

**ORDINANCE 2019-601**

**TOWN OF PESHTIGO  
MARINETTE COUNTY, WISCONSIN**

**AN ORDINANCE REGARDING ESTABLISHING ATV REGULATIONS  
IN THE MUNICIPAL CODE OF ORDINANCES FOR THE TOWN OF PESHTIGO**

THE TOWN BOARD OF THE TOWN OF PESHTIGO, MARINETTE COUNTY,  
WISCONSIN, DOES HEREBY ORDAIN AS FOLLOWS:

**ADOPTED.**

**Section 10-4-1. State All-Terrain Vehicle Laws Adopted**

The provisions describing and defining regulations with respect to all-terrain vehicles in the following enumerated subsections of Section 23.33, Wis. Stats., and any future amendments or revisions thereto, are hereby adopted by reference and made a part of this section as if fully set forth herein. Any acts required to be performed by the following statutory subsections or which are prohibited by such statutory subsections are required to be performed by this section or are prohibited by this section:

- Section 23.33(1) Definitions [including subsections (a) through (n)]
- Section 23.33(2) Registration
- Section 23.33(3) Rules of operation [including subsections (a) through (i)]
- Section 23.33(4) Operation on or near highway [including subsections (a) through (e)]
- Section 23.33(5)(a) Age restrictions  
and (5)(c)
- Section 23.33(6) Equipment requirements [including subsections (a) through (e)]
- Section 23.33(7) Accidents [including subsections (a) through (b)]

**ADOPTED.**

**Section 10-4-2. ATV / UTV Route**

**A. Title and Purpose.** This ATV / UTV Route section is adopted to establish ATV / UTV routes on Town roads, and to promote public health and safety by providing for the regulation of ATVs / UTVs, within the Town of Peshtigo, Wisconsin. The establishment of this section is for the convenience of the ATV / UTV riding public only and the Town Board of the Town of Peshtigo makes no warranty, express or implied, that the aforementioned routes are safe for ATV / UTV operation.

**B. Intent.** It is the intention of the Town of Peshtigo, by establishment of this section, to provide the residents of the Town of Peshtigo and residents from outside the area an ATV / UTV route system.

**C. Adoption of State Statutes.** The Town of Peshtigo hereby adopts, except as otherwise specifically provided in this chapter, and pursuant to the authority granted in Chapter 23 and Chapter NR64 of the Wisconsin Statutes, the Town Board of the Town of Peshtigo hereby adopt Chapter 23 and Chapter NR64 of the Wisconsin State Statutes which deals with all-terrain vehicles, to be applied on all Town Roads designated as ATV / UTV routes in the Town of Peshtigo.

**D. Authorization.** This section is authorized by Wisconsin State Statutes Chapter 23 and Chapter NR64; specifically, Section 23.33 and all subsections thereto.

**E. Definitions.** As used in this section, the following terms shall have the meaning indicated:

ATV (All-Terrain Vehicle)

As defined in Section 23.33(b) and Section 340.01(2g), Wisconsin Statutes.

An engine-driven device which has a net weight of 900 pounds or less, which has a width of 50 inches or less, which is equipped with a seat designed to be straddled by the operator and which is designed to travel on three or more low-pressure tires or non-pneumatic tires.

UTV (Utility Terrain Vehicle)

As defined in Section 23.33(ng), Wisconsin Statutes.

ATV / UTV Club

A club consisting of individuals that promote the recreational use of ATVs / UTVs.

ATV / UTV Route

A highway, road, street or right-of-way designated for use by all-terrain vehicle operators by the governmental body having jurisdiction as authorized under this section.

ATV /UTV Trail

A marked corridor on public property or on private lands subject to public easement or lease, designated for use by ATV / UTV operators by the governmental agency having jurisdiction, but excluding roadways or highways except those roadways that are seasonally not maintained for motor vehicle traffic.

**F. Application.** This section is binding on all individuals traveling in and through the Town of Peshtigo in any manner on any and all Town roads.

**G. Route.**

- (1) All roads in the Town of Peshtigo may be open to ATVs / UTVs. Only roads that have ATV Route signs installed are open to ATV/UTV use. The Town of Peshtigo and the Oconto Area ATV Club will determine which roads will be signed.
- (2) The aforementioned routes shall not include any private roads or driveways nor any private property in the Town of Peshtigo. The Town of Peshtigo shall retain the right to close any Town roads to ATV / UTV operation for special events, or due to street construction or repair, without advance notice.

**H. Laws.** The Town of Peshtigo accepts no liability for the operation of ATVs / UTVs on any Town roads under the provisions of this section. ATVs / UTVs that operate on the aforementioned roads shall abide by all state laws regulating ATV / UTV operation, including the following:

- (1) Operate in the extreme right-hand portion of the traveled part of the road and travel in single file.
- (2) Speed limit shall not exceed 40MPH unless Town speed limits on roadway as posted are lower or by any official ATV / UTV speed limit sign.
- (3) ATVs / UTVs operated on Town roads pursuant to this section shall have the following properly working equipment:
  - (a) One or more headlights;
  - (b) A red rear light, and a working red brake light;
  - (c) Brakes in good mechanical condition; and
  - (d) A muffler system and such other equipment or devices that comply with the noise level standards as set forth in 23 V.S.A. Section 3505(b), and regulations adopted pursuant thereto.
- (4) ATVs /UTVs operated on Town roads shall be currently registered by the State of Wisconsin in accordance with Wisconsin State Statutes. Registration does not constitute a license to cross or operate an ATV /UTV on public or private roads.
- (5) At all times while operating an ATV / UTV on Town roads, operators born after January 1, 1988 shall have passed an approved safety course. The driver of an ATV / UTV shall obey all State of Wisconsin laws regarding the operation of ATVs / UTVs.
- (6) Except as otherwise provided in this section, a person may only operate or permit an ATV / UTV owned by him/her or under their control to be operated in accordance with Wisconsin State Statutes and all regulations adopted pursuant thereto.

- (7) ATVs / UTVs traveling on Town roads shall travel on the right side of the road, in single file, and with headlights activated, at a rate of speed not to exceed the posted speed limit.
- (8) When operating an ATV / UTV under this section, if the ATV / UTV has no turn signals and/or brake lights, the operator shall use hand signals when making turns or stopping.
- (9) No public or private landowner shall be liable for any property damage or personal injury sustained by any person operating or riding as a passenger on an ATV / UTV or upon a vehicle or other device drawn by an ATV / UTV upon the public or private landowner's property, whether or not the public or private landowner has given permission to use the land unless the public or private landowner charges a cash fee to the operator or owner of the ATV / UTV for the use of the property or unless damage or injury is intentionally inflicted by the landowner.
- (10) ATV / UTV operators must remain on an approved marked trail or route. Upon failure to do so, Wisconsin DNR and other penalties may apply.
- (11) It shall be unlawful for any person to consume or have in their possession any open container containing an alcoholic beverage upon any public street, public way, public alley, or public parking lot within the Town of Peshtigo.

**I. Severability.** Should any portion of the section be declared unconstitutional, or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected.

**J. Enforcement.** The Town of Peshtigo Board gives the authority to enforce this section to the Marinette County Sheriff's department, or its designee, as allowed by Wisconsin Statutes. The enforcement officer may order the owner or operator of any vehicle being operated on a highway or street to suspend operation. Verbal or written warnings may be allowed at the discretion of the enforcement authority in this subsection.

**K. Penalties.** The penalties set forth in Section 23.33(13)(a), Wis. Stats., are adopted herein by reference.

**EFFECTIVE DATE.** This Ordinance shall be adopted under suspension of local rules, and shall take effect on June 27, 2019, upon passage and publication as provided by law.

Offered by: Jon Drees

Seconded by: Dan Van Beek

VOTE:           Ayes: 5           Nays: 0  
                  Abstentions: 0           Absent: 0

Date of Adoption: June 18, 2019

Date of Publication: June 26, 2019

TOWN BOARD TOWN OF PESHTIGO,  
MARINETTE COUNTY, WISCONSIN

\_\_\_\_\_  
Herman Pottratz, Chairperson

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Tom Holterman, Supervisor #3

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Dan Staudenmaier, Supervisor #1

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Dan Van Beek Supervisor #4

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Jon Drees, Supervisor #2

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Clarence E Coble, Clerk Attest

