICLES REGULATED.

- (a) **Definitions.** The following definitions shall be applicable in this Section:
 - (1) 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.
 - (2) 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 of the Wisconsin Statutes, but not snowmobiles.
 - (3) Motorized Vehicle. Any self-propelled device in, upon or by which any person or property is or may be transported.

- (4) **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.
- (b) **Operation of Mini-Bikes and Self-Propelled Vehicles.** No person shall operate a mini-bike or self-propelled vehicle in the Village of Marshall in the following manner:
- (1) At a rate of speed that is unreasonable or imprudent under the circumstances.
 - (2) In any careless way so as to endanger the person or property of another.
 - (3) While under the influence of intoxicating liquor, fermented malt beverages, narcotics or other controlled substances.
 - (4) In such a way that the exhaust of the motor makes an excessive or unusual noise.
 - (5) Without a functioning muffler.
 - (6) Upon any public highway, street or alley, or upon any sidewalk or parkway in the Village of Marshall, unless such vehicle is registered as required by Chapter 341 of the Wisconsin Statutes, and its operation and operator are specifically permitted to operate the said vehicle by the Wisconsin Statutes.
 - (7) Upon any slide, ski or skating area, except for the purposes of serving the area or crossing the places where marked.
 - (8) Upon any lands owned, operated or leased by the Village of Marshall.
 - (9) Upon a cemetery, burial ground, school or church property, without the express consent of the owner.
- (c) **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 Section. 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.
- (d) **Penalties.** Any person who shall violate this Section shall, upon conviction thereof, forfeit for each offense not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail not to exceed thirty (30) days.