

CHAPTER 423

ALL-TERRAIN VEHICLES

423.01 STATE ALL-TERRAIN VEHICLES LAWS ADOPTED.

The statutory provisions describing and defining regulations with respect to all-terrain vehicles in the following enumerated sections of the Wisconsin Statutes, exclusive of any provisions therein relating to the penalties to be imposed or the punishment for violation of said Statutes, and including the Wisconsin Statutes therein referred to, are hereby adopted and by reference made a part of this Code as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Code. Each section of the Wisconsin Statutes adopted by this Chapter shall bear the chapter and section number as herein set forth.

<u>Village Code Section Number</u>		<u>State Statute Number</u>
423.33(1)	Definitions	23.33(1)
423.33(2)(a)	Registration Requirement	23.33(2)(a)
423.33(2)(b)	Registration Exemptions	23.33(2)(b)
423.33(3)	Rules of Operation	23.33(3)
423.33(4)	Operation On or Near Highways	23.33(4)
423.33(4c)	Intoxicated Operation of an All-Terrain Vehicle	23.33(4c)
423.33(4g)	Preliminary Breath Screening Test	23.33(4g)
423.33(4j)	Applicability of the Intoxicated Operation of an All-Terrain Vehicle Law	23.33(4j)
423.33(4L)	Implied Consent	23.33(4L)
423.33(4p)	Chemical Tests	23.33(4p)
423.33(4t)	Report Arrest to Department	23.33(4t)
423.33(5)	Age Restrictions; Safety Certification Program	23.33(5)
423.33(6)	Equipment Requirements	23.33(6)
423.33(7)	Accidents	23.33(7)
423.33(12)	Enforcement	23.33(12)

423.33(1), Definitions.

(For (a) through (n) see: s.423.01)

(o) **Department** means the Wisconsin Department of Natural Resources.

(p) **Department of Transportation** means the Wisconsin Department of Transportation.

423.35 PENALTIES.

A. Except as provided in paragraphs (B) to (E), any person who violates this Ordinance shall forfeit not less than \$25.00 nor more than \$250.00.

B. (1) Except as provided under (2) and (3), a person who violates subsection 423.35(4c)(a) 1 or 2, or 423.35(4p)(e), shall forfeit not less than \$150.00 nor more than \$300.00.

(2) Except as provided under (3), a person who violates s.423.33(4c)(a) 1 or 2, or s.423.33(4p)(e), and who within 5 years prior to receiving a citation for the then current violation was convicted under the state intoxicated operation of an all-terrain vehicle law, or the state refusal law, this Ordinance, shall forfeit not less than \$300.00 nor more than \$1,000.00.

(3) Any person who violates s.423.33(4c)(a) 1 or 2, or 423.33(4p)(e), and who within 5 years prior to receiving a citation for the then current violation was convicted two or more times under the state intoxicated operation of an all-terrain vehicle law, or the state refusal law, or this Ordinance, shall forfeit not less than \$600.00 nor more than \$2,000.00.

(4) Any person who violates subsection 423.22(4c)(a) 3 or s.423.33(4p)(e), and who has not at the time of violation attained the age of 19 years, shall forfeit not less than \$25.00 and not more than \$50.00.

C. A person who violates subsection 423.33(4c)(b) shall forfeit not less than \$300.00 nor more than \$2,000.00.

D. In determining the number of previous convictions under paragraph B. (2) and (3), convictions arising out of the same incident or occurrence shall be counted as one previous conviction. Whenever a person is convicted of violation of this Ordinance, the Clerk of the Municipal Court or the Municipal Judge shall forward to the Department the record of such conviction and such record shall state whether the offender was involved in an accident at the time of the offense.

E. In addition to any other penalty or order, a person who violates subsection 423.33(4c)(a) and (b), or 423.33(4p)(e), or who violates Section 940.09 or 940.25, Wisconsin Statutes, if the violation involves the operation of an all-terrain vehicle, shall be ordered by the Court to submit to and comply with an assessment by an approved public treatment facility for an examination of the person's use of alcohol or controlled substance. The assessment order shall comply with Section 343.30(1q)(c)1.a to c, Wisconsin Statutes. Intentional failure to comply with an assessment order under this paragraph constitutes contempt of court, punishable under Chapter 785, Wisconsin Statutes, and other provisions of law.