

VEHICLES, MOTOR-DRIVEN

UTVS

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 the following:

1. A weight, without fluids, of 2000 pounds or less.
2. Four or more low-pressure tires or nonpneumatic tires.
3. A steering wheel
4. A taillight
5. A breaklight.
6. Two headlights.
7. A width of not more than 65 inches.
8. A system of seat belts, or a similar system for restraining each occupant of the vehicle in the event of an accident.
9. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.

ATVS

A commercially designed and manufactured motor-driven device that has a weight, without fluids, 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 three or more low-pressure tires or nonpneumatic tires or as defined in § 23.33 (1)(b), Wis. Stats., and any amendments thereto.

INTENT.

The Village of Eden, 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 weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this article has been created.

Statutory Authority.

Open usage of Village streets is done pursuant to Village authority as authorized in §23.33(8)(b), WIS. Stats. The applicable provisions of §23.33, Wis. Stats., regulating ATV and UTV operation pursuant to the routes are adopted.

Conditions.

The following conditions for the use of Village streets apply to all operators and passengers:

- A. All ATV and UTV operators will observe a speed limit of 15 miles per hour on the side streets and observe the posted speed limits on Main St, Highway V and Fond du Lac Ave.
- B. Seatbelts must always be worn on UTVs by all persons.
- C. 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 §347.485 (1)(a), Wis.Stats., and with the chin strap properly fastened, except as specifically exempted under §23.33 (B), (C) and (d), Wis Stats.
- D. No person shall operate an ATV or UTV unless the operator is 16 years of age or older or holds a Safety Certificate.
- E. Operation of ATV 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.
- F. All ATV and UTV operators will ride single file.
- G. The operator of an ATV or UTV shall obey all traffic laws, local ordinances and DNR regulations.
- H. The operator of an ATV or UTV will display a lighted headlights and taillights on the ATV or UTV and display the registration and license plate at all times.
- I. No person shall operate an ATV or UTV where the vehicle does not meet state noise and exhaust restriction requirements.

- J. All roads must be signed in accordance with § NR 64.12 and NR 64.12(7), Wis Adm.Code.
- K. Owner and 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 must be readily available while operating ATV or UTV on Village streets.
- L. ATV and UTV operation are at risk of the operator. The Village of Eden has no liability for any damage or injury to people, real property or personal property, arising out of the operation of ATV and UTVs on designated routes.
- M. No ATV and UTV operator or passenger are allowed to 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 analog or any combination of these elements to a degree which renders the person incapable of safely operating the ATV or UTV.
- N. Routes are open year-round. The Village of Eden reserves the right to close or modify ATV and UTV routes within its jurisdiction at any time.

ENFORCEMENT.

This article will be enforced by any law enforcement officer authorized to enforce the laws in the State of Wisconsin.

VIOLATIONS AND PENALTIES.

The Village of Eden will follow §23.33(13)(a), Wis. Stats., for penalizing ATV and UTV laws.

SEVERABILITY.

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

EFFECTIVE DATE.

This ordinance becomes effective upon passage and publication.

Adopted this _____ day of _____.

VILLAGE OF EDEN

By: _____, Village President
Kevin Goebel

ATTEST:

_____, Village Clerk
Kari Schlefke