

**VILLAGE OF LITTLE CHUTE
ORDINANCE NO. 5, SERIES OF 2011**

**AN ORDINANCE AMENDED VILLAGE OF LITTLE CHUTE CODE OF
ORDINANCES CHAPTER 26-217 UNAUTHORIZED OPERATION OF MOTOR
VEHICLES ON PUBLIC OR PRIVATE PROPERTY**

BE IT ORDAINED by the Village Board of Trustees, Village of Little Chute, Outagamie County, Wisconsin as follows:

Section I. Chapter 26-217 of the Village of Little Chute code of ordinances is hereby amended by additions and/or subtractions to the content within.

Sec. 26-217 Unauthorized operation of motor vehicles on public or private property.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Motor vehicle means any vehicle which is self-propelled and shall include, but not be limited to automobiles, trucks, jeeps, vans, motorcycles, motorbikes, go-carts, motorized three-wheeled vehicles, all-terrain vehicles, mopeds, snowmobiles, dune buggies and tractors. The term "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.

Off-road.

- (1) The term "off-road" means any location which:
 - a. Is not a paved or maintained public street, or alley;
 - 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/her permittee for recreational or other vehicular use.
- (2) The term "off-road" shall not include any creek bed, riverbed or lake; provided, however, this subsection shall not apply to snowmobiles or other vehicles being operated on the ice covering such creek bed, riverbed or lake.

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

***Snow removal device* means an attachment designed and installed for the purpose of removing snow, such as a plow blade, blower, bucket, or brush.**

Unauthorized means 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) *Purpose.* The unauthorized off-road operation of motor vehicles has resulted in the following:

- (1) Serious damage to public and private lands including damage or destruction of vegetation, animal life and improvement to the lands;
- (2) The permanent scarring of land and an increase in both erosion and air pollution;
- (3) Collisions and near collision threatening the life and safety of the operators of such vehicles as well as other persons; and
- (4) A loss of the privacy, quietude and serenity to which the owners and users of land are rightfully entitled.

(c) *Prohibited; exception.*

- (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 **or in accordance with Sec. 26-217(d)**, it shall be unlawful to operate any minibike, go-cart, all-terrain vehicle or any other motor-driven craft or vehicle principally manufactured for off-highway use on:
 - a. Village streets, alleys, parks, sidewalks, bikeways or parking lots
 - b. Village owned land held open to the public.
 - c. Privately owned land held open to the public
 - d. Privately owned parking lots held open to the public
- (3) The operator shall at all times have the written consent of the owner before operation of such craft or vehicle on private lands.

(d) *Snow Removal Exception*

- (1) For the purposes of snow removal, an all-terrain vehicle, with a snow removal device attached, may be operated on a public sidewalk, street, or alley, adjacent to the owner's property when all of the following provisions are followed:
 - a. The operator of the all-terrain vehicle is 16 years of age or older.
 - b. There is one or more illuminated yellow lights, which are flashing or rotating and visible for 360 degrees, displayed on the all-terrain vehicle.
 - c. The ATV's headlights are on at all times and not obstructed by the attached snow removal device.
 - d. The operator is actively engaging in snow removal on the property and not exceeding a speed of 5 mph while on the roadway, sidewalk or alley.
 - e. The operator of the all-terrain vehicle yields the right of way to any pedestrian, bicyclist, or motor vehicle approaching on the street, sidewalk, or alley.
 - f. The manner of snow removal is in accordance with Sec. 40-65(c).

Section II: Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or its applications.

Section III. Effective Date. This Ordinance shall become effective on the date of passage and required posting or publication.

Date introduced: December 22, 2010.

Approved and adopted: January 19, 2011

VILLAGE OF LITTLE CHUTE

By: _____
Charles Fischer, Village President

Attest: _____
Vicki Schneider, Village Clerk