

## Chapter 32 – Traffic & Vehicles

### Article III - All-Terrain and Utility Terrain Vehicles

#### Sec. 32-51 State All-Terrain and Utility Terrain Vehicle Laws Adopted; Definitions.

(a) **Purpose.** The purpose of this Chapter is to address the matter of all-terrain and utility terrain vehicle routes on Village streets and alleys and to regulate the related operation of all-terrain and utility terrain vehicles in the Village of Pardeeville. The intent of this Chapter is to provide for the safety, welfare, healthful conditions and enjoyment of recreational vehicle enthusiasts and private landowners consistent with the public rights, interests and capabilities of the areas regulated in the Village. The provisions of this Chapter shall apply to all roadways in the Village of Pardeeville within the jurisdiction of the Village Board as authorized by state law.

(b) **Statutory Authority.** The Village Board of the Village of Pardeeville has the specific authority to adopt this Chapter pursuant to Sec. 23.33(8)(b) and (11), Wis. Stats.

(c) **Adoption of Statutory Provisions.** Pursuant to Sec. 23.33(11)(a), Wis. Stats., the state 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. The statutory and Wisconsin Administrative Code sections adopted by reference herein shall be designated as part of this Code of Ordinances by adding the prefix "10-4-1-" to each statute section number. Any acts required to be performed by the such statutory or Wisconsin Administrative Code sections or which are prohibited by such regulations are required to be performed by this Section or are prohibited by this Section.

(d) **Definitions.** The following definitions shall be applicable in this Chapter, in addition to those definitions in Sec. 23.33(1), Wis. Stats.:

(1) **All-Terrain Vehicle (ATV).** A commercially designed and manufactured engine-driven device which has a net weight, without fluids, of nine hundred (900) pounds or less, which is originally manufactured with a width of fifty (50) inches or less, which is equipped with a seat designated to be straddled by the operator and which is designed by the manufacturer to travel on three (3) or more low-pressure tires. [Sec. 340.01(2g), Wis. Stats.]

(2) **Immediate Family.** Persons who are related as spouses, as siblings, or as parent and child.

(3) **Land on Which Operation is Authorized.** Land under the management and control of a person who consents to the operation of an all-terrain or utility terrain vehicle on the land.

(4) **Land Under the Management and Control of the Person's Immediate Family.** Land owned or leased by the person or a member of the person's immediate family over which the owner or lessee has management and control. The term excludes land owned or leased by an organization of which the person or a member of the person's immediate family is a member.

(5) Small Utility Terrain Vehicle. A utility terrain vehicle that has four (4) wheels and that has either an engine certified by the manufacturer at not more than two hundred (200) cubic centimeters or an equivalent power unit.

(6) Snow Removal Device. An attachment designed and installed for the purpose of removing snow, such as a plow blade, blower, bucket or brush.

(7) Utility Terrain Vehicle (UTV). Means any of the following:

a. A commercially designed and manufactured engine-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:

1. A net weight, without fluids, of less than two thousand (2,000) pounds.
2. Four (4) or more low-pressure tires.
3. A cargo box installed by the manufacturer.
4. A steering wheel.
5. A tail light.
6. A brake light.
7. Two (2) headlights.
8. A width of not more than sixty-five (65) inches.
9. Seats for at least two (2) occupants, with all seating designed not to be straddled.
10. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
11. 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.

b. A commercially designed and manufactured engine-driven device that has a net weight of more than nine hundred (900) pounds, that is originally manufactured with a width of fifty (50) inches or less, that is equipped with a seat designed to be straddled by the operator, and that is designed by the manufacturer to travel on three (3) or more low-pressure tires. [See Sec. 23.33(ng), Wis. Stats.]

## **Sec. 32-52 General ATV and UTV Routes and Use Regulations.**

### **(a) Operation of All-Terrain and Utility Terrain Vehicles.**

#### **(1) Operation on Designated Routes; Prohibitions; Municipal Vehicles Exception.**

- a. Pursuant to Sec. on 23.33(4)(d)4, Wis. Stats., except as otherwise provided in Sec. 23.33(4), Wis. Stats., 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 Village of Pardeeville or on any parking lots held open to the public, except on roadways, right-of-ways and trails which are designated as all-terrain and utility terrain vehicle routes by Subsection (b) *page 4*. Unless authorized by the Village Board, no ATV/UTV shall be operated on any walking, bicycle, equestrian or other special use trail or path.
- b. No person shall operate an all-terrain or utility terrain vehicle upon private property without the owner's express permission except upon routes and trails designated by the Village Board as all-terrain or utility terrain vehicle routes/trails.
- c. Municipal or other governmental all-terrain or utility terrain vehicles used for governmental purposes are authorized to operate on streets and rights-of-ways.
- d. As part of a designated route system, the Village Board may designate limited access for the sole purpose of access to main designated routes or places of lodging.
- e. No person may operate an all-terrain or utility terrain vehicle in any of the following public areas of the Village of Pardeeville unless part of a Village-designated trail or route or specific authorization is first obtained from the Village Board; Village-owned property need not be posted regarding the following prohibitions:
  1. Any Village of Pardeeville parks except Chandler Park Beach in the winter for ice fishing.
  2. Any property owned or leased by the Village of Pardeeville.
  3. On any sidewalk, designated bicycle or pedestrian lane/trail, 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.
- f. It shall be the responsibility of all-terrain and utility terrain vehicle operators to know whether they are operating on public or private property.

**(2) Permissible Operation on Designated Roadways.** Operation of all-terrain or utility terrain vehicles on a roadway in the Village of Pardeeville that is an all-terrain and utility terrain vehicle route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions. On paved roadways all-terrain and utility terrain vehicles must be operated on the paved portion of the roadway and not on the gravel shoulder, except when necessary to avoid other vehicles.

**(b) Designation of All-Terrain and Utility Terrain Vehicle Roadway Routes.**

- (1) All Village streets and alleys in business district (East and West alley) pursuant to Sec. 23.33(8)(b)(2), Wis. Stats., are designated as ATV/UTV routes. Residential alleys are restricted from use.
- (2) The aforementioned routes shall not include any private roads or driveways nor any private property in the Village of Pardeeville.
- (3) The Village of Pardeeville retains the right to close any Village Street to ATV/UTV operation for special events, street construction or repair, or for any other reason, without advance notice.
- (4) The Village of Pardeeville neither accepts nor assumes liability for the operation of ATVs/UTVs on any Village streets or alleys under the provisions of this Section.

**(c) Designated Routes Signage/Markers.**

- (1) **Erection of Route Markers/Signage.** The Village of Pardeeville shall be responsible for procuring, erecting and maintaining appropriate route, trail and/or speed limit signs and markers consistent with this Chapter and as required by the Wisconsin Statutes, Wisconsin Administrative Code and Wisconsin Department of Transportation and Wisconsin Department of Natural Resources standards. Specific state standards to be complied with include, but are not limited to, Sec. 23.33(8), Wis. Stats., and NR 64.12 generally and specifically NR 64.12(7)(a-d), Wis. Adm. Code. The Village shall place and maintain all ATV/UTV route signs within the Village of Pardeeville, including, without limitation, on federal, state and county trunk highways within the Village limits (*i.e.*; *Village Limits indicating all streets and Residential Alleys will be posted as not authorized*)
- (2) **Trail Status/Closure.** The Village reserves the right to close or modify ATV/UTV routes at any time. The Village President, Village Administrator or the Columbia County Sheriff's Department has the authority to declare all-terrain and/or utility terrain vehicle routes and trails open or closed. Such openings and closings information shall be posted as authorized by the Village of Pardeeville.
- (3) **Signs and Markers to be Obeyed.** No person shall fail to obey any route or trail sign, marker or speed limit or other control device erected in accordance with this Section or traffic sign or signal under the authority of the Wisconsin Statutes.

**(d) Conditions Applicable to All-Terrain and Utility Terrain Vehicle Roadway Routes.** Pursuant to Section 23.33(8)(d), Wis. Stats., the following restrictions are placed on the use of the Village of Pardeeville all-terrain and utility terrain vehicle roadway routes designated in Subsection (b) above:

- (1) **Violations Involving Signage.** All-terrain and utility terrain vehicle roadway 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 (WisDNR) and Wisconsin Department of Transportation (WisDOT), pursuant to Subsection (c) above. No person shall do any of the following in regard to signs marking Village of Pardeeville all- terrain and utility vehicle routes:

a. Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard, or intentionally interfere with the effective operation of 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 all-terrain or utility terrain vehicle 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 all-terrain or utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform ATV/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.

(2) Cruising Prohibited. No person shall while operating an ATV or UTV engage in the practice of cruising on any authorized roadway route/trail. "Cruising" is defined as running all or part of a designated roadway route multiple times per day, back and forth, for any purpose other than departing or arriving at their residence or place of lodging or at a public boat landing.

(3) Additional Route Use Regulations. In addition to the requirements of this Section and applicable provisions of the Wisconsin Statutes adopted by reference, operators utilizing a designated trail or route shall comply with the requirements of Section 10-4-3.

**(e) Snow Removal Exception.** For the purpose of snow removal, an all-terrain or utility terrain vehicle, with a snow removal device attached, may be operated during the period starting November 15 and ending on April 1 on a sidewalk that is not a designated route, or adjacent to a designated roadway route, when all of the following provisions are complied with:

(1) Village plow trucks and/or Village equipment have the right-of-way; no exceptions. Operators must STOP for any Village vehicle in the roadway or sidewalk during snow removal operations.

(2) The ATV's/UTV's 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, and not exceeding 5 mph while on the sidewalk.

(4) The operator shall follow the shortest and most direct route to the property at which snow removal activities will be conducted when operating solely on sidewalks.

(5) The operator of the all-terrain or utility terrain vehicle 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 all-terrain or utility terrain vehicle 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 Village ordinances. No private residence snow is allowed to be pushed into the street.

(f) Rules of the Road. Except as otherwise provided in Section 23.33, Wis. Stats., and herein, all-terrain vehicles and utility terrain vehicles shall follow the State of Wisconsin rules of the road that are applicable to automobiles.

(g) Yield to Traffic and Pedestrians. All all-terrain and utility terrain vehicles shall yield to all vehicular traffic and pedestrian movement.

### **Sec. 32-53 Miscellaneous ATV/UTV Regulations.**

**(a) Conditions of Operation.** The following conditions of operation shall apply to all operators and passengers of all-terrain and utility terrain vehicles in the Village of Pardeeville:

(1) Registration Required. All ATV/UTV units shall be registered for public use as required by Wisconsin Department of Natural Resources ("WisDNR") regulations, and proof of registration shall be displayed as required by statute or administrative rule during all times of operation.

(2) Driver's License Requirement. Every person who operates an ATV/UTV on a segment of a Village Street which is designated as an ATV/UTV route shall have in his/her immediate possession a valid motor vehicle operator's license and shall display such license upon demand from any law enforcement officer or official described in Sec. 23.33(12), Wis. Stats.

(3) Insurance. Every person who operates an ATV/UTV on a segment of a Village Street which is designated as an ATV/UTV route, and/or every ATV/UTV operated on a segment of a Village Street which is designated as an ATV/UTV route, shall carry liability and other insurance coverage consistent with state law for the operation of a motorized vehicle.

(4) Statutory Operations Regulations. Operation of all-terrain and utility terrain vehicles shall be subject to all provisions of Section 23.33, Wis. Stats., which is adopted above by reference as a part of this Section by Section 10-4-1(c) above, pursuant to Section 23.33(11), Wis. Stats. Specifically, no person may operate an all-terrain or utility terrain vehicle:

- a. In any careless way so as to endanger the person or property of another.
- b. On the private property of another without the consent of the owner or lessee. Failure to post private property does not imply consent for ATV/UTV use.
- c. On public property that is posted as closed to ATV/UTV operation or on which the operation of an all-terrain or utility terrain vehicle is prohibited by law.
- d. With any crossbow in his or her possession unless the crossbow is not cocked or is unloaded and enclosed in a carrying case.
- e. With any bow in his or her possession unless the bow does not have an arrow cocked.
- f. With any firearm in his or her possession unless the firearm is unloaded or is a handgun, as defined in Sec. 175.60(1)(bm), Wis. Stats. This limitation does not apply to a

firearm that is placed or possessed on an all-terrain or utility terrain vehicle that is stationary, as defined in Sec. 167.31(l)(fg), Wis. Stats.

g. With a passenger riding in or on any part of a utility terrain vehicle that is not designed or intended to be used by passengers.

h. Unless he or she, and every occupant of the utility terrain vehicle, is seated on a seat that is original to the utility terrain vehicle as manufactured.

**(5) Speed Limits.**

a. All ATV/UTV operators shall observe the posted roadway speed limit, except that no ATV/UTV shall be operated in excess of 35 m.p.h. Lower speed limits may be designated on certain portions of roadway routes as deemed appropriate and indicated on appropriate signage.

b. ATV/UTV operators shall slow, yield and exercise caution on the frozen surface of public waters or on an ATV/UTV route or trail when within one hundred (100) feet of another person not operating a motor vehicle, all-terrain vehicle, utility terrain vehicle, or snowmobile, and shall observe all other requirements in Sec. 23.33, Wis. Stats. This restriction does not apply to operation of an ATV/UTV or when competing in a sanctioned derby or race.

c. ATV/UTV operators shall slow, yield and exercise caution when within one hundred (100) feet of a fishing shanty at a speed exceeding 10 m.p.h.

d. ATV/UTV operators shall not exceed a speed of 15 m.p.h. when the ATV/UTV is being operated on a roadway or adjacent to a roadway with a snow removal device attached, if the ATV/UTV is more than one hundred and fifty (150) feet from a dwelling.

*\*\*Village plow trucks and/or Village equipment have the right-of-way during snow removal operations. ATV/UTV Operators must STOP for any Village vehicle in the roadway or sidewalk. No exceptions.*

e. ATV/UTV operators shall not exceed 5 m.p.h. when the ATV/UTV is being operated on a sidewalk or driveway with a snow removal device attached, regardless of proximity to a dwelling.

**(6) Restrictions on Equipment.** No all-terrain or utility terrain vehicle may be operated within the Village of Pardeeville unless it complies with all noise, exhaust, registration, and other equipment standards as established in the Wisconsin Statutes, Wisconsin Administrative Code, or the Village of Pardeeville Code of Ordinances.

**(7) Headlight/Taillights and Trailer Requirements.** A person who operates an all-terrain or utility terrain vehicle during hours of darkness or during daylight hours on any street right-of-way is required to display a lighted headlamp and tail lamp on the vehicle, as follows:

a. The headlamp is required to display a white light of sufficient illumination power to reveal any person, vehicle or substantial object at a distance of at least two hundred (200) feet ahead of the all-terrain or utility terrain vehicle. The headlight shall be

properly adjusted so as to not interfere with the operation of other vehicles on the roadway.

b. Taillights/brake lights shall be red in color and be observable during hours of darkness to a distance of five hundred (500) feet to the rear.

c. If a trailer is towed behind an all-terrain or utility terrain vehicle, the trailer shall conform with all lighting requirements applicable to an all-terrain or utility terrain vehicle.

**(8) Unit Noise Limits.** No person may manufacture, rent, sell or operate an all-terrain or utility terrain vehicle that is configured in such a manner that noise emitted from the vehicle exceeds 96 decibels on the A scale as measured in the manner prescribed under rules promulgated by the Wisconsin Department of Natural Resources. Modifications to the muffler or exhaust systems are prohibited if exceeding authorized decibels. Muffler and exhaust systems shall be consistent with manufacturers specifications functioning to avoid excessive noise.

**(9) Radios or Electronic Sound Amplification Devices.** No person may operate or park, stop or leave standing an ATV or UTV while using a radio or other electronic sound amplification device emitting sound from the unit that is audible under normal conditions from seventy-five (75) feet or more, unless the electronic sound amplification device is being used to request assistance to warn against an unsafe condition.

**(10) Operations Restrictions.** Streets, authorized alleys (East alley and West Alley, located in the Business District), public trails in the right-of-way, or portion thereof, designated as an official designated route, all-terrain and utility terrain vehicles operating on such Village of Pardeeville streets, roads, and other public property shall comply with the following:

a. All-terrain and utility terrain vehicles shall be operated on the right side of the driving lane and travel with the flow of traffic when operating with a plow device attached.

b. All-terrain and utility terrain vehicles shall be operated in single-file, with headlights and taillights in operation at all times. No person shall an ATV/UTV on any designated roadway or trail without fully functional headlights, taillights and brake lights.

c. All-terrain and utility terrain vehicle operators shall yield the right-of-way to all other vehicular traffic and pedestrians.

**(11) Hours of Operation.** ATV/UTV operation is limited to the hours of 7:00 a.m. to 10:00 p.m.

**(12) Operation with an Open Container; Intoxication.** It shall be unlawful for any ATV/UTV operator or passenger in or on an ATV/UTV to operate such unit while under the influence of an intoxicant, a restricted controlled substance, a controlled substance analog, or any combination of these substances, or to possess or have on board any open container containing an alcoholic beverage while operating upon any public street, public way, public alley or public parking lot within the Village of Pardeeville.



(13) Unattended Units. No person shall leave or allow any ATV/UTV owned or operated by that person to remain unattended on any public highway or street, or on public property, while the motor is running or with the starting key left in the ignition.

**(b) Operator Standards.**

(1) General Standards. Operation of an all-terrain or utility terrain vehicle on a Village Street, alley or public way by unlicensed or youth operators shall be governed by the restrictions of Section 23.33(5), Wis. Stats. No person who is not lawfully licensed, or under a current driver's license suspension, revocation or cancellation for any reason, may operate an all-terrain and utility terrain vehicle upon a public street or public way in the Village of Pardeeville except in conformance with this Section, Sec. 23.33(5), Wis. Stats., and Ch. 346, Wis. Stats.

(2) All-Terrain Vehicles - Age Restrictions.

a. No person who is under sixteen (16) years of age may operate an all-terrain vehicle under the authority provided under Sec. 23.33(4)(d)4 Wis. Stats. (On roadways which are designated as all-terrain vehicle routes. Operation of all-terrain vehicles and utility terrain vehicles on a roadway which is an all-terrain vehicle route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway which is safe given prevailing conditions) or 23.33(4)(d)7 (On roadways of highways that are all-terrain vehicle trails)

b. No person who is under sixteen (16) years of age may operate an all-terrain vehicle under the authorization provided under Sec. 23.33(4)(f), Wis. Stats., under any circumstances. (*Operation with snow removal device attached.* Except as prohibited under par. (a), and subject to ordinances enacted under sub. (11) (am) 2., a person may operate an all-terrain vehicle or utility terrain vehicle with a snow removal device attached on a roadway or adjacent to a roadway or on a public sidewalk during the period beginning on October 1 and ending on April 30 of each year for the purpose of removing snow if such operation is necessary to travel to or from a site where the snow removal device will be used. The travel necessary to or from the site may not exceed 2 miles. Operation of such an all-terrain vehicle or utility terrain vehicle on a roadway or adjacent to a roadway is authorized only if the applicable roadway speed limit is 45 miles per hour or less. Operation on a roadway of such an all-terrain vehicle or utility terrain vehicle is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway where it is safe to do so given prevailing conditions. Operation adjacent to a roadway of such an all-terrain vehicle or utility terrain vehicle shall comply with the applicable speed limit and with par. (e) 1., 2., 3., 3m., and 5.)

(3) Utility Terrain Vehicles - Age Restrictions.

a. No person under sixteen (16) years of age may operate, rent, or lease a utility all-terrain vehicle.

**(c) Use of Headgear.**

(1) General Requirement. No person may operate or be a passenger on an ATV/UTV on any designated route without wearing protective headgear of the type required by Sec. 347.485(l)(a), Wis. Stats., and with the chin strap properly fastened.

(2) Exceptions to Headgear Requirements. Protective headgear required under Subsection (d)(l) above need not be worn if:

a. The person is a minimum of eighteen (18) years of age.

(d) **Storage Restrictions.** No more than three (3) all-terrain or utility terrain vehicles may be parked or stored outside of a building or garage on a residential property for more than seventy-two (72) hours.

(e) **Enforcement.** This Chapter shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin or ordinances of the Village of Pardeeville.

(f) **Penalties.** Wisconsin State All-Terrain and Utility Terrain Vehicle penalties as found in Sec. 23.33(13), Wis. Stats., and Ch. 340 through 348, Wis. Stats., are adopted and incorporated herein by reference. Deposits amounts for such violations shall be as set forth in the current Revised Uniform State Traffic Deposit Schedule. The penalty for any violation of this Chapter not addressed in Sec. 23.33(13), Wis. Stats., or Ch. 340 through 347, Wis. Stats., shall be a forfeiture as set forth in Section 1-15(c) of the Village of Pardeeville Code of Ordinances.

(g) **Required Notifications.** The Village of Pardeeville shall submit a copy of this Chapter upon adoption to the Wisconsin Department of Natural Resources, Wisconsin State Patrol, and the County Sheriffs Department of Columbia County, as required by law.

**SECTION II. SEVERABILITY.**

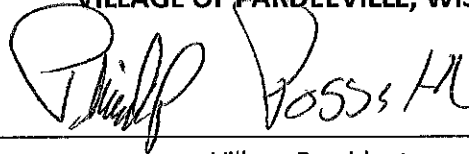
If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect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

**SECTION III. EFFECTIVE DATE.**

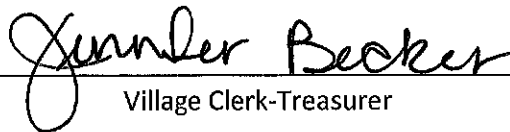
This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 3 day of August 2021.

VILLAGE OF PARDEEVILLE, WISCONSIN



Village President



Village Clerk-Treasurer

INTRODUCED: July 6, 2021  
ADOPTED: August 3, 2021  
PUBLISHED: August 4, 2021

State of Wisconsin:  
County of Columbia:

I hereby certify that the foregoing Ordinance is a true, correct, and complete copy of an Ordinance duly and regularly enacted by the Village of Pardeeville Village Board on the 3 day of August, 2021 and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated this 4 day of August, 2021

Jennifer Becker  
Jennifer Becker, Village Clerk-Treasurer