

ORDINANCE NO. 2024-05

**VILLAGE OF YORKVILLE
RACINE COUNTY, WISCONSIN**

**AN ORDINANCE TO AMEND ARTICLE III OF CHAPTER 50 OF THE CODE OF
ORDINANCES OF THE VILLAGE OF YORKVILLE, RACINE COUNTY, STATE OF
WISCONSIN, PERTAINING TO OFF-ROAD VEHICLES**

**THE VILLAGE BOARD OF THE VILLAGE OF YORKVILLE, RACINE COUNTY,
STATE OF WISCONSIN ORDAINS AS FOLLOWS:**

1. That Article III of Chapter 50 of the Code of Ordinances for the Village of Yorkville be, and hereby is, amended to read as follows:

“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.

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 shall mean a motorized vehicle designed for use on a variety of unimproved surfaces including but not limited to, dune buggies, four-wheel drive vehicles, snowmobiles, all-terrain vehicles (ATVs), utility terrain vehicles (UTVs), dirt bikes, mini-bikes, motor bikes, mopeds and trail bikes.

Off-road vehicle track shall mean a new or existing trail made for the use of an off-road vehicle(s) where a permanent and defined path has been created and where the landscape has been manipulated in such a manner as to create a path or ruts that may include jumps, pits, obstacle courses, hills, and/or berms.

Off-road vehicle trail shall mean a new or existing trail made for the use of an off-road vehicle(s) where a permanent and defined path has been created.

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.

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. Agricultural equipment (such as farm tractors, seeders, combines, cultivators, etc.) used in the operation of a farm, garden tractors and riding lawnmowers are exempt from the requirements and prohibitions of this article.

State law reference - Operation on or near highways - Exceptions; municipal, state, utility, and electric cooperative operations or those operations directly related to the functions of the municipality, state agency, public utility, or electric cooperative, or of the Great Lakes Indian Fish and Wildlife Commission, if safety does not require strict adherence to these restrictions; operations where the operator is engaged in activities at the direction of and under contract with a municipality or electric cooperative, if safety does not require strict adherence to these restrictions; races and derbies; land surveying operations, Wis. Stat. § 23.33(4)(c).

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.

Sec. 50-104. Reserved.

Division 2. Off-Road Vehicle Uses

Sec. 50-105. Off-Road Vehicle Uses.

Three types of off-road vehicle use are defined and regulated under this section:

- (a) Type A incidental off-road vehicle use. Type A incidental off-road vehicle uses (“Type A Uses”) are those in which the off-road vehicle is used on parcels of any size to further a permitted use on the subject parcel. Examples of a Type A Use would include use of an off-road vehicle to mow or plow snow, assist in activities related to on-site landscaping or agricultural activities, household chores, etc. Type A Uses are not subject to any time, duration or location restrictions, do not require any village registration or permit, but are subject to the general operational restrictions set forth in Sec. 50-106.
- (b) Type B off-road vehicle use. Type B off-road vehicle uses (“Type B Uses”) are those that, in addition to Type A Uses, utilize an off-road vehicle trail for recreational purposes. Type B Uses do not require any village registration or permit, but are subject to the general operational restrictions set forth in Sec. 50-106, the location restrictions set forth in Sec. 50-107, and the time and duration restrictions set forth in Sec. 50-108.
- (c) Type C off-road vehicle use. Type C off-road vehicle uses (“Type C Uses”) are those that, in addition to Type A and/or Type B Uses, utilize an off-road vehicle track. Type C Uses are subject to the general operational restrictions set forth in Sec. 50-106, the location restrictions set forth in Sec. 50-107, and the time and duration restrictions set forth in Sec. 50-108. In addition, Type C Uses are required to obtain a conditional use permit as required by Sec. 50-110, and comply with the additional site restrictions set forth in Sec. 50-111.

Sec. 50-106. 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. 50-107. Location restrictions.

- (a) Off-road vehicles may not be operated in any residentially zoned area.
- (b) Off-road vehicles involved in Type B Uses may be operated in agriculturally zoned areas (A-2) on lots of at least three acres in size, and Type C Uses may be operated in agricultural (A-2) commercial (B-2, B-5) or Recreational Park (P-2) zoning districts on lots of at least 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) Any unvegetated riding area must be watered down before, during, and after riding, as needed, to control dust.

Sec. 50-108. Time and duration restrictions.

Off-road vehicles involved in Type B or Type C Uses may be operated only between the hours of 9:00 a.m. and 8:00 p.m., Monday through Saturday, and 12:00 p.m. and 8:00 p.m. on Sundays. In addition to complying with the above time requirements, Type B and Type C Uses may not continue for more than three hours (cumulatively) in any day.

Secs. 50-109. Reserved.

Division 3. Off-Road Vehicle Tracks

Sec. 50-110. Approval.

Anyone wishing to construct or use a private or commercial, off-road motor vehicle track must submit an application for a conditional use permit in accordance with the requirements of the Village's zoning code. Along with the requisite application fee, if any, the applicant shall submit a site plan showing the location of 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.

Sec. 50-111. Site restrictions.

The minimum lot size for the construction or use of a private or commercial, 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. Permits granted for an off-road vehicle track 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. Conditional use permits approved as to off-road vehicle tracks may include conditions that vary from the provisions of this ordinance, depending on the unique characteristics of the location under consideration, in accordance with the provisions governing the issuance of conditional use permits set forth in Chapter 55, Exhibit A, Chapter 20, Article VIII, Division 3."

2. This ordinance shall take effect upon adoption and publication as required by law.

Adopted by the Village Board of the Village of Yorkville, Racine County, State of Wisconsin, this 8th day of April, 2024.

VILLAGE OF YORKVILLE

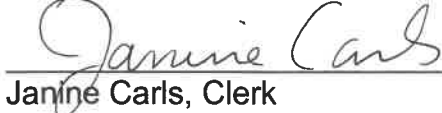
Ayes: 5

Nays: 0

Abstentions: 0

Absences: 0

By: 
Douglas Nelson, President

Attest: 
Janine Carls, Clerk

Village of Yorkville
Notice of Newly Enacted Ordinances

Please take notice that, on Monday, April 8, 2024, the Village Board of the Village of Yorkville adopted the following ordinances:

- Ordinance 2024-05, entitled "An Ordinance amending Article III of Chapter 50 of the Code of Ordinances of the Village of Yorkville, Racine County, State of Wisconsin, pertaining to off-road vehicles".
- Ordinance 2024-06, entitled "An Ordinance repealing and recreating the definition of the phrase "Off-road vehicle" in Section 20-1, creating and defining the phrase "Off-road vehicle track" in Section 20-1, creating and defining the phrase "Off-road vehicle trail" in Section 20-1, and repealing and recreating Section 20-1226 (14) of the Racine County Code of Ordinances as adopted by the Village of Yorkville under Section 55-1(a) of the Code of Ordinances of the Village of Yorkville, Racine County, State of Wisconsin, pertaining to off-road vehicles".

These ordinances take effect upon publication of this notice. The full text of these ordinances may be obtained from the Village of Yorkville Clerk's office, 925 15th Avenue, Union Grove, Wisconsin 53182, or through the Village's website at www.villageofyorkville.com. The phone number for the Clerk is (262) 878-2123.

Janine Carls
Clerk