

4.09 ALL-TERRAIN VEHICLES/UTILITY TERRAIN VEHICLES

(1) INTENT.

The Village Board, following due consideration of the value to the public to provide recreational opportunities and in particular to provide for connecting ATV/UTV trails, and considering the benefits offset by the potential liabilities including terrain involved, traffic density and the history of automobile traffic, hereby intends to create ATV/UTV routes for the operation of ATVs/UTVs and regulate the operation of ATVs/UTVs and the use of those routes as provided within.

(2) AUTHORITY.

This Chapter and the routes created herein are adopted pursuant to the police powers of the Village, together with the authority under sections 23.33 (8)(b) and (11), Wisconsin Statutes. The terms of section 23.33, Wisconsin Statutes, are incorporated herein by reference. In the event any provision of this Chapter is inconsistent with or in conflict with any portion of section 23.33, Wisconsin Statutes, then section 23.33, Wisconsin Statutes, shall control and be applicable.

(3) DEFINITIONS.

As used in this Chapter, the following terms will have the following meanings:

(a) All-Terrain Vehicle (Herein "ATV") and Utility Terrain Vehicle (Herein "UTV").

An engine driven device which has a net weight of two thousand (2,000) pounds or less, which has a width of sixty-five inches (65") or less, which is equipped with either a seat, designed to be straddled by the operator or for a least two (2) people and which is designed to travel on three (3) or more low-pressure tires. A low-pressure tire is a tire which has a minimum width of six inches (6"), which is designed to be mounted on a rim with a maximum diameter of twelve inches (12") and which is designed to be inflated with an operating pressure not to exceed six (6) pounds per square inch as recommended by the manufacturer. Four (4) and six (6) wheeled utility vehicles will be allowed to be permitted.

(b) Village. The Village of Hilbert, Wisconsin.

(c) Village Board. The board of trustees of the Village of Hilbert, Wisconsin.

(4) RULES OF OPERATION, CONDITIONS, AND RESTRICTIONS:

The following rules of operations, conditions, and restrictions apply to the operation of ATVs/UTVs in the Village of Hilbert.

(a) Speed. No person shall operate an ATV/UTV within the Village on any trail or street or route designated herein at a speed in excess of the posted limit.

(b) Right Side Operation. ATVs/UTVs shall be operated on the extreme right side of the roadway and travel with the flow of traffic and shall be operated in single file.

(c) Yield. ATV/UTV operators shall yield the right of way to all other vehicular traffic and pedestrians.

(d) Equipment. No ATV/UTV shall be operated on any street or route within the Village unless it conforms to all noise, registration, and other equipment requirements as required by Wisconsin Statutes, Administrative Code, or this Code.

(e) Lights. An ATV/UTV operating within the Village shall display a lighted headlight and taillight at all times. Any trailer being towed shall comply with the taillight lighting requirements. Said lights shall conform to the requirements of Wisconsin Statutes and this Code.

(f) Slow Moving Vehicle. Any ATV/UTV unable to reach a speed of twenty-five (25) miles per hour shall display a slow-moving vehicle triangle visible on the rear of such vehicle according to Wisconsin Statutes and Administrative Code governing SMV emblems at all times while in operation on any roadway.

(g) Operation on Sidewalks Prohibited. No person shall operate an ATV/UTV on any sidewalk, pedestrian way or upon the area between the sidewalk and the curb line of any street in the Village, except as specifically authorized for the purpose of legally crossing the street, from an area of private property with permission, to obtain immediate access to an authorized area of operation.

(h) Commercial Access. Notwithstanding anything herein to the contrary, any person may operate an ATV/UTV from an established ATV/UTV trail or route to a place of lodging, shopping at local businesses or obtaining personal needs within the corporate limits of the Village of Hilbert.

(i) Unattended Vehicles. No person shall leave or allow any ATV/UTV owned or operated or under his/her control to remain unattended on any public highway or public property within the Village while the motor of the ATV/UTV is running or with the starting key left in the ignition.

(5) **BI-ANNUAL USE PERMIT.**

(a) Bi-Annual Use Permit Required. In addition to any other registration requirements of the State of Wisconsin, no person shall operate any ATV/UTV upon Village streets, other Village property or designated areas within the Village limits without first obtaining a bi-annual use permit.

(b) Bi-Annual Use Permit Requirements. The requirements for the bi-annual use permit include the following:

(1) Each individual ATV/UTV shall be required to have a bi-annual use permit. The owner of the ATV/UTV shall provide proof of ownership and insurance covering the unit to be registered.

(2) The owner of the ATV/UTV shall complete and sign an application form as provided by the Village for the annual use permit.

(3) The application form shall be accompanied by the required fee. This fee is nonrefundable. The application form shall also be accompanied by proof that the ATV/UTV has been inspected and meets all regulations of the State of Wisconsin and this Code.

(c) Bi-Annual Use Permit Issuance. A bi-annual use permit is nontransferable. Such permit shall allow the ATV/UTV to be operated upon Village streets and designated routes. Each permit shall be plainly visible on the ATV/UTV and shall be placed directly under or next to the state registration sticker or the front cowling as to be plainly visible. The bi-annual use permit shall expire on April 30th of each even number year. The bi-annual use permit fee is forty dollars (\$40.00).

(6) OPERATOR RESTRICTIONS.

The following restrictions shall apply to all operators or passengers of ATVs/UTVs within the Village:

(a) Operation by non-licensed or youthful operators provided under Wisconsin Statute Chapter 23.33(5).

(b) No person shall operate an ATV/UTV upon city streets, alley or public right-of-way within the corporate limits of the Village of Hilbert unless such a person shall have a valid motor vehicle operator's license.

(c) No person under the age of 12 years of age may operate an ATV/UTV on a roadway for any reason.

(d) No person age twelve (12) – fifteen (15) may operate an ATV/UTV on a roadway unless the machine is registered as an implement of husbandry, is being used for agricultural purposes, and the operator holds a valid ATV/UTV safety certificate (or) the machine is registered for public use, the operator is accompanied by a person at least eighteen (18) years of age, and the operator holds a valid ATV/UTV safety certificate.

(e) No person who is at least sixteen (16) years of age may operate an ATV/UTV on a roadway unless the machine is registered as an implement of husbandry, is being used for agricultural purposes, and the operator holds a valid ATV/UTV certificate (or) the machine is registered for public use, the operator is accompanied by a person at least eighteen (18) years of age, and the operator holds a valid ATV/UTV safety certificate.

(f) ATV/UTV operators age sixteen (16) and born on or after January 1, 1988 may operate on roadways if they possess an ATV/UTV safety certificate.

(g) An operator or passenger under eighteen (18) years of age is required to wear a helmet, unless the machine is registered as an implement of husbandry and is being used for a legitimate agricultural purpose.

(h) If so equipped, all ATV/UTV passengers must have seatbelts fastened at all times.

(7) DESIGNATED ATV ROUTES.

(a) Routes and Trails. The following are designated routes and trails for ATV/UTV use within the Village:

(1) All non-state highway public streets within the corporate limits of the Village of Hilbert except:

(a) Any street where operation is prohibited by posted sign.

(b) 12th Street.

(c) Birch Street.

(2) State Highway 57/32 from the south line of the south driveway of the property located at 463 S. 8th St. to 71' south of the south edge of Birch Street.

(3) State Highway 114 from State Highway 57/32 to 65' east of the east edge of 12th Street.

(4) East Main Street to the village corporate limits.

(b) Other Areas Prohibited. Except as provided in Wisconsin Statutes or in this Chapter, no person may operate an ATV/UTV in the following areas, unless authorization is first obtained from the Village Board (Village property need not be posted, ATVs/UTVs must know whose property they are operating upon before entering any property):

(1) Any Village parks.

(2) Any Village cemeteries.

(3) Any property owned or leased by the Village.

(c) Exception for Crossing. Notwithstanding the foregoing, an ATV/UTV may be operated to cross from one side of a prohibited street to the other from a legal area to reach a street which is legal upon which to operate.

(d) ATV/UTV Routes, Signs and Markers.

(1) Trail Markers. The Village Board or its designee are authorized and directed to procure, erect and maintain appropriate ATV/UTV route, trail and speed limit signs and markers as approved by the State of Wisconsin to comply with the terms of this Chapter.

(2) Trail Status. The Village Board or the Calumet County Sheriff's Department have the authority to declare the stated ATV/UTV routes and trails either opened or closed.

(3) Signs and Markers. No person shall fail to obey any route or trail sign, marker or speed limit or other control device erected in accordance with this Chapter or under the authority of Wisconsin Statutes.

(8) **ENFORCEMENT.**

(a) Enforcement. This chapter shall be enforced by any law enforcement officer of the Village of Hilbert or such other local, county or state law enforcement officers.

(b) Citation. The uniform traffic citation under Wisconsin Statutes shall be used for violations of this Chapter.

(c) Penalty. All provisions of section 23.33 of Wisconsin statutes describing and defining regulations with respect to all-terrain vehicles of which the penalty is a forfeiture only are incorporated herein by reference. The penalty for violation of any provision of this Chapter shall be a forfeiture as provided in section 23.33 (13) of Wisconsin statutes together with the costs of prosecution. Subject to the specific provisions of section 23.33 (13), Wisconsin statutes, of paragraphs (am)2(e) any person who violates this Chapter shall forfeit not more than two hundred fifty dollars (\$250.00).