

**ORDINANCE NO. 2022-04-05-25**

**ORDINANCE REVISING ORDINANCE NOS. 2022-01-04-12 AND 2022-03-05-11AN  
ORDINANCE DESIGNATING ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTES  
AND REGULATING THE OPERATION OF ALL-TERRAIN AND UTILITY TERRAIN  
VEHICLES**

**ARTICLE Z. -All-Terrain Vehicle & Utility Vehicles Sec.**

**34-1. -Application of state statutes.**

This route is created pursuant to village authority under section 1.1.01 as authorized by §23.33(8)(b), Wis. Stats.

The applicable provisions of Wis. Stats. §§23.33(3), 23.33(3g), 23.33(4), 23.33(6), 23.33(13); Wis Admin Code§ NR 64 (All-Terrain Vehicles); and Wis Stats. §§ 346 (Rules of the Road) are hereby adopted by reference and made part of this Code. Any future amendments, revisions, or modifications of these statutes are intended to be incorporated in this Code.

**Sec. 34-2. -Trails/Routes Designated and Authorized for Operation.**

Under Wis. Stat. § 23.33(8)(b)2., the Village of Sharon designates all Village-maintained roads, streets, and alleys as ATV routes except as posted.

Under Wis. Stat. § 23.33(8)(b)1., the Village of Sharon designates State Trunk Highway 67 as an ATV route from Natural Way to the 35/55 MPH speed limit transition. This designation is not approved until the Wisconsin Department of Transportation approves it under Wis. Stat. s. 23.33(8)(b)3. via an ATV route order.

Under Wis. Stat. § 23.33(11)(am)4., the Village of Sharon authorizes the operation of ATVs on all state and county trunk highways with a posted speed limit of 35 MPH or less within its municipal boundaries.

No person shall operate an ATV/UTV within the village except on designated trails/routes. Trails are designated by the Police Department and approved the Village Board. The trails/routes shall be identified by appropriate signage. All ATV routes may be temporarily closed by the authority of the Police Department or Village President as needed.

**Sec. 34-3. Conditions.**

As a condition for the use of this route; the following conditions shall apply to all operators (and passengers);

- A. All ATV/UTV operators shall observe posted roadway speed limits and comply with all regulatory signage.
- B. All ATV/UTV operators shall ride single file.
- C. All ATV/UTV operators shall slow the vehicle to 10 mph or less when operating within 150 feet of a dwelling except when operating on a designated route.
- D. All ATV/UTV vehicle operators and their riders under the age of 18 must wear a helmet.

E. All ATV/UTV operators born on or after January 1, 1988 are required to have an ATV

safety certificate.

F. No child under the age of 12 may operate an ATV on a roadway for any reason. All ATV safety certified operators age 12-15 must also be accompanied by an adult while operating on a designated ATV route except for operation for agricultural purposes with adult supervision. Anyone 16 and older may operate an ATV consistent with the Wisconsin Statutes.

G. All UTV operators shall be 16 years of age or older. Children 12-15 years old may operate small UTVs (200 CCs or less) on public, off-road trails only.

H. Operation of ATV/UTV will only be allowed on a designated route for recreational purposes between dawn to dusk from April 1 through November 30. ATV/UTV operation for snow removal may occur at any time consistent with the Wisconsin Statutes.

I. Routes must be signed in accordance with NR 64.12 and NR 64.12(7)c. Wisconsin Administrative Code. No person may do any of the following in regard to signs marking town all-terrain vehicle/utility terrain vehicle routes:

1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle/utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle/utility terrain vehicle route or trail sign or standard illegally placed by the state, any municipality or any other authorized individual.

2. Possess any uniform all-terrain vehicle/utility terrain vehicle route or trail sign or standard of the type established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform all-terrain vehicle/utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of uniform all-terrain vehicle/utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

#### **Sec. 34-4. Speed Limits on Designated Routes**

ATV/UTV state statutes apply unless otherwise noted.

#### **Sec. 34-5. Equipment**

All ATVs/UTVs traveling on a Village-maintained street, parking lot, alleyway, state or county roadway within the Village of Sharon, must be properly maintained in compliance with the equipment requirements set forth in the Wisconsin Statutes.

#### **Sec. 34-6. Registration and Decal Display**

All ATVs/UTVs traveling on a village-maintained street, parking lot, alleyway, state or county roadway within the Village of Sharon, must comply with all registration and registration display requirements as set forth in the Wisconsin Statutes.

#### **Sec. 34-7. Operation while Under the Influence**

Wis. Stats. §§ 23.11(4c) shall apply to the operation of an ATV/UTV anywhere within the Village.

**Sec. 34-8. Permitting Operation by Improper Persons Prohibited.**

No owner or person having charge or control of an ATV/UTV shall authorize or permit any person to operate such ATV/UTV who is not permitted under state law to operate such ATV/UTV or who is under the influence of an intoxicant or a dangerous or narcotic drug.

**Sec. 34-9. Noise Prohibited.**

No person may alter the exhaust system of an ATV/UTV to increase the decibels from the original machine. Modified stock pipes are prohibited. ATV/UTV vehicles must have functioning spark arresters and meet all decibel regulations as set forth in Wisconsin State Statutes.

**Sec. 34-10. Unattended Vehicles.**

No person shall leave or allow any ATV/UTV owned or operated by him/herself to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.

**Sec. 34-11. Crashes**

All ATV/UTV vehicles traveling on a village-maintained street, parking lots, alleyways, state or county roadway within the Village of Sharon which are involved in a crash must:

- A. Dial 911 for law enforcement response and fire rescue.
- B. Remain on scene until the arrival of law enforcement and fire rescue.
- C. Provide name, address, and the registration number of the ATV/UTV to law enforcement, the person struck or to the operator or occupant of or person any vehicle collided with and;
- D. Upon request, shall exhibit his or her operator's license to the person struck or to the operator or occupant of or person attending any vehicle collided with.

**Sec. 34-12. Enforcement.**

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

**Sec. 34-13. Penalties.**

Wisconsin state All-Terrain penalties found in Wis Stats. §§ 23.33(13) are adopted by reference. The Village shall issue penalties consistent with the bond schedule adopted pursuant to Wis. Stats. § 23.66(4) and all amendments to said bond schedule as adopted.

**Sec. 34-14. Severability.**

The provision of this ordinance shall be deemed severable, and it is expressly that declared that the Village would have passed the other provisions of this ordinance irrespective of

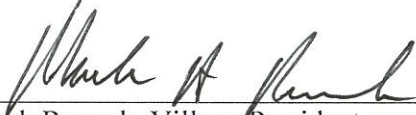
whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be deemed affected.


**Sec. 34-15. Effective Date.**

This ordinance becomes effective upon passage and publication.

Ordinance shall be effective as of June 1, 2022

Adopted this 25TH day of May, 2022.

  
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Mark Ruosch, Village President

  
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Susan Steele, Village Clerk (Attest)