

**Chapter 00**

Adopted January 27, 2005

**ALL-TERRAIN VEHICLE AND SNOWMOBILE ORDINANCE**

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**PART 1: GENERAL**

**00-0-01 Title.**

This chapter may be referred to and cited as the ATV and Snowmobile Ordinance.

**00-0-02 Purpose and Intent.**

The increasing use of all-terrain vehicles and snowmobiles within Iron County has generated safety, recreational and environmental issues which must be addressed. The purpose of this ordinance is to regulate the use of all-terrain vehicles and snowmobiles to ensure that their use is compatible with other recreational uses, to promote the health and safety of the operators of said vehicles and the general public by requiring adherence to certain rules and regulations designed to ensure the safe operation of such vehicles, to protect wildlife, vegetation and water quality, to prevent damage to private and public property, and to restrict the use of all-terrain vehicles and snowmobiles to areas where such use is appropriate and permitted.

**00-0-03 Authority.**

This ordinance is enacted under the authority of Sections 23.33(11) and 350.18(1) and (2) of the Wisconsin Statutes.

**00-0-04 Severability.**

The provisions of this ordinance shall be deemed severable and it is expressly declared that the Iron County Board of Supervisors would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid by a court of competent jurisdiction, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

**00-0-05 Gender Reference.**

Any reference to gender in this ordinance is deemed to be gender neutral and shall not affect the applicability of any provision herein.

**00-0-06 State Statutes Adopted.**

A. Except as otherwise specifically provided in this ordinance, the provisions of Section 23.33 and Chapter 350, Wisconsin Statutes 2001-2002, and Wisconsin Administrative Code NR 64, and any and all future amendments to the same, describing and defining regulations with respect to All-Terrain Vehicles and Snowmobiles exclusive of any regulations therein for which the statutory penalty is a term of imprisonment, are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Any action required to be performed or prohibited by any current or future statute or Administrative Code provision incorporated herein by reference is required or prohibited, as the case may be, by this ordinance.

B. The operator of an off-road vehicle, all-terrain vehicle or snowmobile upon a roadway shall, in addition to the provisions of Sec. 23.3 and Ch. 350, be subject to Sections 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1) and (9), Wis. Stats.

#### **00-0-07 Definitions.**

As used in this ordinance, unless the context clearly requires otherwise, the following terms shall have the meanings set forth below:

(1) ACCOMPANIED: Subject to continuous verbal direction or control.

(2) AGRICULTURAL PURPOSE: A purpose related to beekeeping; operating commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; and vegetable raising.

(3) ALL-TERRAIN VEHICLE: An engine driven-device which has a net weight of 900 pounds or less, which has a width of 48 inches or less, which is equipped with a seat designed to be straddled by the operator and which is designed to travel on 3 or more low-pressure tires. A low-pressure tire is a tire which has a minimum width of 6 inches, which is designed to be mounted on a rim with a maximum diameter of 12 inches and which is designed to be inflated with an operating pressure not to exceed 6 pounds per square inch as recommended by the manufacturer.

(4) ALL-TERRAIN VEHICLE DEALER: A person engaged in the sale of all-terrain vehicles for a profit at wholesale or retail.

(5) ALL-TERRAIN VEHICLE MANUFACTURER: A person engaged in the manufacture of all-terrain vehicles for sale to the public.

(6) ALL-TERRAIN VEHICLE RENTER: A person engaged in the rental or leasing of all-terrain vehicles to the public.

(7) ALL-TERRAIN VEHICLE ROUTE: A highway or sidewalk designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction as authorized by Section 23.33,

Wisconsin Statutes.

(8) APPROVED ATV TRAILS: Includes all ATV trails or routes that have been designated by the County Snowmobile and ATV Coordinator and/or the Iron County Forestry and Parks Committee.

(9) APPROVED SNOWMOBILE TRAILS: Includes all snowmobile trails or routes that have been designated by the County Snowmobile and ATV Coordinator and/or the Iron County Forestry and Parks Committee.

(10) ATV: An all-terrain vehicle.

(11) ATV TRAIL SYSTEM: A marked corridor on public property or on private lands, subject to public easement or lease, designated for use by all-terrain vehicle operators by the governmental agency having jurisdiction, but excluding roadways of highways, except those roadways which have been designated as ATV routes.

(12) CARELESS: A person who fails to exercise ordinary care is careless. Ordinary care is the degree of care which the great mass of mankind exercises under the same or similar circumstances. A person fails to exercise ordinary care when, without intending to do any harm, the person does an act or omits a precaution under circumstances in which a person of ordinary intelligence and prudence ought reasonably to foresee that such act or omission will subject another person to an unreasonable risk of harm. A person is also careless if he or she engages in conduct which creates a situation of unreasonable risk of harm to and demonstrates a conscious disregard for the safety of others.

(13) CATCH POINT: The outer limits of a trailway where the excavation and/or embankment intersect with the ground line.

(14) COUNTY FOREST ROAD: A public highway with a minimum roadway width of 20 feet and a surface width of 16 feet that receives transportation aids from the State Department of Transportation, in accordance with Section 86.315, Wis. Stats.

(15) COUNTY LANDS: All lands owned, leased or administered by the County, including lands contained in County Forests or County Parks. "County Lands" also includes land interests acquired by granting of easements to the County.

(16) DEALER: Any person, firm, corporation or entity engaged in the business of buying, selling or exchanging recreation vehicles, snow vehicles, or both at an established or permanent place of business in the County, with each such place maintaining a sign conspicuously displayed showing the name of the dealership and indicating that recreation vehicles or snow vehicles may be purchased at such place, so that it may be located and identified as a recreation vehicle or snow vehicle dealer by the public.

(17) HIGHWAY: 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 purpose of vehicular traffic. It includes those roads or driveways in the state, county or municipal parks and in state forests 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 and institutions under the jurisdiction of the county board of supervisors, but does not include private roads or driveways.

(18) IMMEDIATE FAMILY: Persons who are related as spouses, as siblings, or as parent and child.

(19) LAND UNDER THE MANAGEMENT AND CONTROL OF A PERSON'S IMMEDIATE FAMILY: Means land owned or leased by the person or a member of the person's immediate family over which the owner or lessee has management and control. This term excludes land owned or leased by an organization of which the person or a member of the person's family is a member.

(20) LAW ENFORCEMENT OFFICER: Any person, including, but not limited to, a Sheriff, Deputy Sheriff, Police Officer, or DNR Conservation Warden, employed by the State of Wisconsin or any political subdivision thereof, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized by law to execute criminal process, make arrests, or write citations for violations of the Wisconsin Statutes and/or the Iron County Code of Ordinances.

(21) OFF-ROAD VEHICLE (ORV): A motor driven off-road recreational vehicle capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. It includes, but is not limited to trail bikes, dirt bikes, motorcycles, minibikes, 4x4 trucks, passenger vehicles, airboats and air cushioned vehicles or golf carts. An off-road vehicle does not include a registered snowmobile, a farm vehicle being used for farming, a vehicle used for military, fire, emergency, or law enforcement purposes, a construction or logging vehicle used in performance of its common function or a registered aircraft.

(22) OFFICIAL TRAIL OPENING: That date selected by the Iron County Forestry and Parks Committee or the Forest Administrator as the date on which the approved snowmobile trails shall be opened and made available for snowmobile and/or all-terrain vehicle use. Notice of said date shall be published in the official County Newspaper.

(23) OFFICIAL TRAIL CLOSING: That date selected by the Iron County Forestry and Parks Committee or the Forest Administrator as the date on which the approved snowmobile trails shall be closed and made unavailable for snowmobile and/or all-terrain vehicle use. Notice of said date shall be published in the official County Newspaper.

(24) OPERATE or USE: The exercise of physical control over the speed or direction of an all-terrain vehicle or snowmobile or the physical manipulation or activation of any of the controls of any said vehicle necessary to put any said vehicle in motion. This includes the operation of an all-terrain vehicle or snowmobile.

(25) OPERATOR: A person who operates an all-terrain vehicle or snowmobile, who is responsible for the operation of an all-terrain vehicle or snowmobile, or who is supervising the operation of an all-terrain vehicle or snowmobile.

(26) OWNER: The person who has lawful possession of an all-terrain vehicle or snowmobile by virtue of legal title or equitable interest therein which entitles the person to lawful possession.

(27) PEDESTRIAN: Any person afoot or any person in a wheelchair, either manually or mechanically propelled, or other low-powered, mechanically propelled vehicle designed specifically for use by a

physically disabled person.

(28) PERSON: Includes natural persons, associations, partnerships and corporations, whether acting by themselves or by a servant, agent or employee; the singular number, when necessary, means the plural.

(29) PROTECTIVE HEADGEAR: Helmets which conform with minimum standards of construction and performance as prescribed by the American National Standards Institute specification Z90.1 or by the Federal Motor Vehicle Safety Standards No. 218.

(30) PUBLIC LANDS: Public parks, playgrounds, trails, paths, and other public open spaces; scenic and historic sites; schools; and other public buildings and structures.

(31) RACEWAY FACILITY: An area, including a marked warmup and testing area, specifically designated by a sponsor for the purpose of conducting a sanctioned race or derby for which any required local permits have been obtained.

(32) RESTRICTED AREA: An area that has been designated to be used for, or closed to, certain purposes such as operation of all-terrain vehicles or snowmobiles, and competitions or exhibitions involving said vehicles, including races and trials therefore as approved by the Iron County Forestry and Parks Committee.

(33) RIGHT-OF-WAY: The entire strip of land traversed by a highway or street in which the public owns the fee or an easement for roadway purposes.

(34) ROADWAY: 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.

(35) SAFETY OR DEADMAN THROTTLE: A device which, when pressure is removed from the engine accelerator or throttle, causes the motor to be disengaged from the driving track.

(36) SANCTIONED RACE OR DERBY: A competitive all-terrain vehicle or snowmobile event sponsored by a local unit of government, chamber of commerce, a snowmobile or all-terrain vehicle club, promoter, or similar organization.

(37) SHOULDER: That portion of the highway within 10 feet of the roadway on which vehicles may park in an emergency, consisting of gravel, pavement material, or grass not designated or ordinarily used for vehicular travel.

(38) SMALL ALL-TERRAIN VEHICLE: An all-terrain vehicle that has 4 wheels and that has either an engine certified by the manufacture at not more than 90 cubic centimeters or an equivalent power unit.

(39) SNOWMOBILE: Any engine driven vehicle of a type which utilizes sled type runners, skis or an endless belt tread or any combination of these or similar means of contact with the surface upon which it is operated, but does not include such vehicles which are either manually propelled or driven by a motor of 4 horse power or less and operated only on private property.

(40) SNOWMOBILE AND ATV COORDINATOR: The County Forest Administrator, his assistant or

assistants and such other individuals so designated by the Forestry and Parks Committee.

(41) SNOWMOBILE ROUTE: A highway designated for use by snowmobile vehicle operators by the governmental agency having jurisdiction as authorized by Section 350.18, Wisconsin Statutes.

(42) SNOWMOBILE TRAIL SYSTEM: A marked corridor on public property or on private lands, subject to public easement or lease, designated for use by snowmobile operators by the governmental agency having jurisdiction, but excluding roadways of highways, except those roadways which have been designated as snowmobile routes. The length of the snowmobile season is governed by the official opening and closing dates.

(43) SNOWMOBILE DEALER: A person engaged in the sale of snowmobiles for a profit at wholesale or retail.

(44) SNOWMOBILE MANUFACTURER: A person engaged in the manufacture of snowmobiles for sale to the public.

(45) SOLID WASTE: Any garbage, refuse, or discarded materials including, but not limited to, glass, plastic, paper, tin, metal, machinery, and equipment.

(46) TRAILBED: The finished surface on which base course or surfacing may be constructed. For trails without surfacing, the trailbed is the tread.

(47) TRAILWAY: The portion of the trail within the limits of the excavation and embankment.

(48) TREAD: The surface portion of the trail which is intended for traffic movement.

(49) USED EXCLUSIVELY ON PRIVATE PROPERTY: Use of an all-terrain vehicle, off-road vehicle or snowmobile by the owner of the said vehicle or a member of his or her immediate family only on land owned or leased by the owner or a member of his or her immediate family.

(50) WATERS: Any lake, pond, stream, river, or other body of fresh water within Iron County.

(51) WATERWAYS: Means lakes, ponds, streams, and rivers.

## **PART 2: LOCAL REGULATION OF OPERATION OF ALL-TERRAIN VEHICLES AND SNOWMOBILES**

### **00-0-08 Careless Operation of All-Terrain Vehicle or Snowmobile Prohibited.**

No person may operate or use any ATV or snowmobile, or manipulate any such vehicle in a careless manner so as to endanger that person's life, property or person or the life, property or person of another. Careless operation shall include, but not be limited to, the following:

A. Becoming airborne or completely leaving the trail surface while in the proximity of other vehicles

or persons;

- B. Weaving through congested traffic;
- C. Operating in a manner so as to require the operator or the operator of another vehicle to take evasive action to avoid a collision;
- D. Steering toward a vehicle, object or person and turning sharply at close range;
- E. Executing tight 360 degree turns commonly referred to as “spinning donuts”;
- F. Operating a snowmobile or ATV with the skis or wheels of said vehicle off the ground or snow surface, while within one hundred (100) feet of a pedestrian or another vehicle.
- G. Facing backwards while driving;
- H. Using an ATV or snowmobile with more than two people on a seat, unless the seat has been specifically designed by the manufacturer to hold more than two people. In no case shall there be more passengers on the vehicle than the vehicle is designed to carry; or
- I. Entering any intersection of (i) two or more roadways, or (ii) a roadway and a private driveway, or (iii) two or more trails, without making a complete stop and/or failing to yield the right-of-way to any vehicles or pedestrians so as to constitute any immediate hazard.

**00-0-09 Intoxicated Operation Prohibited.**

- A. No person may engage in the operation of an ATV or snowmobile while under the influence of an intoxicant to a degree which renders him or her incapable of safe operation of an ATV or snowmobile.
- B. No person may engage in the operation of an ATV or snowmobile while the person has an alcohol concentration of 0.08 or more.
- C. A person who has not attained the legal drinking age, as defined in s. 125.02(8m), Wis. Stats., may not engage in the operation of an ATV or snowmobile while he or she has a blood alcohol concentration of more than 0.0 but less than 0.08.

**00-0-10 Speed Restrictions.**

- A. No person shall operate an ATV or snowmobile at a speed greater than is reasonable and prudent under the circumstances prevailing and having regard for the actual and potential hazards then existing.
- B. No person shall operate an ATV at a speed greater than 40 miles per hour.
- C. No person shall operate a snowmobile at a speed greater than 50 miles per hour during hours of darkness.
- D. No person shall operate an ATV at a speed greater than the posted limit or 40 miles per hour,



whichever is less. The Snowmobile and ATV Coordinator shall determine the speed limits to be posted on the Iron County trail system and the locations for posting and will arrange for the postings.

E. No person shall operate a snowmobile at a speed in excess of the posted limits. The Snowmobile and ATV Coordinator shall determine the speed limits to be posted on the Iron County trail system and the locations for posting and will arrange for the postings.

F. No person shall operate an ATV or snowmobile on a public street or roadway at a speed greater than the posted limit or 40 miles per hour, whichever is less.

G. No person shall operate an ATV, ORV or snowmobile on the frozen surface of a public water within 100 feet of an individual who is not in or upon a vehicle or within 100 feet of an ice fishing shanty or shelter at a speed exceeding 10 miles per hour.

H. No person shall operate an ATV within 150 feet of a dwelling at a speed exceeding 10 miles per hour.

I. No person shall operate a snowmobile within 150 feet of a dwelling at a speed exceeding 10 miles per hour.

J. No person shall operate an ATV or snowmobile at a speed in excess of 10 miles per hour on any portion of a designated trail that is posted with caution signs consisting of black symbols or letters on yellow backing.

K. The operator of an ATV or snowmobile shall slow his or her vehicle to a speed not to exceed 10 miles per hour and yield the right-of-way when traveling within 100 feet of an individual who is not in or upon a vehicle.

**00-0-11 Disorderly Conduct with an ATV or Snowmobile Prohibited.**

No operator of an ATV or snowmobile shall cause, by excessive and unnecessary acceleration, the tires or track of such motor vehicle to spin and emit loud noises or to unnecessarily throw stones or gravel; nor shall such operator cause to be made by excessive and unnecessary acceleration of an engine any loud, unnecessary or unusual noise which would disturb, annoy or interfere with the peace and quiet of another.

**00-0-12 Harassment of Animals Prohibited.**

It shall be unlawful for any person to intentionally chase, intimidate, worry, drive, run over, or kill any wild or domestic animal with a snowmobile or ATV, except that a person may drive or pursue livestock as part of normal farming operations.

**00-0-13 Reserved for Future Use.**

**00-0-14 Reserved for Future Use.**

**00-0-15 Operation on County Trail System.**

A. Except as provided in Sec. 00-0-20 of this ordinance and except for law enforcement officials, club trail maintenance activities or private landowners' use of their property, no person shall operate any snowmobile or ATV on any approved snowmobile or ATV trails until officially opened by the County Snowmobile and ATV Coordinator.

B. Except as provided in Sec. 00-0-20 of this ordinance and except for law enforcement officials, club trail maintenance activities or private landowners' use of their property, no person shall operate any snowmobile or ATV on County lands or the County Trail System unless said vehicle remains on the trailbed of an approved trail upon which said operation is authorized. No person shall operate a snowmobile or ATV beyond the catchpoint of the trailway.

C. No person shall operate a car, truck, ATV or snowmobile on any land, trail or road under the supervision, management or control of Iron County or the Iron County Forestry and Parks Department that has been posted as "Closed" or gated or bermed as closed to motorized vehicles.

D. No person shall deface, destroy or remove any snowmobile or ATV sign or other sign approved by the Iron County Forestry and Parks Department posted on any approved snowmobile or ATV trail.

E. No person shall travel upon any County-designated snowmobile trail by any means other than a snowmobile or an ATV, if ATV operation is permitted, or a vehicle being used for trail grooming and maintenance during the time of the year that such trail is in use as a snowmobile trail. A landowner, or any person authorized in writing by the landowner, is exempted from this section with respect to those portions of the trail on the said landowner's property.

F. No person shall damage, mar, or deface the surface or any other part of any county-designated snowmobile trail during the time of the year that such trail is in use as a snowmobile trail.

G. No person shall damage, destroy or remove any gate or sign in any county forest, county park, county recreational area or on other lands under the management, supervision, and control of the County.

H. No person shall operate a car, truck, or ORV on any ATV trail, snowmobile trail, or similar trail system unless said ATV trail, snowmobile trail, or similar trail system is posted open to all motor vehicles. A landowner, or any person authorized by the landowner, is exempted from this section with respect to those portions of the trail on the said landowner's property.

I. No person shall operate any snowmobile or ATV on any approved snowmobile or ATV trail after such trail is officially closed by the County Snowmobile and ATV Coordinator, except for law enforcement officials, club trail maintenance activities or private landowners' use of their property.

J. No person shall leave any snowmobile or ATV in an unsafe location or place any obstruction on the groomed portion of any approved snowmobile or ATV trail.

K. No person shall travel upon any portion of an ATV or snowmobile trail extending upon or across any parcel of private property, in a manner not specifically authorized by the owner of said parcel. Pedestrians shall not enter upon any portion of ATV or snowmobile trail traversing private property, without permission of the owner of said property. A pedestrian shall bear the burden of proving that his or her presence upon an ATV or snowmobile trail traversing private lands is with the consent of the

owner of said parcel.

L. Any pedestrian traversing private property using approved ATV and/or snowmobile trails must yield to all snowmobiles and ATVs on such trails. Failure to yield shall be subject to penalty.

M. Holders of firewood and/or bough cutting permits issued by the County Forestry Department shall not be permitted to travel on approved snowmobile or ATV trails located on the County Forest after the Official Trail Opening and before the Official Trail Closing. Timber sale contractors are exempt from this requirement when snowmobile or ATV trails are utilized for access to their timber sale areas.

N. Operators of snowmobiles or ATVs on approved snowmobile or ATV trails must stop and yield the right of way to other vehicles at all locations marked with an official red octagon stop sign.

O. No person shall throw, discard or leave any solid waste upon any portion of the approved snowmobile or ATV trail system or any adjacent public or private property.

P. During the designated snowmobile season, the Forest Administrator shall have authority to close any trail or portion thereof on which snowmobiling is normally permitted, if the ambient temperature is above thirty-five degrees (35E) Fahrenheit.

Q. No person shall operate an ATV with tire chains on any approved snowmobile or ATV trail.

R. No person shall operate a motorcycle on County Forest lands, except that licensed motorcycles may be operated on County Forest Roads for which the County has received State aids.

S. The County Forest Administrator shall have the authority to issue special use permits for operation of ATVs or snowmobiles on County lands. Such permits may be issued to physically disabled persons (as defined in the Wisconsin Statutes and Wisconsin Administrative Code), for activities beneficial to the County Forestry and Parks Department, to include: trapping of nuisance animals, cleanup activities including firewood gathering by permit, trail maintenance activities, logging activities authorized under timber sales, contracts with the County and investigating established timber sales for timber procurement. Issuance of such special use permits shall be subject to the review of the Forestry and Parks Committee. The County Forest Administrator may revoke such special use permits in the event any of the provisions of the same are violated by the permittee.

T. The Iron County Board of Supervisors or Forestry and Parks Committee may rescind operation of ATVs or snowmobiles on any County property or portion thereof, with appropriate notice being given to the public.

U. The Iron County Forest Administrator shall notify local law enforcement agencies, including DNR and County and City law enforcement personnel, and all Chambers of Commerce within Iron County, of all trail openings and closures. Said notification shall be accomplished in a timely manner.

**00-0-16 Reserved for Future Use.**

**00-0-17 Reserved for Future Use.**

**00-0-18 Operation on Private Lands.**

A. No person shall operate a snowmobile or ATV on the private property of another without the consent of the owner or lessee. Failure to post private property does not imply consent for snowmobile or ATV use.

B. Any person who operates a snowmobile or ATV upon the land of another shall stop and identify himself/herself upon the request of the landowner or his/her duly authorized representative, and, if requested to do so by the owner or representative, shall promptly remove said snowmobile from the premises.

C. Landowners who permit snowmobiling or operation of ATVs on their property under Section 895.52, Wisconsin Statutes, shall notify the Snowmobile Coordinator if they intend to travel or allow travel on that portion of the approved snowmobile and/or all-terrain vehicle trail that traverses their property with a vehicle other than a snowmobile or all-terrain vehicle.

D. Liability of Landowners. Section 895.52, Wis. Statutes, applies to ATV and snowmobile use on another's property. An owner or officer, employee, or agent of an owner owes no duty to keep the owner's property safe for recreational activities, to inspect the property, or to give warning of an unsafe condition, use or activity on the property, unless any of the following conditions exist:

(1) The private property owner collects money, goods or services in payment for the use of the owner's property for the recreational activity during which the injury occurs, and the aggregate value of all payments received by the owner for the use of the owner's property for recreational activities during the year in which the injury occurs exceeds \$500. For purposes of this subsection, *private property owner* means any owner other than a governmental body or nonprofit organization.

(2) The injury is caused by the malicious failure of the private property owner or an employee or agent of the private property owner to warn against an unsafe condition on the property, of which the private property owner knew.

(3) The injury is caused by a malicious act of the private property owner or of an employee or agent of a private property owner.

(4) The injury occurs on property owned by a private property owner to a social guest who has been expressly and individually invited by the private property owner for the specific occasion during which the injury occurs, if the injury occurs on any of the following:

- i. Platted land.
- ii. Residential property.
- iii. Property within 300 feet of a building or structure on land that is classified as mercantile or manufacturing under s.70.32(2)(b)2 or 3, Wis. Statutes.

(5) The injury is caused by a malicious act of the private property owner or of an employee or agent of a private property owner.

(6) Except as expressly provided in this section D, nothing in this section D or s.101.11, Wis. Statutes, nor the common law attractive nuisance doctrine creates any duty of care or ground of liability toward any person who uses another's property for a recreational activity.

**00-0-19 Reserved for Future Use.**

**00-0-20 Operation on Frozen Waters.**

All traffic on icebound inland waters shall be at the risk of the traveler. The provisions of this chapter permitting operation of an ATV, ORV or snowmobile on icebound inland waters shall not render Iron County liable for any accident to those engaged in permitted operation.

**00-0-21 Operation by Juveniles.**

A. Operation of snowmobiles and ATVs by youthful operators is restricted and defined in Sections 350.05 and 23.33(5), Wisconsin Statutes.

B. No person under the age of 17 years shall operate an ATV or snowmobile between the hours of 10:00 p.m. and 6:00 a.m. unless accompanied by a parent, guardian, adult relative, or other adult person having actual care, custody, and control of such child.

C. No person may operate or be a passenger on an all-terrain vehicle without wearing protective headgear and with the chinstrap properly fastened, unless the person is at least 18 years of age.

**00-0-22 Authorizing Operation by Incapable Person.**

It shall be unlawful for any person owning, renting, or otherwise in charge of an ATV or snowmobile to authorize or knowingly permit the said vehicle to be operated by a person who is under the influence of intoxicating liquor or any drug or who is, by reason of age, experience or physical or mental disability, incapable of safely operating such vehicle under the prevailing circumstances.

**00-0-23 Reserved for Future Use.**

**00-0-24 Reserved for Future Use.**

**00-0-25 Additional Regulations.**

A. No person shall operate a snowmobile or ATV on any public sidewalk or boulevard.

B. No person shall operate a snowmobile or ATV on public school grounds, park property, playgrounds, recreational areas or golf courses without express permission to do so by the proper public authority.

C. No person shall operate a snowmobile or ATV on a public trail provided for pedestrian or bicycle

travel.

D. No person shall leave a snowmobile or ATV on any publicly owned property other than in a designated parking area. Every person leaving a snowmobile or ATV in a designated parking area shall lock the ignition, remove the key from the vehicle and keep the key in his or her possession.

E. No person shall operate an ATV unless said vehicle is equipped with an operational spark arrestor, when County or State emergency fire regulations are in effect or when WDNR wild fire danger is posted at the Red Flag Alert.

F. No person shall operate an ATV in wetlands or within fifty feet (50') of the ordinary high water mark of any surface water, unless on a designated trail.

G. Operators of snowmobiles or ATVs shall operate their said vehicles in single file and to the far right on routes, trails and authorized streets and roadways, except that slower moving vehicles may be passed, provided such maneuver can be completed safely and is not contrary to any provision of this ordinance.

H. Every person operating a snowmobile or ATV must obey all applicable regulatory signs, including, but not limited to, *Caution* and *Stop* signs. No person shall operate a snowmobile or ATV in violation of a regulatory sign.

I. No person shall carry a firearm on an ATV or snowmobile or in or on a trailer or sled attached thereto unless such firearm is unloaded and in an enclosed case, unless said person is a law enforcement officer or other person authorized to carry arms under the Wisconsin Statutes. The person carrying such a firearm shall bear the burden of proving his or her authority to carry said weapon.

J. No person shall carry a bow on an ATV or snowmobile or in or on a trailer or sled attached thereto unless such bow is unstrung or enclosed in a carrying case.

K. It shall be unlawful for the owner of any ATV or snowmobile to permit its operation in violation of this ordinance. The violation itself shall be prima facie evidence of intent. The party holding title to the ATV or snowmobile shall be conclusively presumed to be the owner unless the ATV or snowmobile shall have been stolen and reported as stolen to a law enforcement agency.

#### **00-0-26 Duty to Obey Law Enforcement Officer.**

A. Upon the approach of a duly authorized and marked patrol vehicle, including a squad car, patrol truck, ATV or snowmobile, giving an audio or visual signal, the operator of an ATV or snowmobile shall maneuver said vehicle to the far right portion of a trail, roadway or other property, reduce the speed of said vehicle, and yield the right-of-way to the patrol vehicle until it has passed, except that if the patrol vehicle does not pass and remains behind the ATV or snowmobile, with siren or emergency lights activated, the operator thereof shall stop.

B. No person operating an ATV or snowmobile may refuse to stop after being requested or signaled to do so by a law enforcement officer. The signal given by the officer may be by hand, voice, emergency

light or siren.

C. No person operating an ATV or snowmobile may wilfully refuse to stop after being requested or signaled to do so by a law enforcement officer. The signal given by the officer may be by hand, voice, emergency light or siren.

D. Any person requested to identify himself/herself to a law enforcement officer pursuant to an investigation of a violation of this ordinance has a duty to identify himself/herself, and give his/her current address and date of birth.

**00-0-27 Reserved for Future Use.**

**00-0-28 Restricted Off-Trail Use of All-Terrain Vehicles and Off-Road Vehicles During Big Game Hunting Seasons and Trapping Seasons.**

A. Operation of snowmobiles and ATVs off of designated trails on land that is owned by Iron County shall be permitted during any big game hunting season or trapping season, for hunting or trapping purposes. Operation for hunting or trapping purposes means traveling to a blind or stand to hunt therefrom; traveling from a blind or stand after having hunted therefrom; traveling to summon assistance for, or to transport, a sick or wounded person; traveling to locate or transport a big game carcass; traveling to set, check, bait or remove traps, or traveling for any other purpose reasonably related to lawful big game hunting activities or trapping activities. An operator of a snowmobile or ATV shall have the burden of proving that his or her operation of said vehicle was for hunting or trapping purposes. This paragraph authorizes operation of a snowmobile on land that is owned by Iron County during big game hunting seasons and trapping seasons, weather permitting, prior to the official snowmobile trail opening date. This paragraph does not authorize operation of a snowmobile or ATV on privately-owned lands, lands over which the County has an easement for recreational use, or County lands that are not normally open to said operation, or that are specifically marked closed or bermed or gated closed.

B. No person shall operate a snowmobile or ATV off of a designated trail while engaged in hunting or trapping activities on County land during any big game hunting season, unless he or she is wearing a blaze orange jacket, coat or vest that is not covered or obstructed by any other garment.

C. No person shall operate a snowmobile or ATV in excess of 25 miles per hour on County lands during any big game hunting season or trapping season.

D. No person shall operate a snowmobile or ATV off of a designated trail while engaged in hunting or trapping activities on County land in or on wetlands, or in a manner that causes unnecessary erosion, environmental damage, or damage to water quality.

**00-0-29 Reserved for Future Use.**

**00-0-30 Equipment Requirements.**

A. It is unlawful for any person to operate an ATV in Iron County unless it is equipped with the following:

(1) At least one headlamp attached to the front, capable of displaying a white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of at least two hundred (200) feet ahead of the ATV. Said headlamp shall be lighted during daylight hours on any highway right-of-way during hours of darkness and during times of reduced visibility.

(2) At least one red tail lamp attached to the rear, capable of displaying a red light plainly visible during hours of darkness from a distance of five hundred (500) feet to the rear of the ATV. Said tail lamp shall be lighted during daylight hours on any highway right-of-way during hours of darkness and during times of reduced visibility.

(3) At least one brake operated either by hand or by foot. Said brake system must be maintained in good operating condition, and adequate to control the movement of and to stop and hold the ATV under any condition of operation.

(4) A functioning muffler which is properly attached and in constant operation, and which reduces the noise of operation of the motor to the minimum necessary for operation and prevents excessive or unusual noise. No person shall equip the exhaust system of an ATV with a cutout, bypass or similar device, or operate an ATV with a cutout, bypass or similar device.

(5) A functioning spark arrester of a type approved by the United States Forest Service.

B. It is unlawful for any person to operate a snowmobile in Iron County unless it is equipped with the following:

(1) At least one headlamp attached to the front, capable of displaying a white light of sufficient illuminating power to reveal any person, vehicle or substantial object at a distance of at least two hundred (200) feet ahead of the snowmobile. The headlamp shall be lighted during any and all operation of the snowmobile.

(2) At least one red tail lamp attached to the rear, capable of displaying a red light plainly visible during hours of darkness from a distance of five hundred (500) feet to the rear of the snowmobile. Said tail lamp shall be lighted during any and all operation of the snowmobile.

(3) At least one brake operated either by hand or by foot, capable of bringing the snowmobile to a stop, under normal conditions, within 40 feet when traveling at a speed of 20 miles per hour with a 150 pound driver on a level, hard-packed snow surface. The brake system must be maintained in good operating condition, and its design shall permit simple and easy adjustment to compensate for wear. There shall be no other control linked to the brake which impairs braking operation.

(4) A muffler in good working order which is properly attached and which blends the exhaust noise into the overall snowmobile noise and which is in constant operation to prevent excessive or unusual noise.

(5) No person shall equip the exhaust system of a snowmobile with a cutout, bypass or similar device, or operate a snowmobile with a cutout, bypass or similar device, and no snowmobile shall



be modified by any person in any manner that shall amplify or otherwise increase total noise emission above that emitted by the snowmobile as originally constructed. The provisions of this subsection do not apply to snowmobiles competing in a sanctioned race or derby or to snowmobiles being tested by manufacturers, distributors or dealers on lands under their control.

(6) All snowmobiles competing in a sanctioned race or derby shall be equipped with a device (commonly referred to as a safety or “deadman” throttle) wired into the motor’s electrical system that will shut off the motor if the operator falls from the snowmobile or otherwise leaves the operator’s position. The device shall be capable of being attached to the body of the operator, and shall be so attached when the snowmobile is being operated.

**00-0-31 Reserved for Future Use.**

**00-0-32 Dealers and Rental Operations.**

A. Every person in Iron County who is engaged, in whole or part, in the business of renting or leasing ATVs or snowmobiles to the public, including employees and agents of dealers and renters, shall maintain in safe operating condition all vehicles rented, leased or furnished by the dealer or renter.

B. Every person in Iron County who is engaged, in whole or part, in the business of renting or leasing ATVs or snowmobiles to the public, including employees and agents of dealers and renters, shall explain the operation of every vehicle being rented, leased or furnished, to the person leasing, renting or receiving same.

C. No person shall lease, rent or furnish an ATV or snowmobile to an intoxicated person, or a person who a reasonable person would believe is under the influence of an intoxicant or controlled substance. Further, if a person who is engaged, in whole or part, in the business of renting or leasing ATVs or snowmobiles to the public, including an employee or agent of a dealer or renter, believes that the person desiring to receive said vehicle is not competent to operate the vehicle with safety to him/herself or others, the renter or renter’s agent or employee shall refuse to so rent, lease or furnish the vehicle.

D. No person shall lease, rent or furnish an ATV or snowmobile without first ascertaining that any person under the age of 18 years who will be on said vehicle has proper headgear.

E. Every person in Iron County who is engaged, in whole or part, in the business of renting or leasing ATVs or snowmobiles to the public shall have clean, usable protective headgear available for rent in sufficient quantity to provide headgear to all persons renting, leasing or receiving an ATV or snowmobile.

F. The owner or proprietor of an ATV or snowmobile rental operation shall cause to be kept a record of the name and address of the person or persons renting, leasing or receiving any ATV or snowmobile, the identification number of said vehicle, the departure date and time and the expected and actual time and date of return. Such record shall be preserved for not less than twelve (12) months after the departure date of such vehicle and shall be kept available for inspection by any law enforcement officer.

G. The owner or proprietor of an ATV or snowmobile rental or sales operation shall cause every ATV or snowmobile sold, leased, hired or loaned by said operation to be equipped with all safety devices and equipment required by law.

H. The owner, proprietor or employee of an ATV or snowmobile sales or rental operation within Iron County shall distribute to every person purchasing or renting an ATV or snowmobile a summary of the laws and rules governing the operation of said vehicles within Iron County. Pamphlets summarizing the laws and rules governing the operation of ATVs and snowmobiles within Iron County shall be made available to all ATV or snowmobile dealerships and rental operations in Iron County by the County.

I. A person engaged in renting, leasing, or furnishing ATVs or snowmobiles to others shall carry a policy of liability insurance subject to minimum limits, exclusive of interest and costs, with respect to said vehicles, as follows:

- (1) Twenty-five thousand dollars (\$25,000.00) for bodily injury to or death of one (1) person in any one (1) accident.
- (2) Subject to the limit for one (1) person, fifty thousand dollars (\$50,000.00) for bodily injury to or death of at least two (2) persons in any one (1) accident.
- (3) Ten thousand dollars (\$10,000.00) for injury to or destruction of property of others in any one (1) accident.
- (4) In the alternative, a person engaged in renting, leasing, or furnishing ATVs or snowmobiles to others may demand and must be shown proof that the person renting, leasing or being furnished a vehicle carries a liability policy of at least the type and coverage specified in (1)-(3), above, and that said policy applies to leased, rented or furnished vehicles of the type he or she seeks to lease, rent or receive.

**00-0-33 Reserved for Future Use.**

**00-0-34 Exemption of Authorized Emergency ATVs and Snowmobiles.**

The provisions of this ordinance shall be applicable to the operation of any and all ATVs and snowmobiles in Iron County except that they shall not apply to operation by law enforcement officers or rescue personnel actually responding to an emergency call or in immediate pursuit of an actual or suspected violator of the law, provided that the provisions of this section shall not relieve the operator of an authorized emergency ATV or snowmobile of the duty to operate with due regard for the safety of all persons.

**00-0-35 Reserved for Future Use.**

**00-0-36 Reserved for Future Use.**

**00-0-37 Reserved for Future Use.**

### **PART 3: PENALTIES AND ENFORCEMENT**

**00-0-38 Parties to a Violation.**

A. Whoever is concerned in the commission of a violation of this chapter for which a forfeiture is imposed is a principal and may be charged with and convicted of the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.

B. A person is concerned in the commission of the violation if the person:

- (1) Directly commits the violation;
- (2) Aids and abets the commission of it; or
- (3) Is a party to a conspiracy with another to commit it or advises, hires or counsels or otherwise procures another to commit it.

**00-0-39 Enforcement.**

This ordinance shall be enforced by employees of the Iron County Sheriff's Department and/or other persons authorized by the Iron County Sheriff's Department. Further, the County Snowmobile and ATV Coordinator and/or his/her designees shall enforce those provisions which specifically authorize him/her to do so.

**00-0-40 Uniform Citation Method Adopted.**

The Iron County Board of Supervisors adopts and authorizes the use of a citation under Section 66.0113 of the Wisconsin Statutes, which shall be issued for violations of this Ordinance, including provisions for which a statutory counterpart exists. The form of said citation shall comply with the provisions of s. 66.0113(1)(b), Stats.

**00-0-41 Penalties and Deposits.**

A. Any person violating any other provisions of this ordinance shall be punished by forfeiture. If any violation be continuing, each day's violation shall be deemed a separate violation.

B. VIOLATIONS OF STATE ATV AND SNOWMOBILE REGULATIONS ADOPTED PURSUANT TO SECTION 00-0-06:

(1) Any person, firm or corporation violating any of the provisions of this Ordinance, which provisions are in conformity with the Statutes of the State of Wisconsin, shall upon conviction thereof, be subjected to the same fine and other penalties as provided by Section 23.33 or Chapter 350, as the case may be, of said Wisconsin Statutes, plus all requisite fees, assessments, and court costs, and the same imprisonment only in case the fine is not paid.

(2) UNIFORM DEPOSIT AND BAIL SCHEDULE ADOPTED BY REFERENCE: The schedule of cash deposits for violations of State ATV and snowmobile regulations adopted pursuant to sec.00-0-06 of this ordinance shall be as provided by the State of Wisconsin Revised Uniform

Deposit and Bail Schedule that are adopted therein by reference.

C. OTHER VIOLATIONS:

(1) Except as otherwise provided, the penalty for violation of any provision of this chapter shall be a forfeiture not less than \$30 nor greater than \$1000, together with court costs and fees as prescribed by Sections 814.63(1) and (2) or 814.65(1), Wisconsin Statutes, the penalty assessment for moving traffic violations, the driver improvement surcharge imposed by Sections 165.87 and 346.655, the jail assessment imposed by Section 53.46(1), Wisconsin Statutes, where applicable, any and all other applicable fees and court costs prescribed in Chapter 814 of the Wisconsin Statutes, and any other fee or assessment imposed by State Statutes or as provided by the Iron County Code of Ordinances.

(2) The Forestry and Parks Committee and the Law Enforcement Committee shall jointly establish a schedule of cash deposits for violations of provisions of this chapter for which there have not been adopted herein statutory counterparts. Said bond schedule shall be amended from time to time as deemed appropriate by said committees.

D. Nothing herein shall preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes, to suspend or revoke the operating privileges of the defendant, order the defendant to submit to assessment and rehabilitation programs or to attend traffic, snowmobile, or ATV safety school in addition to payment of a monetary penalty, suspension, revocation, or in lieu of imprisonment.

E. Iron County shall have any and all other remedies afforded by the Wisconsin Statutes, in addition to the forfeitures and costs of prosecution specified above.

F. Cash deposits are to be made with the Clerk of the Circuit Court of Iron County, Wisconsin and said clerk shall give a receipt for any cash deposits that are made in person, unless the deposit amount is mailed and in that case, the canceled check will serve as the receipt.