

## Chapter 253

### VEHICLES, ALL-TERRAIN AND OFF-ROAD

§ 253-1. State all-terrain vehicle laws adopted.

§ 253-2. Speed limits.

§ 253-3. Violations and penalties.

§ 253-4. Unauthorized operation of motor vehicles on public or private property.

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[HISTORY: Adopted by the Village Board of the Village of Albany 5-11-1992 as Title 10, Ch. 4 of the 1992 Code. Amendments noted where applicable.]

#### GENERAL REFERENCES

Snowmobiles -- See Ch. 223.

Vehicles and traffic -- See Ch. 260.

#### § 253-1. State all-terrain vehicle laws adopted.

The provisions describing and defining regulations with respect to all-terrain vehicles in the following enumerated subsections of W.S.A. s. 23.33, and any future amendments or revisions, are hereby adopted by reference and made part of this chapter as if fully set forth herein. 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 chapter or are prohibited by this chapter:

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

## **§ 253-2. Speed limits.**

No person shall operate an all-terrain vehicle within the village, except on an all-terrain vehicle route established by resolution of the Village Board. No person shall operate any all-terrain vehicle within the Village of Albany at a speed in excess of 10 miles per hour. No person may operate an all-terrain vehicle on the designated access route within the Village of Albany at a speed in excess of five miles per hour.

## **§ 253-3. Violations and penalties.**

Violation of this chapter shall be punishable by a forfeiture and enforced pursuant to §§ 223-10 and 223-11.

## **§ 253-4. 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.

(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.

(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.

(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:

**MOTOR VEHICLE** -- 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:

(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 that 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.

OFF-ROAD -- Any location which:

- (1) Is not a paved or maintained public street or alley;
- (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 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.

OPERATION -- The physical manipulation or activation of any of the controls of a motor vehicle necessary to put it in motion.

UNAUTHORIZED -- 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.

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 authorized areas pursuant to Chapter 223, Snowmobiles, § 223-9, Snowmobile routes and trails designated, and § 253-2, it shall be unlawful to operate any bike, 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 consent of the owner, in writing, before operation of such licensed or unlicensed craft or vehicle on private lands.

D. Prohibited use of snowmobile trails. Except as provided in the definition of "motor vehicle" in Subsection B above, no person shall operate any motor vehicle other than a snowmobile on a snowmobile trail.