

VILLAGE OF CROSS PLAINS

ORDINANCE NO. 04-2020

AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF SECTIONS 52.06(a) AND (b) AND TO CREATE SECTION 52.06(c) OF THE VILLAGE CODE OF ORDINANCES REGARDING ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES

The Village Board of the Village of Cross Plains, Dane County, Wisconsin does hereby ordain as follows:

1. Sections 52.06(a) and (b) are amended as identified with redline edits and new language as set forth below.
2. Section 52.06 (c) is created as set forth below.

SECTION 52.06 All-Terrain Vehicles and Utility Terrain Vehicles.

(a) **Definitions.** For purposes of this Section:

- (1) "All-Terrain Vehicle" (ATV) means an engine driven device which has a net weight of 900 lbs. or less, has a width of 50 inches or less as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors and accessories that are not essential to the vehicle's basic operation, is equipped with a seat designed to be straddled by the operator and which is designed to travel on three or more ~~low~~ **pressure** tires.
- (2) "Highway" means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes roads, driveways and municipal parks 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. This definition does not include private roads or driveways.
- (3) "Low pressure tire" is a tire which has a minimum width of 6 inches and is designed to be inflated with an operating pressure not to exceed 10 pounds per square inch as recommended by the manufacturer.
- (4) "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. On a divided highway, the term "roadway" refers to each roadway separately but not to all such roadways collectively.

- (5) “Snow Removal Device” means an attachment designed and installed for the purpose of removing snow. An attachment under this definition may be a plow blade, blower, bucket or brush.
- (6) “Utility Terrain Vehicle” (UTV) means any of the following:
- a. A motor-driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with all of the following:
 1. A net weight of less than 2,000 pounds;
 2. Four or more ~~low-pressure~~ tires;
 3. A cargo box installed by the manufacturer;
 4. A steering wheel;
 5. A taillight;
 6. A break light;
 7. Two headlights;
 8. A width of not more than 65” as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors and accessories that are not essential to the vehicle’s basic operation;
 9. Seats for at least 2 occupants, all of which seating is designed not to be straddled;
 10. A system of seatbelts, or a similar system, for restraining each occupant of the device in the event of an accident;
 11. A system of structural members designed to reduce the likelihood that an occupant would be crushed as a result of a rollover of the device.
 - b. A motor-driven device that has a net weight of more than 900 lbs., that is originally manufactured with a width of 50” or less, that is equipped with a seat designed to be straddled by the operator, and that is designed by the manufacturer to travel on three or more ~~low pressure~~ tires.
- (b) **Operation on or Near Roadways for Snow Removal Purposes.**
- (1) The provisions of Section 23.33(4) of the Wisconsin Statutes as amended from time to time are adopted as the law of the Village of Cross Plains and incorporated herein by reference.
 - (2) A person may operate an ATV or UTV with a snow removal device attached on a roadway or adjacent to a roadway or on a public sidewalk during the period beginning on October 1 and ending on April 30 of each year for the purpose of removing snow if such operation is necessary to travel to or from a site where the snow removal device will be used. The travel necessary to or from the site may not exceed two (2) miles.

- (3) Operation of an ATV or UTV with a snow removal device on a roadway or adjacent to a roadway is authorized only if the applicable roadway speed limit is 45 miles per hour or less. The speed limit for operation of an ATV or UTV with a snow removal device adjacent to a roadway shall be 15 miles per hour; however, if the vehicle is being operated within 150 feet of a dwelling, the speed shall not exceed 10 miles per hour.
 - (4) Operation of an ATV or UTV on a roadway is authorized only on the extreme right side of the roadway except that left turns may be made from any part of the roadway where it is safe to do so, given prevailing conditions.
 - (5) The operator of an ATV or UTV with a snow removal device is permitted to drive upon a sidewalk for the purpose of snow removal. The operator shall access the sidewalk from a permanently or temporarily established driveway. If an operator is driving an ATV or UTV with a snow removal device on a sidewalk, the speed may not exceed five (5) miles per hour.
 - (6) No person who is under sixteen (16) years of age may operate an ATV or UTV for purposes of snow removal under any circumstances.
 - (7) Any person operating an ATV or UTV with a snow removal device attached is required to display at least one or more flashing or rotating amber or yellow lights, and at least one of the lights shall be visible from every direction.
- (c) **Operations of ATV/UTV on Roadways Within the Village.**
- (1) Except as modified by the terms of this section, the provisions of Section 23.33 of the Wisconsin Statutes as amended from time to time are adopted as the law of the Village of Cross Plains and incorporated herein by reference.
 - (2) All village roadways are declared to be ATV and UTV routes, except as follows:
 - a. US Highway 14 (Main Street) throughout the village limits;
 - b. ATVs and UTVs can cross US Highway 14 (Main Street) as allowed by law.
 - (3) No person shall operate an ATV/UTV in excess of the posted speed limit within the village limits, with the exceptions outlined in 52.06(b).
 - (4) All village ATV and UTV routes will be open for travel between the hours of 8:00 AM until 8:00 PM daily.
 - (5) Village ATV/UTV routes are restricted to the following uses:
 - a. Gaining access to and from their residence to another local residence;
 - b. Gaining access to a local business, or
 - c. Gaining access to recreation trail.
 - (6) No person shall operate, park, store an ATV/UTV or trailer in any:
 - a. Village park
 - b. Conservancy

c. School property

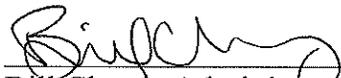
- (7) Operators of ATVs and UTVs must be at least 16 years of age, possess a valid driver's license, and possess a valid safety certificate.
- (8) Operators of ATVs and UTVs must possess proof of current liability insurance on the ATV/UTV.
- (9) Operators must always display lighted headlights and taillights.
- (10) Operators must operate in single file and with the flow of traffic.
- (11) Operators must conform to all noise and equipment requirements as set forth in the Wisconsin State Statutes.
- (12) ATV/UTV must have current registration, which will include a rear license plate.
- (13) No person may operate an ATV/UTV upon any sidewalk or pedestrian way.
- (14) It shall be unlawful for any person to possess an open intoxicant while operating, or as a passenger, on an ATV or UTV on any village route.
- (15) It shall be unlawful for any person to operate an ATV or UTV in such a manner as to cause, or disturb the peace, by excessive and unnecessary acceleration, the tires of such vehicle to spin or emit loud noises, to unnecessarily throw stones or gravel, or to cause the wheels to leave the ground.
- (16) Operators and passengers under the age of 18 shall wear a minimum DOT standard ATV or motorcycle helmet with the chin strap properly fastened as required by Wis. Stat §23.33.
- (17) The Chief of Police shall have the authority to:
 - a. Temporarily close any part of the ATV/UTV route for any reason.
 - b. Request the Village Public Safety Committee review the use of any ATV/UTV route. The Public Safety Committee shall make recommendations to the Village Board concerning the use of any part of the route.
- (18) Section 52.06(c) shall be in effect for a period of one year from the effective date of this Ordinance.

1. **Severability.** If any portion of this Ordinance or its application on any person or circumstances is held invalid, the validity of this Ordinance as a whole or any other provision herein or its application shall not be affected.
2. **Effective Date.** This Ordinance shall take effect immediately upon its passage and publication.

Adopted this 26th day of May 2020.

VILLAGE OF CROSS PLAINS

By: 
Jay Lengfeld, President

By: 
Bill Chang, Administrator/Clerk

Date of Publication/Posting: June 4, 2020