

Chapter 336

GOLF CARTS/ATV/UTV

ARTICLE I GOLF CARTS

Definition:

Golf Cart - A golf cart or golf buggy is a small battery-powered, three- or four-wheel vehicle designed originally to carry two golfers and their golf clubs around a golf course or on desert trails.

§336-1. Speed and equipment.

- A *Speed.* No person shall operate a golf cart within the village or on any trail or street or other public way designated in section §336-5 of this chapter at a speed in excess of any posted limit. Any golf cart which is not able to attain the speed of 25 mph must display a slow moving vehicle sign as stated in Wis. Stats. § 347.245(1).
- B *Restriction on equipment.* No golf cart may be operated on any street within the village limits unless it conforms to all noise, registration and other equipment requirements as stated in the Wisconsin Statutes or the Municipal Code of the city.
- C *Headlight and taillight.* Every golf cart operating within the village, upon any public street must display a lighted headlight and taillight at all times, day or night and said lights must conform to the requirements of this article. Headlights shall be of a white or clear light and must be capable of illuminating the road ahead during hours of darkness and be observed at a distance of 500 feet. Headlights must be properly adjusted, as not to interfere with the operation of other vehicles on the roadway. Taillights shall be red in color and be observable to a distance of 500 feet at night.
- D *Insurance.* Proof of insurance is required to operate a gold cart within the village limits.

§336-2. Unattended vehicles.

No person shall leave or allow any golf cart owned or operated by him/herself to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

§336-3. Operation on sidewalks prohibited.

No person shall operate a golf cart upon any sidewalk, pedestrian way or upon the (terrace) 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, to obtain immediate access to an authorized area of operation.

§336-4. Restrictions on operators of golf carts.

No person shall operate a golf cart upon village streets, alley or public right-of-way within the corporate limits of Black Creek unless such person shall have a valid motor vehicle operator's license.

§336-5. Golf cart routes and trails designated.

A *Routes designated.* Except as provided in Wis. Stats. or herein stated, no person shall operate any vehicle upon any public right-of-way, in any public park or cemetery or on any other public or private property in the village except upon routes and trails designated by the village board.

There shall be certain established crossings within the village to allow for golf carts to cross STH 47/main St and STH 54/State St. These crossings shall be designated as golf cart crossings and are to be used for that purpose, under all circumstances at any time of day or night.

B *Operation prohibited in certain areas:*

(1) No person may operate a golf cart for any reason on the following streets:

- a. STH 47/Main St. on its entire length.
- b. STH 54/State St. on its entire length.
- c. Any street where operation is prohibited by a posted sign.

Note: Any of the above streets may be driven across from one side to the other, from a legal area to reach a street which is legal to operate upon.

(2) No person may operate a golf cart in the following areas, unless authorization is first obtained from the village board (village property need not be posted, golf cart operators must know whose property they are operating upon before entering any property):

- a. Any village parks.
- b. Any village cemeteries.
- c. Any property owned or leased by the village.
- d. Anywhere in the village on the grass skirt area between the street and sidewalk. (Except where motor vehicle traffic is normally allowed on paved surfaces only).

(3) Golf cart crossings are described as follows:

- a. *Crossing markers.* The director of public works and village law enforcement officers are directed and authorized to procure, erect and maintain appropriate route, trail and speed limit signs and markers as approved by the state department of transportation and covered by Wisconsin Statutes.

Designated crossings are:

- 1) Maple St at STH 54/State St
- 2) Clark St at STH 54/State St
- 3) Burdick St at STH 47/Main St
- 4) Mary St at STH 47/Main St

- b. *Crossing status.* Village law enforcement officers shall have the power to declare the stated golf cart crossings and trails either open or closed. Such openings and closures may be posted on the official city web site www.villageofblackcreek.com.
- c. *Signs and markers to be obeyed.* No person shall fail to obey any route or trail sign, marker or speed limit or other control device erected in accordance with this section or traffic sign or signal under authority of Wisconsin Statutes.

§336-5. Golf cart travel within the Village limits.

- (a) *Statutory authority.* State law § 349.18(1)(c) allows towns, cities and villages to enact local regulations regulating the operation of a golf carts.
- (b) *Golf cart travel upon village streets.* Operation of golf carts within the village limits shall be strictly limited to traveling along the extreme right side of village streets designated for that purpose. The authority to enact local golf cart residential access regulations are found in Wis. Stats. § 349.18(1)(c). By authority of Wis. Stats. § 349.18(1)(c), the village does hereby provide for golf cart access into and from residential areas, stores and lodging establishments within the village limits according to the guidelines set herein.
- (c) *Operation authorized.* This section allows for the operation of golf carts on designated streets, roadways and/or shoulders of streets or highways by persons residing in or staying at a lodging establishment, shopping at local businesses or obtaining personal needs, within the limits of the Village of Black Creek Outagamie County, Wisconsin or to travel to or from an established trail or route within or connected to the corporate limits of the village.
- (d) *Golf car.* Under this section the operation of golf cars/carts of the type and kind equipped and used solely and specifically for golfing will be allowed to operate upon village streets under the circumstances listed herein. All restrictions listed for the operation apply to the operation of golf cars/carts upon village streets. The only exception to this is that safety equipment required for ATV operation is not required for the operation of golf carts, which have not been modified.
- (e) *Conditions.* This section designates the roadways and specific streets and highways for golf cart travel by persons residing in the village, patronizing business or staying at a lodging establishment within the limits of the Village of Black Creek, Outagamie County Wisconsin, to travel for the distance that is necessary to reach a trail or route from that residence, business or lodging establishment subject to the following conditions:
 - (1) *Uniformity.* For the purpose of uniformity in this document the term cars/carts will have the same meaning as the term golf car/cart.

- a. Carts shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
- b. Carts shall be operated in single file with headlights and taillights in operation at all times, day or night. If a trailer is towed behind, the trailer must conform to all lighting requirements for carts.
- c. Cart operators shall yield the right-of-way to all other vehicular traffic and pedestrians.
- d. Carts violating any of the above conditions will be subject to the penalties outlined in Wis. Stats. and village ordinance.
- e. *Speed.* Carts operated on any portion of any roadway or shoulder of a highway pursuant to this section shall observe the posted speed limit for that roadway.
- f. Any cart unable to reach a maximum speed of 25 mph, must display a slow moving vehicle triangle, visible on the rear of such vehicle according to Wisconsin State Statutes governing the SMV emblems at all times while in operation on any roadway.

(2) *Enforcement.*

- a. *Enforcement.* This section shall be enforced by any law enforcement officer of the Village of Black Creek, Outagamie County, Wisconsin, or such other local, county or state law enforcement officers.
- b. *Uniform traffic citation.* The uniform traffic citation promulgated under the Wisconsin State Statutes, shall be used for violations of this chapter relating to highway use except as herein provided.
- c. *Parking violations.* The special standardized city parking ticket shall be used for enforcement of violations of rules of the road relating to parking of vehicles.
- d. *Other violations.* All violations of this chapter not described in subsections a. or b., above, shall be enforced in accordance with Wis. Stats. Stipulations of guilt or no contest may be made as provided in Wis. Stats. Payment may also be made under Wis. Stats. Such deposits shall include the village municipal court costs listed in chapter 23 of this Code of Ordinance.

§336-6. Penalty.

Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not more than \$500.00, together with the costs of prosecution and, in default of payment thereof, may be imprisoned in the county jail for a term not to exceed ten days, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wis. Stats., for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under chapter 336 of this Code of Ordinances. Except as otherwise provided in Wis. Stats. and the deposit schedule adopted by the state board of circuit court judges hereunder,

required penalties and deposits or bail not including costs or fees for violation of this chapter shall be as established by the schedule adopted by the village board.

§336-7 through §336-12. Reserved.

ARTICLE II

ATV/UTV

Definition:

All-terrain vehicle (ATV) – A commercially designed and manufactured motor driven device that has a weight, without fluids, has a weight of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator and travels on 3 or more low pressure tires and non-pneumatic tires.

Utility terrain vehicle (UTV) – A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low speed vehicle, dune buggy, mini truck or tracked vehicle, and that has, and was originally manufactured with all of the following:

1. A weight, without fluids, of 3000 pounds or less
2. Four or more low pressure tires (less than 29psi) or non-pneumatic tires
3. A steering wheel
4. A taillight
5. A brake light
6. Two headlights
7. A width of not more than 65 inches
8. A System of seat belts, or similar, for restraining each occupant of the device in the event of an accident.
9. I. A system of structural members designated to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device

§336-13. Speed and equipment.

- (a) *Speed.* No person shall operate an ATV/UTV within the village or on any trail or street or other public way designated in section §336-17 of this chapter at a speed in excess of any posted limit.
- (b) *Restriction on equipment.* No ATV/UTV may be operated on any street within the village limits unless it conforms to all noise, registration and other equipment requirements as stated in the Wisconsin Statutes or the Municipal Code of the village.
- (c) *Headlight.* Every ATV/UTV operating within the city must display a lighted headlight and taillight at all times, day or night and said lights must conform to the requirements of the current Wis. Stats. and village ordinance requirements for ATVS.

§336-14. Unattended vehicles.

No person shall leave or allow any ATV/UTV owned or operated by him/herself to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

§336-15. Operation on sidewalks prohibited.

No person shall operate an ATV/UTV upon any sidewalk, pedestrian way or upon the (skirt) 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 prior permission, to obtain immediate access to an authorized area of operation.

§336-16. Restrictions on operators of ATVs/UTVs.

- (a) No person shall operate an ATV/UTV upon city streets, alley or public right-of-way within the corporate limits of Black Creek unless such person shall have a valid motor vehicle operator's license.
- (b) No person under the age of 12 years of age may operate an ATV/UTV on a roadway for any reason.
- (c) No person age 12—15 may operate an ATV 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 safety certificate (or) the machine is registered for public use, the operator is accompanied by a person at least 18 years of age, and the operator holds a valid ATV/UTV safety certificate.
- (d) No person who is at least 16 years of age may operate a ATV 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 18 years of age, and the operator holds a valid ATV/UTV safety certificate.
- (e) ATV/UTV operators age 16 and born on or after January 1, 1988 may operate on roadways if they possess an ATV safety certificate.
- (f) Any operator or passenger under 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.
- (g) If so equipped, all UTV passengers must have their seatbelts fastened at all times.

§336-17. ATV/UTV routes and trails designated.

- (a) *Routes designated.* Except as provided in Wis. Stats., or herein stated, no person shall operate any ATV/UTV upon any public right-of-way, in any public park or cemetery or on any other public or private property in the village except upon ATV/UTV routes and trails designated by the village board. There shall be certain established routes or streets within

the village limits. These ATV/UTV routes shall be designated as ATV/UTV routes and are to be used only for that purpose, under any circumstances or at any time of day or night.

(b) *Operation prohibited in certain areas:*

(1) No person may operate an ATV/UTV for any reason on the following streets:

- a. STH 47/Main St. on its entire length.
- b. STH 54/State St. on its entire length.
- c. Any street where operation is prohibited by a posted sign.

Note: Any of the above streets may be driven across from one side to the other, from a legal area to reach a street which is legal to operate upon.

(2) No person may operate an ATV/UTV in the following areas, unless authorization is first obtained from the village board:

- a. Any village parks except on those paved areas that are legal for motor vehicle operation.
- b. Any village cemeteries.
- c. Any property owned or leased by the village which is not accessible by motor vehicles.
- d. On the grass skirt area between the street and sidewalk of any street or highway.

(3) ATV routes are described as follows:

- a. *Trail markers.* The director of public works and village law enforcement officers are directed and authorized to procure, erect and maintain appropriate ATV route, trail and speed limit signs and markers as approved by the State Department of Natural Resources under Wis. Stats.
- b. *Trail status.* Village law enforcement officers shall have the power to declare the stated ATV routes and trails either open or closed. This information may be posted on the village website www.villageofblackcreek.com.
- c. *Signs and markers to be obeyed.* No person shall fail to obey any route or trail sign, marker or speed limit or other control device erected in accordance with this section or traffic sign or signal under authority of Wis. Stats.

§336-18. ATV/UTV travel within the village limits.

- (a) *Statutory authority.* State law allows towns, cities and villages to enact local regulations allowing ATV/UTVs to travel designated routes and trails.
- (b) *ATV/UTV travel upon village streets.* Operation of ATV/UTVs within the village limits shall be strictly limited to traveling along the extreme right side of village streets designated for that purpose. The authority to enact local ATV/UTV residential access regulations is found in the Wis. Stats. By authority of the Wis. Stats. The village does hereby provide for ATV/UTV access into and from residential areas, stores and lodging establishments within the village limits of Black Creek according to the guidelines set herein.

- (c) *Operation authorized.* This section allows for the operation of an ATV/UTV on a street, roadway and / or shoulder of a street or highway by persons residing in or staying at a lodging establishment, shopping at local businesses or obtaining personal needs, within the limits of the village of Black Creek, Outagamie County, Wisconsin or to travel to or from an established ATV/UTV trail or route within or connected to the corporate limits of the village.
- (d) *Conditions.* This section designates the roadways and / or shoulders of specific streets and highways for ATV/UTV travel by persons residing in the village, patronizing business or staying at a lodging establishment within the limits of the Village of Black Creek, Outagamie County Wisconsin, to travel for the distance that is necessary to reach an ATV/UTV trail or route from that residence, business or lodging establishment subject to the following conditions:
- (1) *Uniformity.* For the purpose of uniformity in this document the term ATV will have the same meaning as the term all-terrain vehicle and UTV shall have the same meaning as the term Utility Terrain vehicle
- a. ATV/UTVs shall be operated on the extreme right side of the roadway and travel with the flow of traffic.
 - b. ATV/UTVs shall be operated in single file with headlights and taillights in operation at all times, day or night. If a trailer is towed behind an ATV/UTV, the trailer must conform to all lighting requirements for ATV/UTVs.
 - c. ATV operators shall yield the right-of-way to all other vehicular traffic and pedestrians.
 - d. ATV/UTVs violating any of the above conditions will be subject to the penalties outlined in Wis. Stats., and village ordinance.
 - e. *Speed.* ATV/UTVs operated on any portion of any roadway or shoulder of a highway pursuant to this section shall observe the posted speed limit for that roadway.
 - f. Any ATV/UTV unable to reach a maximum speed of 25 mph, must display a slow moving vehicle triangle, visible on the rear of such vehicle according to Wisconsin State Statutes governing the SMV emblems at all times while in operation on any roadway.
- (2) *Enforcement.*
- a. *Enforcement.* This section shall be enforced by any law enforcement officer of the Village of Black Creek, Outagamie County, Wisconsin, or such other local, county or state law enforcement officers.
 - b. *Uniform traffic citation.* The uniform traffic citation promulgated under the Wisconsin State Statutes, shall be used for violations of this chapter relating to highway use except as herein provided.
 - c. *Parking violations.* The special standardized village parking ticket shall be used for enforcement of violations of rules of the road relating to parking of vehicles.

- d. *Other violations.* All violations of this chapter not described in subsections a. or b., above, shall be enforced in accordance with Wis. Stats. Stipulations of guilt or no contest may be made as provided in Wis. Stats. Payment may also be made under Wis. Stats. Such deposits shall include the village municipal court costs listed in chapter 23 of this Code of Ordinance.

§336-19. Penalty.

All provisions of section 23.33 of the Wisconsin Statutes describing and defining regulations with respect to all-terrain vehicles of which the penalty is a forfeiture only shall be incorporated by reference. Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not more than \$500.00, together with the costs of prosecution and, in default of payment thereof, may be imprisoned in the county jail for a term not to exceed ten days, provided no person shall forfeit an amount in excess of the maximum fine or forfeiture allowed in the Wis. Stats., for the same offense and further provided that the penalty and forfeiture for parking violations on highways shall be the amount applicable to such violations by owners or operators of motor vehicles under chapter 336 of this Code of Ordinances. Except as otherwise provided in Wis. Stats. and the deposit schedule adopted by the state board of circuit court judges hereunder, required penalties and deposits or bail not including costs or fees for violation of this chapter shall be as established by the schedule adopted by the city common council.