

VILLAGE OF OLIVER ALL TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ORDINANCE

Section 1 - Title and Purpose

The title of this ordinance is the Village of Oliver All-Terrain Vehicle and Utility Terrain Vehicle Ordinance (hereinafter referred to as ATV and UTV Ordinance). The purpose of this Ordinance is to establish ATV and UTV regulations within the Village of Oliver.

Section 2 - Authority

The Village of Oliver Board has specific authority to adopt this ATV and UTV ordinance under Wisconsin Statutes §23.33(8) and §23.33(11).

Section 3 - Incorporation of State Statutes

The Village of Oliver Board has specifically incorporated and adopted Wisconsin Statutes §23.33, regulating the operation of all-terrain vehicles. Wisconsin Statutes §346.02(11) by reference and shall include the rules of the road there enumerated under as follows:

§346.04, §346.06, §346.11, §346.14(1), §346.18, §346.19, §346.20, §346.21, §346.215(3), §346.26, §346.27, §346.33, §346.35, §346.37, §346.39, §346.40, §346.44, §346.46, §346.47, §346.48, §346.50(1)(b), §346.51, §346.52, §346.53, §346.54, §346.55, §346.71, §346.87, §346.88, §346.89, §346.90, §346.91, §346.92(1) and §346.94(1)(9) as amended.

Section 4 - Speed

The Village of Oliver Board hereby adopts and incorporates Natural Resources Code 64.07. It shall be a violation of this ordinance to operate an ATV or UTV within the Village of Oliver in excess of 10 mph.

Section 5 - Hours of Operation

No person shall operate an ATV or UTV within the Village of Oliver between the hours of 12:00 A.M. and 6:00 A.M.

Section 6- Noise of ATV-UTV

No person may operate an ATV or UTV in such a manner that the noise emitted from the machine is louder than ninety -six (96) decibels when measured on the "A" scale; measured in the manner prescribed in the reaffirmed 1998-07, Society of Automotive Engineers Standard J1287, as amended, entitled Measurement of Exhaust Sound Levels of Stationary Motorcycles.

Section 7 - Age Restriction

The Village of Oliver Board hereby adopts and incorporates National Resource Code Section 64.08. Anyone under the age of twelve (12) shall not operate an ATV or UTV vehicle on designated routes. Anyone between the ages of twelve (12) years and sixteen (16) years shall not operate an ATV on a designated route without a valid Wisconsin Department of Natural Resource issued safety certification and must be accompanied by an adult parent or designated guardian that provides the operator with continuous verbal direction or control. UTV operators shall be licensed drivers over the age of sixteen (16).

Section 8 - Designation of ATV and UTV Route

The Village of Oliver Board hereby designates all streets within the Village limits of Oliver to be open as ATV and UTV routes, except ATV/UTV shall not be operated on any right -of-way, or in a park, or on any public or private property within the Village except upon designated routes.

Section 9 - Miscellaneous Provisions

1. All riders must possess liability insurance on their respective ATV or UTV.
2. All operators and passengers under the age of eighteen (18) shall at all times wear a helmet approved by the Wisconsin Department of Transportation.

3. All ATV and UTV riders shall operate only on the extreme right- hand side of the roadway except those left turns may be made from any part of the roadway that is safe given the prevailing conditions.

4. No operator or passenger of an ATV/UTV may possess an open intoxicant while within the Village limits.

Section 10 - Enforcement

This ordinance may be enforced by a Village constable appointed by the Village Board or any law enforcement officers authorized to enforce the laws of the State of Wisconsin.

Section 11 - Penalties

The Village of Oliver Board hereby adopts and incorporates the penalties for violation of this ordinance under Wisconsin Statutes §23.33(13).

Section 12 - Effective Date

The ordinance is in effect from the amended date and can be amended by the Village Board at any time. The Village Clerk shall promptly post this ordinance amendment as required under Wisconsin Statutes §60.80.

Passed and adopted this 27th day of **September, 2022.**

Action: Motion by Rude, second Walsburg, to adopt. Motion carried.