

Attachment to 10-4-1, 10-4-2, 10-4-3, 10-4-4, 10-4-5, 10-4-6, 10-4-7, 10-4-8, 10-4-9, and 10-4-10

CHAPTER 4

All-Terrain and Off-Road Utility Vehicles, and Off-Road Motor Vehicle Operation

10-4-1	Intent
10-4-2	Definitions
10-4-3	Statutory Authority
10-4-4	Routes
10-4-5	Conditions
10-4-6	Unauthorized Operation of Motor Vehicles on Public or Private Property
10-4-7	Signage
10-4-8	Enforcement
10-4-9	Penalties
10-4-10	Maintenance
10-4-11	Effective Date

Sec. 10-4-1 Intent

The Village of La Farge adopts the following all-terrain, off-road utility vehicle, and golf cart routes for the operation of all-terrain vehicles (hereinafter "ATV" or "ATVs") off-road utility vehicles (hereinafter "UTV" or "UTVs"), and golf carts upon the roadways listed in Section 10-4-4.

Following due consideration of the recreational and economic value to connect trail opportunities and weighed against possible dangers, public health, liability, terrain involved, traffic density and history of automobile traffic, these routes have been created.

Sec. 10-4-2 Definitions

For purposes of this Chapter, the terms below shall be defined as follows:

(a) Unauthorized

Shall mean without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.

(b) Off-Road:

Shall mean any location which:

- (1) Is not a paved or maintained public street or alley; or
- (2) Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
- (3) Is a private trail for use only by the owner or his permittees for recreational or other vehicular use. Off-road shall not include any creek bed, riverbed or lake

provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creek bed, riverbed or lake.

(c) Operation:

Shall mean the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.

(d) Motor Vehicle:

Shall mean, for purposes of this Section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, off-road utility vehicles, mopeds, snowmobiles, dune buggies and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be so defined while:

- (1) It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;
- (2) It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.
- (3) It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.

(e) Golf Cart:

Shall mean a vehicle whose speed attainable in one mile does not exceed 20 miles per hour on a paved, level surface, and that is designed and intended to convey one or more persons and equipment to play the game of golf in an area designated as a golf course.

(f) Golf Cart Crossing Area:

Shall mean a designated area within the territorial boundaries of the Village of La Farge crossing a State Trunk Highway marked by golf cart crossing signs.

Sec. 10-4-3 Statutory Authority

This route is created pursuant to village authority under Wisconsin Statute §61.34, La Farge Ordinance 2-2-5, and as authorized by Wisconsin Statutes §23.33 and §349.18. The applicable provisions of Wisconsin Statute §23.33 regulating ATV and UTV operations pursuant to routes are adopted by reference. The applicable provisions of Wisconsin Statute §349.18 regulating additional traffic-control authority of counties and municipalities are adopted by reference.

Sec. 10-4-4 Routes

The following roads are ATV/UTV routes:

- (a) All Village of La Farge maintained public roadways are designated as ATV/UTV routes, rendering all such roadways accessible to ATV/UTV traffic.
- (b) Under Wis. Stat. s. 23.33(11)(am)4., the Village of La Farge authorizes the operation of ATVs/UTV on all State Trunk Highways with a posted speed limit of 35 mph or less within the Village territorial boundary.

- (c) Under Wis. Stat. ss. 23.33(4)(d)3.b. and (11)(am)3., the Village of La Farge authorizes the operation of ATVs/UTVs on:
- (1) STH 131 from Pearl Street to the Village of La Farge/Town of Stark boundary to cross the bridge over Bear Creek. This is only authorized if the Town of Stark enacts an ordinance authorizing the operation of ATVs/UTVs on STH 131 from Village of La Farge/Town of Stark boundary to Aumock Road to cross the same bridge.
 - (2) STH 82 from Mill Street to the Village of La Farge/Town of Stark boundary to cross two bridges over Otter Creek and the bridge over the Kickapoo River. This is only authorized if the Town of Stark enacts an ordinance authorizing the operation of ATVs/UTVs on STH 82 from the Town of Stark/Village of La Farge boundary to the Town of Stark/Town of Webster boundary AND the Town of Webster enacts an ordinance authorizing the operation of ATVs/UTVs from the Town of Stark/Town of Webster boundary to Green Hollow Road to cross the same bridges.
 - (3) STH 82 from Cherry Street to the Village of La Farge/Town of Stark boundary to cross a bridge over a drainage way feeding Bear Creek. This is only authorized if the Town of Stark enacts an ordinance authorizing the operation of ATVs/UTVs on STH 82 from Village of La Farge/Town of Stark boundary to Munson Road to cross the same bridge.

A person crossing a bridge in (1) – (3) shall do all of the following:

- a. Cross the bridge in the most direct manner practicable and at a place where no obstruction prevents a quick and safe crossing.
- b. Stay as far to the right of the roadway or shoulder as practicable.
- c. Stop the vehicle prior to the crossing.
- d. Yield the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway or shoulder.
- e. Exit the highway as quickly and safely as practicable after crossing the bridge.

The following roads are golf cart routes:

- (d) All Village of La Farge maintained public roadways with a speed limit of 25 MPH or less within the territorial boundaries of the Village of La Farge are designated as a Golf Cart Route, rendering all such roadways accessible to golf cart traffic. Golf carts shall not be operated on State Trunk Highways unless crossing in a designated golf cart crossing area.
 - (1) Designated Golf Cart Crossing Areas: The following intersections shall be designated as golf cart crossing areas: Maple Street and Main Street; Snow Street and State Street; Bird Street and Main Street.

Sec. 10-4-5 Conditions

As a condition for the use of these routes, the following conditions shall apply to all operators (and passengers where applicable);

- (a) All ATV/UTV operators must carry liability insurance coverage.

- (b) All ATVs/UTVs must be property registered with the Department of Natural Resources prior to operating on any routes.
- (c) All ATV/UTV operators shall observe a speed limit of not more than 35-mph or the posted roadway speed limit, whichever is lower.
- (d) All ATV/UTV operators shall slow the vehicle to 10-mph or less when operating within 150 feet of a dwelling.
- (e) All ATV/UTV operators shall operate on paved portions of the roadway only. Operation on gravel shoulders, grassy in-slopes, ditches, or other highway right-of-way is prohibited.
- (f) All ATV/UTV operators shall ride in single file on the right-hand side of the paved portion of the roadway.
- (g) All ATV/UTV operators shall have their headlight illuminated, and taillight, if the vehicle was originally manufactured with a taillight, while operating on a public roadway.
- (h) All ATV/UTV operators without taillights shall be equipped with reflectors or SMV sign.
- (i) ATV operators who are at least 12 years of age and born after January 1, 1988 are required to have an ATV Safety Certificate provided by the Department of Natural Resources while operating on a public roadway. Operators must be in possession of this certificate while operating in areas open to the public and display it to a law enforcement officer upon request. All ATV safety certified operators age 12-15 must also be accompanied by an adult while operating on a designated ATV Route. Certified operators may transport other passengers. ATV Safety Institute (ASI) certificates are not valid in Wisconsin.

G) UTV operators shall be 16 years of age or older and must possess a valid ATV safety certificate issued the Department of Natural Resources while operating on a public roadway. Operators must be in possession of this certificate while operating in areas open to the public and display it to a law enforcement officer upon request. Certified operators may transport other passengers. ATV Safety Institute (ASI) and Recreational Off- Highway Vehicle Association (ROVHA) certificates are not valid in Wisconsin.

- (k) ATV/UTV operators under 18 years of age shall wear protective headgear of the type required by Wisconsin Statute §347.485(1)(a). Bicycle helmets do not meet this requirement.
- (l) ATV/UTV allowed hours of operation shall be 45 minutes before sunrise and 45 minutes after sundown except as follows: ATV's and UTV's equipped with working headlights, tail lights, brake lights and turn signals may operate between 4 a.m. and 10:00 p.m.
- (m) ATV/UTV operators shall further drive at speeds that are reasonable and prudent for all prevailing roadway conditions present.
- (n) ATV/UTV operators shall not drive carelessly or recklessly in any manner likely to result in property damage, injury or endanger the safety of any property, thing or person.
- (o) ATV/UTV operators and occupants shall obey all regulatory signs, including stop signs, yield signs, speed limit signs, etc.
- (p) ATV/UTV operators and occupants shall use occupant restraint devices, including seat belts.

- (q) ATV/UTV exhaust muffling systems with spark arrestor must be fully functioning at all times.
- (r) The Village of La Farge may close routes at any time through removal of all route signage and providing notice to the public.

Sec. 10-4-6 Unauthorized Operation of Motor Vehicles on Public or Private Property

- (a) The unauthorized off-road operation of a motor vehicle is prohibited.
- (b) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas authorized by the Village Board, it shall be unlawful to operate any minibike, go-kart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Village streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public.
- (c) The operator shall at all times have the written consent of the owner before operation of such craft or vehicle on private lands.

Sec. 10-4-7 Signs

Routes must be signed in accordance with Wisconsin Administrative Code NR 64.12. The Village of La Farge Public Works Department has sole responsibility and authority to post signs on ATV/UTV routes.

- (a) Upon approval by the Department of Transportation for the State of Wisconsin, and a notice of such approval being posted by the Village of La Farge, responsibility and authority to post signs on ATV/UTV routes may be expanded to include Department of Transportation for the State of Wisconsin

Sec. 10-4-8 Enforcement

This ordinance shall be enforced by any law enforcement officer of the Village of La Farge, Vernon County Sheriff's Office, or any other law enforcement official as set forth in Wisconsin Statute §23.33(12).

Sec. 10-4-9 Penalties

Penalties as found in § 23.33(13), Wis. Stats., as the same may be amended from time to time, are adopted by reference as if fully set forth herein.

Sec. 10-4-10 Maintenance

Designation of the Village of La Farge public roadways as ATV/UTV routes does not impose upon the Village a greater duty of care or responsibility for maintenance of those roadways more than any other segment of Village roadways. Operators of ATVs/UTVs on public roadways assume the usual and normal risks of ATV/UTV operation.

Chapter 4

All-Terrain Vehicles and Off-Road Motor Vehicle Operation

- 10-4-1** State All-Terrain Vehicles Laws Adopted
- 10-4-2** Unauthorized Operation of Motor Vehicles on Public or Private Property

Sec. 10-4-1 State All-Terrain Vehicle Laws Adopted.

The provisions describing and defining regulations with respect to all-terrain vehicles in the following-enumerated Subsections of Sec. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. The statutory sections adopted by reference herein shall be designated as part of this Code by adding the prefix "10-4-1-" to each statute section number. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

- 23.33(2) Registration
- 23.33(3) Rules of operation [including Subsections (a) through (i)]
- 23.33(4) Operation on or near highway [including Subsections (a) through (e)]
- 23.33(5)(a)(c) Age restrictions
- 23.33(6) Equipment requirements [including Subsections (a) through (e)]
- 23.33(7) Accidents [including Subsections (a) and (b)]
- 23.33(1) Definitions [including Subsections (a) through (n)]

Sec. 10-4-2 Unauthorized Operation of Motor Vehicles on Public or Private Property.

- (a) **Purpose.**
 - (1) The unauthorized off-road operation of motor vehicles has resulted in serious damage to public and private lands including damage or destruction of vegetation, animal life and improvement to the lands; and

- (2) The unauthorized off-road operation of motor vehicles has resulted in the permanent scarring of land and an increase in both erosion and air pollution; and
 - (3) The unauthorized off-road operation of motor vehicles has resulted in collisions and near collisions threatening the life and safety of the operators of such vehicles as well as of other persons; and
 - (4) The unauthorized off-road operation of motor vehicles has resulted in a loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.
- (b) **Definitions.** For purposes of this Section, the terms below shall be defined as follows:
- (1) **Unauthorized** shall mean without the express prior consent of the owner, lessee, manager or other person authorized to give consent by the owner or lessee of land. Authorization shall not be implied from a failure to post private or public land.
 - (2) **Off-Road** shall mean any location which:
 - a. Is not a paved or maintained public street or alley; or
 - b. Is not used or maintained by the owner or lessee of land as a driveway, parking lot or other way for motor vehicles; or
 - c. Is a private trail for use only by the owner or his permittees for recreational or other vehicular use. Off-road shall not include any creekbed, riverbed or lake provided, however, that this Subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creekbed, riverbed or lake.
 - (3) **Operation** shall mean the physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.
 - (4) **Motor Vehicle** shall mean, for purposes of this Section, any vehicle which is self-propelled and shall include but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-karts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies and tractors. Motor vehicle shall not mean any airplane, railroad train, boat, wheelchair or bicycle. A vehicle which would otherwise be defined as a motor vehicle under this Section shall not be so defined while:
 - a. It is being operated solely for the purpose of construction or maintenance of an improvement to land or solely for access to construction or maintenance sites provided such operation is by persons having legitimate business on such lands or sites;
 - b. It is being operated by or at the direction of public employees or utility company employees as part of their employment duties.
 - c. It is being operated by the holder of an easement or right of access on or over the land on which operation is occurring or the holder's employees or agents.
- (c) **Unauthorized Off-road Operation Prohibited.**
- (1) The unauthorized off-road operation of a motor vehicle is prohibited.
 - (2) Except for authorized maintenance vehicles and snowmobiles or all-terrain vehicles operating in areas authorized by the Village Board, it shall be unlawful to operate any

~~minibike, go-kart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on the Village streets, alleys, parks, sidewalks, bikeways, parking lots or on any public lands or private lands or parking lots held open to the public. The operator shall at all times have the written consent of the owner before operation of such craft or vehicle on private lands.~~

**ORDNANCES # 10-4-1, 10-4-2, 10-4-3, 10-4-4, 10-4-5, 10-4-6, 10-4-7,
10-4-8, 10-4-9, and 10-4-10**

AN ORDINANCE TO AMEND EXISTING TITLE 10 CHAPTER 4 SECTIONS 10-4-1 THROUGH 10-4-2 AND ADD NEW SECTIONS 10-4-3 THROUGH 10-4-10 OF THE CODE OF ORDINANCES, VILLAGE OF LAFARGE, WISCONSIN RELATIVE TO THE USE AND OPERATION OF ALL-TERRAIN AND OFF-ROAD UTILITY VEHICLES, AND OFF-ROAD MOTOR VEHICLE OPERATION.

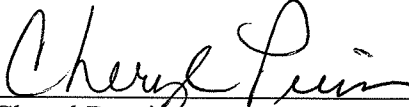
Section 1. Existing Chapter 4 of Title 10 of the Code of Ordinances, Village of La Farge, Wisconsin, is hereby repealed and recreated to read as set out on the attachment hereto.

Section 2. Existing Sections 10-4-1 and 10-4-2 of the Code of Ordinances, Village of La Farge, Wisconsin, is hereby repealed and recreated to read as set out on the attachment hereto.

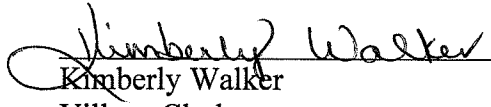
Section 3. Section 10-4-3 through 10-4-10 of the Code of Ordinances, Village of La Farge, Wisconsin, are hereby created to read as set out on the attachment hereto.

Section 4. This ordinance shall take force and be in effect upon passage and publication. Copies of this ordinance shall be sent to the Wisconsin Department of Transportation, the Vernon County Sheriff's Office, the Vernon County Highway Commission and the Wisconsin Department of Natural Resources.

Adopted by the Village Board, Village of La Farge, Wisconsin, This 13th day of May 2019.



Cheryl Purvis
Village President

ATTEST:


Kimberly Walker
Village Clerk