

Article III. Off-Road Vehicles

Division 1. Generally

Sec. 50-100. Purpose.

The village board finds that the significant noise, dust and potential harm to the public associated with the improper use of off-road vehicles may endanger the public's health, safety and welfare unless the operation of such off-road vehicles is appropriately regulated. Therefore, the village board adopts the present article pursuant to its police power.
(Ord. No. 2006-03, § 1, 7-10-2006)

Sec. 50-101. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

All-terrain vehicle has the meaning ascribed in Wis. Stat. § 340.01(2g).

Dirt bike means a motorized two wheeled vehicle that is designed for cross-country travel on natural terrain without benefit of a road or trail.

Go-kart means a motorized miniature vehicle capable of achieving speeds in excess of ten miles per hour and commonly used on courses or race tracks specifically designed for such vehicles.

Off-road vehicle means a snowmobile, all-terrain vehicle (ATV), dirt bike, go-kart, or any other vehicle designed to be ridden off-road.

Private, off-road motor vehicle track means a trail, track or roadway existing entirely on private property that is, or is intended to be, used for the driving, riding or otherwise operating of off-road vehicles and that is not open to the public. However, the term does not include any trail, track or roadway owned and operated by a business, club or private party for which a conditional use permit has been obtained.

Snowmobile means an engine-driven vehicle that is manufactured solely for snowmobiling, which has an endless belt tread and sled-type runners or skis to be used in contact with snow.

(Ord. No. 2006-03, § 1, 7-10-2006)

Sec. 50-102. Exemption.

The operator of an all-terrain vehicle or utility terrain vehicle owned by a municipality, state agency, public utility, or the Great Lakes Indian Fish and Wildlife Commission is exempt from the requirements and prohibitions of this article while the operator is engaged in an emergency or in the operation of an all-terrain vehicle or utility terrain vehicle directly related to the functions of the

municipality, state agency, public utility, or the Great Lakes Indian Fish and Wildlife Commission and if safety does not require strict adherence to these restrictions.

State law reference - Operation on or near highways - Exceptions; municipal, state and utility operations; races and derbies; land surveying operations, Wis. Stat. § 23.33(4)(c)1.

Sec. 50-103. Penalty.

Any person who violates any provision of this article shall be subject to a fine of not less than \$50.00 nor more than \$500.00, plus the costs of prosecution. Each day that a violation exists shall be deemed a separate offense.

(Ord. No. 2006-03, § 1, 7-10-2006)

Sec. 50-104. Reserved.

Division 2. Off-Road Vehicle Operation

Sec. 50-105. General operational restrictions.

- (a) It shall be unlawful for any person to operate an off-road vehicle within the village, except as herein specifically permitted and authorized, under any of the following circumstances:
 - (1) On that portion of any right-of-way of a public highway, street, road, trail, or alley that is used for motor vehicle travel;
 - (2) On a public sidewalk provided for pedestrian travel;
 - (3) On the private property of another without lawful authority or permission of the owner or occupant;
 - (4) On public or community-owned property, such as outlots (subdivision or otherwise), parks, playgrounds or recreational areas, or on public trails designated for off-road vehicle operation if such operation is in violation of any rule or regulation thereof;
 - (5) In any manner so as to create loud, unnecessary or unusual noise, such as due to a modification of the factory muffler;
 - (6) In a careless, reckless or negligent manner so as to endanger, or to be likely to endanger, the safety of any person or the property of any other person;
 - (7) While under the influence of alcohol or drugs, as defined by state statute.
- (b) All off-road vehicles operated within the Village shall conform to the equipment requirements set forth in Wis. Stat. § 23.33(6).

Sec. 50-106. Location restrictions.

- (a) Off-road vehicles may not be operated in any residentially zoned area.
- (b) Off-road vehicles may be operated in agriculturally zoned areas on lots greater than five acres in size, subject to the following limitations:
 - (1) Dust and noise control measures must be maintained by the property owner or occupant. Dust and noise control measures may be imposed and enforced by the village if other properties are unreasonably and adversely affected by dust and noise generated by off-road vehicle use;
 - (2) The off-road vehicles must be equipped with federally-approved spark arrestors, may not have been altered in any matter that effectively increases the noise associated with their operation (such as muffler modifications), and may not emit noise in excess of 96 decibels at a distance of 20 inches at one-half the vehicle's red-line speed, as measured in accordance with the procedure adopted by the Wisconsin Department of Natural Resources;
 - (3) No more than three riders, including no more than two riders who do not reside at the property, may operate off-road vehicles on the property at any given time;
 - (4) Any unvegetated riding area must be watered down before, during, and after riding, as needed, to control dust.

(Ord. No. 2006-03, § 1, 7-10-2006)

Sec. 50-107. Time restrictions.

Off-road vehicles may be operated only between the hours of 9:00 a.m. and 7:00 p.m., Monday through Saturday, and 12:00 p.m. and 7:00 p.m. on Sundays.

(Ord. No. 2006-03, § 1, 7-10-2006)

Secs. 50-108, 50-109. Reserved.

Division 3. Off-Road Vehicle Tracks

Sec. 50-110. Site restrictions.

The minimum lot size for the construction or use of a private, off-road motor vehicle track is five acres. Private, off-road motor vehicle tracks shall have setback requirements that are equal to or greater than the setback requirements of any residence located on the property. No part of any private, off-road motor vehicle track may be nearer than 100 feet to any adjacent property. No private, off-road motor vehicle track may be constructed within one-half mile of any school,

church, hospital, cemetery or park. All private, off-road motor vehicle tracks shall be located so as to be readily accessible by emergency vehicles.

(Ord. No. 2006-03, § 1, 7-10-2006)

Sec. 50-111. Approval.

Anyone wishing to construct or use a private, off-road motor vehicle track must submit an application to the village planning commission. Along with the requisite application fee, if any, the applicant shall submit a site plan showing the requested private, off-road motor vehicle track and also indicating the approximate distance to and current use of all occupied adjacent properties. An application shall also detail the private, off-road motor vehicle track's planned construction, use and operation. The planning commission shall forward all completed applications, along with its recommendation and proposed conditions, if any, to the village board for its consideration and possible approval.

Permits granted under this section shall be reviewed annually by the village board and their renewal shall be conditioned upon the permittee's continued compliance with such conditions as the board may, from time to time, determine are necessary to safeguard the safety and welfare of the village's residents.

(Ord. No. 2006-03, § 1, 7-10-2006)

Sec. 50-112. Variance/waiver.

The village board may waive or grant a partial variance from any requirement or prohibition created by this division if the board specifically determines that the permittee's special circumstances make such a waiver or variance appropriate.

(Ord. No. 2006-03, § 1, 7-10-2006)