

**ORDINANCE NO. 2023- 5**

**AN ORDINANCE AMENDING CHAPTER 392 OF THE TOWN  
OF PACIFIC CODE OF ORDINANCES**

The Town Board of the Town of Pacific hereby ordains that Chapter 392 of the Town of Pacific Code of Ordinances is hereby revised and amended to create Article IV as follows:

**Article IV All-Terrain Vehicles (ATVs) and Utility Terrain Vehicles (UTVs)**

**Sec. 392-10 Purpose and authority.**

The purpose of this Article IV is to establish ATV/UTV routes on Town Roads in the town and to regulate the operation of ATVs and UTVs in the Town. The Town Board of the Town of Pacific has the specific authority to adopt this Ordinance pursuant to Sec. 23.33(8) (b) and (11), Wis. Stats.

**Sec. 392-11 Adoption of State Regulations and Definitions.**

Pursuant to Sec. 23.33(1) (a), Wis. Stats., the regulations and definitions with respect to all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) in Sec. 23.33, Wis. Stats., Ch. 340 through 348, Wis. Stats., and NR 64, Wis. Adm. Code, and any future amendments or revisions, are hereby adopted by reference and fully incorporated by reference as if fully set forth herein.

**Sec. 392-12. Operation of ATVs/UTVs only on Designated Roads.**

Pursuant to Sec. 23.33(4) (d) 4, Wis. Stats., except as otherwise provided in Sec. 23.33(4), no person may operate an all-terrain or utility terrain vehicle on the roadway portion of any highway, street, alley, public right-of-way, park, cemetery, or on any other public property in the Town of Pacific or on any parking lots held open to the public, except on roadways, rights-of-way and trails which are designated as all-terrain and utility terrain vehicle routes.

**Sec. 392-13. Designated All-Terrain Vehicle and Utility Terrain Vehicle Routes.**

All Town highways and roads are designated as All-Terrain and Utility Terrain Vehicle Routes in the Town, except for the following: West Bush Road and Wardle Road. All All-Terrain and Utility Terrain Vehicle routes shall be subject to review and adjustment (temporarily or

permanently) at any time, if the Board deems such adjustments to be in the public interest.

**Sec. 392-14. Route Signage.**

All designated ATV and UTV routes shall be marked with uniform signage, applicable to both ATV and UTV operations, as prescribed in NR 64.12(7), Wis. Adm. Code, and which conform to regulations of this Chapter and of the Wisconsin Department of Natural Resources (WDNR) and Wisconsin Department of Transportation (WDOT). No person shall do any of the following in regard to signs marking Town of Pacific ATV and UTV routes:

- a. Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard if the sign or standard is legally placed by the State of Wisconsin, any local government or any authorized individual or organization.
- b. Possess any uniform ATV or UTV route or trail sign or standard of the type established by the Wisconsin Department of Natural Resources for the warning, instruction, or information of the public, unless he/she obtained the uniform ATV or UTV route or trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.

**Sec. 392-15. Operating All-Terrain Vehicles and Utility Terrain Vehicles.**

Operation of all-terrain vehicles and utility terrain vehicles on Town highways and roads under this ordinance shall be subject to the following:

a. Operation shall be subject to the all provisions of 23.33, Wis. Stats., which are hereby adopted as part of this ordinance by reference, pursuant to §23.33(11), Wis. Stats.

b. The following additional restrictions are placed on the use of the all-terrain vehicle and utility terrain vehicle routes designated by this Chapter, pursuant to Wis. Stat. §23.33(11):

1. All all-terrain vehicle and utility terrain vehicle operators shall operate at a safe speed not to exceed 35 miles per hour or observe posted all-terrain vehicle and utility terrain vehicle roadway speed limits, whichever is less.

2. All-terrain vehicles and utility terrain vehicles shall not be operated on any Town highways/roads between 9:00 p.m. and 7:00 a.m.

3. All-terrain vehicles and utility terrain vehicles must operate with fully functional headlights, taillights, and brake lights. Lights must be on at all times.

4. All-terrain vehicle and utility terrain vehicle operators shall ride in single file on

the extreme right-hand side of the paved portion of the road, highway or traffic lane. Left turns may be made from any part of the road or highway when it is safe.

5. Every person who operates an all-terrain vehicle or utility terrain vehicle or any segment of a road or highway which is designed as an all-terrain vehicle or utility terrain vehicle route shall have in his or her immediate possession a valid motor vehicle operator's license and if born after January 1, 1988, possess a valid ATV Safety Certificate issued by a Wisconsin or any other state or province. The all-terrain vehicle/utility terrain vehicle operator shall display the operator's license and safety certificate upon demand from any law enforcement office.

6. No operator or passenger of an all-terrain vehicle or utility terrain vehicle may possess, in or on an all-terrain vehicle or utility terrain vehicle on any road or highway designated as an all-terrain vehicle or utility terrain vehicle route, any bottle or receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken or the contents of the bottle or receptacle have been partially removed or released.

7. All all-terrain vehicle and utility terrain vehicle equipment is required to have applicable liability insurance coverage and have proof of insurance.

8. All persons under the age of 18 operating and/or riding on an all-terrain vehicle or utility terrain vehicle must wear protective headgear of the type required under Wis. Stats. 23.33(3g).

**Sec. 392-16. Operation with Snow Removal Device Attached.**

For the purpose of snow removal, an ATV or UTV with a snow removal device attached, may be operated during the period starting October 1 and ending on April 30, providing all the following provisions are complied with:

1. County plow trucks and/or County equipment have the right-of-way. Operators must stop for any County vehicles in the roadway or sidewalk during snow removal operations.

2. The ATVs/UTVs headlights are on at all times and not obstructed by the attached snow removal device; must also have a yellow flashing light on while operating a plow.

3. The operator is actively engaged in snow removal activity on the property, or is enroute to or from the property.

4. The operator shall follow the shortest and most direct route to the property at which snow removal activities will be conducted.

5. The operator of the ATV or UTV engaged in snow removal operations is sixteen (16) years of age or older and has a valid driver's license.
6. The operator of the ATV or UTV yields the right-of-way to any pedestrian or motor vehicle approaching the driveway or driveway approach.
7. The manner of snow removal is consistent with county ordinance. No snow from a site is allowed to be pushed onto the road right of way.
8. The operator complies with all other provisions under Wis. Stats. 23.33(4)(f) and elsewhere in Chapter 23, Wis. Stats.

**Sec. 392-17 Enforcement.**

This Chapter shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin, the Department of Natural Resources, Columbia County Ordinances and/or Town of Pacific Ordinances.

**Sec. 392-18 Penalties.**

Wisconsin State ATV and UTV penalties as found in Sec. 23.33(13), Wis. Stats., and Ch. 340 through 348, Wis. Stats., are adopted and incorporated herein by reference. Deposit amounts for such violations shall be set forth in the current Revised Uniform State Traffic Deposit Schedule.

**Sec. 392-19 Severability.**

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

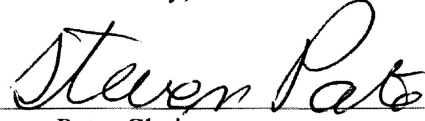
**Sec. 392-20 Effective Date and Notification.**

This Ordinance shall be effective upon publication and posting as provided by law. No roadways approved by the Board of the Town of Pacific as an ATV and UTV route shall be open for use until the signage required under this Ordinance has been installed and the Town Board has approved the route to be open for that use.

The Town of Pacific shall submit a copy of this Ordinance, upon adoption, to the Wisconsin Department of Natural Resources, Wisconsin State Patrol, and the Columbia County Sheriff's Department, as required by law.

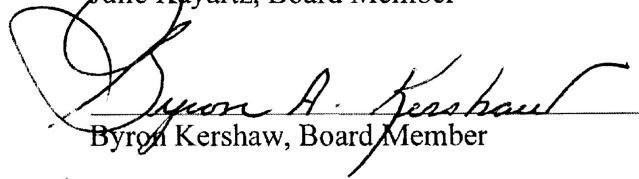
Dated this 18th day of July, 2023.

By the Town Board of the Town of Pacific,  
Columbia County, Wisconsin.

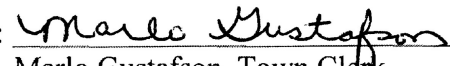
  
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Steven Pate, Chairperson

  
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Craig Cawley, Board Member

  
\_\_\_\_\_  
Julie Kayartz, Board Member

  
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Byron Kershaw, Board Member

**OPPOSED**  
\_\_\_\_\_  
Charlie Kirk, Board Member

Attest:   
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Marlo Gustafson, Town Clerk