

CHAPTER 52

SNOWMOBILES, ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES

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SECTION 52.01 State Statutes Adopted.

The provisions of Section 346.02(10), Stats. are hereby adopted and incorporated herein as if fully set forth. Further, unless the terms and provisions of this Chapter are more restrictive, the provisions of Section 23.33 and Chapter 350 of the Wisconsin Statutes are hereby adopted and incorporated herein as if fully set forth. Any act required to be performed or prohibited by any provision incorporated herein is required or prohibited by this Chapter. Any future amendment of any of these provisions that the Village could adopt as an ordinance is hereby adopted as an ordinance and is incorporated herein as if fully set forth as of the effective day of that future amendment.

SECTION 52.02 Snowmobile Operation.

- (a) **General Prohibition.** Except as otherwise provided in this Section, it shall be unlawful to operate any snowmobile on the Village streets, alleys, parks, and parking lots, or on any public land, private land, or parking lot held open to the public. The operator of the snowmobile shall at all times have the consent of the owner of land before operating a snowmobile on private lands.
- (b) **Permitted Use of Snowmobiles.** Snowmobiles may be operated in the Village on public right-of-ways only as follows:
 - (1) Snowmobiles may be operated on public streets for the purpose of residential access. "Purpose of residential access" means for the purpose of traveling the shortest distance between the snowmobile operator's residence and the Village or County snowmobile route or trail that is closest to that residence.
 - (2) Snowmobiles may be operated in the Village on the marked snowmobile route.
 - (3) Snowmobiles may be operated in public parks and on other municipal property where their use is approved by the Director of Parks, Recreation and Conservancy.
 - (4) Snowmobiles may be operated for law enforcement emergency purposes as permitted under Section 350.02 Wis. Stats., by public utilities as permitted under Section 350.045 Wis. Stats., and for snowmobile events authorized in accordance with Section 350.04 Wis. Stats.
- (c) **Authority to Open and Close Snowmobile Routes and Prohibit Residential Access.** The Chief of Police or Director of Parks, Recreation and Conservancy may declare any snowmobile route, or part thereof, in the Village closed at any time and may prohibit the use of snowmobiles for the purpose of residential access

in the Village, or any part of the Village at any time. All snowmobile routes in the Village are closed, and the use of snowmobiles for the purpose of residential access in the Village are prohibited, when any Dane County snowmobile trail or route located within one mile of the Village is closed, except that the Chief of Police or the Director of Parks, Recreation and Conservancy may subsequently reopen any snowmobile route or street for the purpose of residential access irrespective of a county trail or route being closed.

- (d) **Operation on Sidewalks Prohibited.** No person shall operate a snowmobile upon any sidewalk, pedestrianway or upon the area between a sidewalk and curb of any street, except for the purpose of crossing by the most direct route to obtain access to an area in which the snowmobile may be lawfully operated.

SECTION 52.03 Speed Limit.

No person may operate a snowmobile within the Village limits at a speed in excess of 15 miles per hour.

SECTION 52.04 Hours of Operation.

No person may operate a snowmobile between the hours of 10:00 p.m. and 7:00 a.m. except on an open, approved trail or on a Village-approved route for the purpose of gaining access to or from an open, approved trail.

SECTION 52.05 Unattended Snowmobiles.

No person may allow a snowmobile to be unattended on any public property, or on any property to which Section 346.63, Wis. Stats., is applicable, while the snowmobile motor is running or while the snowmobile ignition key is in the ignition.

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, 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 tail light;
 - 6. A break light;
 - 7. Two headlights;
 - 8. A width of not more than 65”;
 - 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 roll over 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.**

- (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.
- (c) **Authorized Operation.** No person who is under sixteen (16) years of age may operate an ATV or UTV for purposes of snow removal under any circumstances.
- (d) **Display Lights.** 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.