

Chapter 10.15
ATVs and UTVs

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This ordinance designates ATV and UTV routes and regulates the operation of these vehicles.

10.15.010 Intent

The Village of Oakfield, Fond du Lac County, adopts the following ATV and UTV routes for the operation of said vehicles on all Village Streets. Following due consideration of the recreational value to connect trail opportunities and weighed against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this ordinance has been created.

10.15.020 Statutory Authority

The statutory provisions of Section 23.33 and Chapters 340 to 348 of the Wisconsin Administrative code are adopted here by reference. Unless otherwise specifically provided here, any act required to be performed or prohibited by any statute or administrative code provision incorporated here is required or prohibited by this ordinance. Any future amendments, revisions, or modifications of the Wisconsin Statutes or Wisconsin Administrative Code incorporated here are made a part of this ordinance in order to secure uniform statewide regulation of ATV's and UTV's.

10.15.030 Definitions

The following definitions shall apply with respect to this ordinance:

“Off road vehicles” shall include, without limitation, off-highway motorcycles, minibikes, all-terrain vehicles (ATV's) and utility terrain vehicles (UTVs).

“All-terrain vehicle” or “ATV” means a commercially designed and manufactured motor driven device that has a weight, without fluids, a 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 three or more low-pressure or non-pneumatic tires.

“Utility terrain vehicle” or “UTV” means of the following:

1. 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, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with all of the following: a weight, without fluids of 2,000 pounds or less; four or more low-pressure or non-pneumatic tires; a cargo box installed by the manufacturer; a steering wheel; a taillight; a brake lights; two headlights; a width of not more than 65 inches; a system of seatbelts or a similar system for restraining each occupant of the device in the event of an accident; and a system of structural members designed to reduce the likelihood that an occupant would be crushed

as result of a rollover of the device.

2. A commercially designed and manufactured motor driven device that has all of the following: a weight without fluids, of more than 900 pounds, but not more than 2,000 pound; a width of 50 inches or less; is equipped with a seat designed to be straddled by the operator; and travels on three or more low-pressured or non-pneumatic tires.
 - a. All other applicable words and phrases defined in Section 23.33 and Section 340.01 of the Wisconsin Statutes are incorporated by reference in this ordinance.

“Village” means the Village of Oakfield, a Wisconsin municipal corporation. All references to the Village in this ordinance shall apply only within the jurisdictional limits of the Village of Oakfield, and the Village makes no attempt to exercise authority outside the jurisdictional limits of the Village of Oakfield.

10.15.040 Conditions and Restrictions on Operation

In addition to the provisions contained in section 23.33 and Chapters 340 to 348 of the Wisconsin Statutes, and as a condition for the use of ATV and UTV routes designated and authorized above, the following conditions and restrictions shall apply to all ATV and UTV operators and passengers as applicable within the Village of Oakfield:

1. No person shall operate an ATV or UTV unless the operator is 16 years of age or older and holds a

valid driver’s license issued by the Wisconsin Department of Transportation, or another state driver’s licensing authority. Also hold Safety Certificate (see #15)

2. All ATV and UTV operators will observe posted speed limits.
3. Operation of ATVs and UTVs on roadways designated as ATV and UTV routes are authorized only for the extreme right side of the roadway, on the paved surface (if the roadway is paved), except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
4. All ATV and UTV operators will ride single file.
5. All ATV and UTV shall obey all traffic laws, local ordinances and DNR Regulations
6. The operator of an ATV or UTV will display a lighted headlamp and tail lamps on the ATV or UTV and display current registration and license plate at all times.
7. No person shall operate an ATV or UTV where the vehicle does not meet state or municipal noise and exhaust restriction requirements.
8. No person shall operate an ATV or UTV within any municipal park or on any sidewalk, designated bicycle or pedestrian lane, gravel shoulder, ditch or other area of any street right-of-way other than on the paved roadway, unless specifically designated and posted otherwise by the Village or its designee.
 - a. No person shall leave or allow any ATV or UTV owned or operated by the person to remain

unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

9. All roads must be signed in accordance with NR 64.12 and NR 64.12(7).
10. ATV and UTV operations are at the risk of the operator. The Village of Oakfield has no liability for any damage or injury to persons, real property or personal property, arising out of the operation of ATVs and UTVs on designated routes.
11. Owner or Operator must assure they have proper liability policy insurance which meets the carrier and coverage requirements specified in Section 344.61 of the Wisconsin Statutes. Proof of such liability insurance coverage must be readily available while operating ATV or UTV on Village streets.
12. Routes are open year-around.
13. ATV and UTV use are prohibited in the Village between **11pm-7am** unless the unit is licensed for agricultural use.
14. No ATV and UTV operator or passenger are allowed open alcoholic containers while operating on Village streets. No person shall operate an ATV or UTV while under the influence of an intoxicant, a restricted controlled substance, a controlled substance analog, or any combination of these elements, to a degree which renders the person incapable of safely operating the ATV or UTV.
15. *Safety certificate.*

1. No person who is at least 12 years of age and who is born on or after January 1, 1988, may operate an all-terrain vehicle unless he or she holds a valid safety certificate issued by the department, another state, or a province of Canada.

1m. No person who is at least 12 years of age and who is born on or after January 1, 1988, may operate a utility terrain vehicle unless he or she holds a valid safety certificate issued by the department, another state, or a province of Canada.

2. Any person who is required to hold an all-terrain vehicle or utility terrain vehicle safety certificate while operating an all-terrain vehicle or utility terrain vehicle shall carry proof that the person holds a valid safety certificate and shall display this proof to a law enforcement officer on request.

3. Persons enrolled in a safety certification program approved by the department may operate an all-terrain vehicle or utility terrain vehicle in an area designated by the instructor.

16. No person under 18 years of age may operate or be a passenger on an ATV or UTV without wearing protective headgear of the type required under Wisconsin Statute 347.485(1)(a) and with the chin strap properly fastened, except as specifically exempted under 23.33(b)(c)(d) of Wisconsin Statutes.

10.15.050 Enforcement and Penalties

This ordinance will be enforced by any law enforcement officer authorized to enforce the laws in the State of Wisconsin. The penalty of any violation identified in Section 23.33(13) or Chapter 340-347 of the Wisconsin Statutes shall be as set forth in the Wisconsin Statutes. Deposit amounts for such violation shall be as set forth in the current Revised Uniform State Traffic Deposit Schedule. The penalty for any violation of this ordinance not addressed in Section 23.33(13) or Chapters 340-347 of the Wisconsin Statutes shall be a forfeiture as set forth in Title 10 of the Village of Oakfield Municipal Code, together with all applicable costs, surcharges and assessments.

10.15.060 Severability

The provision of this ordinance will be deemed severable and it is expressly declared that the Village would have passed the other provisions of this ordinance irrespective of whether or not one or more application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be deemed affected.