

ORDINANCE NO. 09-01_

**AN ORDINANCE TO AUTHORIZE THE USE OF ALL-TERRAIN
VEHICLES ON VILLAGE STREETS FOR SNOW REMOVAL**

WHEREAS, the Legislature has established regulations for the use of all-terrain vehicles (ATV's) in the State of Wisconsin which limits use of ATV's on highways; and,

WHEREAS, the Legislature has authorized municipalities to establish ATV routes, trails and additional regulations at §23.33(8) and (11), Wis. Stats.; and,

WHEREAS, both individuals and businesses find it convenient to use ATV's to remove snow from driveways, sidewalks and parking lots; and,

WHEREAS, the police chief has requested the Village Board to consider and enact some regulations to ensure the safe use of ATVs for snow removal in the Village so as to protect the public welfare.

NOW, THEREFORE, the Village Board for the Village of Palmyra, **DOES HEREBY ORDAIN AS FOLLOWS:**

SECTION 1: ATV REGULATIONS Section ***(could be located at 7.135 - Traffic Code; §9.28 - Peace & Order or §12.15 - Licenses & Permits)* is hereby created to read as follows:

- ** (1) Definitions: The definitions found at §23.33(1), Wis. Stats., are adopted herein.
- ** (2) All highways and sidewalks within the Village are designated as ATV routes from November 1 to April 15 for the exclusive purpose of snow removal.
- ** (3) Use of Village ATV routes is prohibited unless the ATV owner has applied for and received an ATV snow removal permit from the Village.
- ** (4) ATV Snow Removal Permit Requirements:
 - (a) An annual permit shall be obtained from the Palmyra Police Department upon application, inspection of the ATV, and the payment of a permit fee. The permit fee shall be set from time to time by resolution of the Village Board.
 - (b) 1. The applicant shall supply their name, address, business name and address, if providing snow removal services, list of operator(s), age of operator(s), and the DNR's registration number on an application form provided by the Village.

2. Names of ATV operators shall be kept current by the ATV owner during each license period. No ATV operator may be under the age of 18 if the ATV owner is a business providing snow removal services or provides snow removal for payment. For private property owners, an operator under the age of 18 must supply a copy of the Wisconsin ATV Safety Certificate with the permit application.
- (c) The Police Department shall issue a permit upon the receipt of a complete application, an inspection of the ATV to ensure it complies with State equipment requirements and the requirements of this section, verification of the ATV's registration and payment of the permit application fee.
- (d) ATV snow removal permits expire April 15th each year.

**** (5) ATV Equipment Requirements:**

- (a) The ATV shall comply with the regulations found at §23.33, Wis. Stats., and any other applicable Administrative Code regulations.
- (b) The ATV shall have a slow moving vehicle placard that complies with §347.245, Wis. Stats. And TRANS §304, Wis. Administrative Code, affixed to the rear.
- (c) The ATV shall have an amber flashing light that is visible from 300 feet attached to the highest point of the vehicle.

**** (6) ATV Snow Removal Requirements:**

- (a) The ATV's headlamp, amber flashing lamp and taillights must be in operation during snow removal operations at all times.
- (b) Snow removal equipment must be in good working condition.
- (c) The ATV Routes may be used during the snow removal process as well as to travel the distance necessary from location to location to remove snow, except as noted below.
- (d) When operating on sidewalks the ATV shall yield to pedestrians and shall not use the sidewalk for travel purposes from location to location.
- (e) ATV operators are prohibited from depositing snow on the Village ATV Routes.
- (f) An ATV operator shall comply with all other applicable laws, not in conflict with this section.

**** (7) These regulations do not apply to an ATV utilized for snow removal in which the ATV**

remains completely on the ATV owner's property. If snow removal by ATV necessitates the use of the Village's highways, a permit must be obtained.

**** (8) Penalties:**

Violations of this section shall result be penalized as provided in §25.04 of the Village Code.

SECTION 2: MISCELLANEOUS.

The Clerk is directed to send a copy of this ordinance to the Wisconsin Department of Natural Resources and the Village of Palmyra Police Department.

SECTION 3: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

This ordinance passed this 5th day of January, 2009.

VILLAGE OF PALMYRA

Tim Gorsegner, President

ATTEST:

Laurie Mueller, Clerk

Posted or published this 16th & 23rd day of January 2009.