

ORDINANCE NO.
130AN ORDINANCE TO ESTABLISH AND REGULATE AN ALL-TERRAIN AND
UTILITY TERRAIN VEHICLE ROUTE

WHEREAS, the Town Board for the Town of Cross Plains has been approached by citizens who are interested in establishing an all-terrain vehicle and utility terrain vehicle ("ATV/UTV") route in the Town, for the use of ATV/UTV enthusiasts; and

WHEREAS, the Town of Cross Plains has the authority to create ATV/UTV routes, pursuant to Wisconsin Statutes Sections 23.33(1m)(b)1., 23.33(8)(b) and 23.33(11), and other laws; and

WHEREAS, the Town of Cross Plains Town Board has had an opportunity to carefully consider this request including the appropriate limitations that should be placed on any such use, if the use would be approved; and

WHEREAS, upon consideration of all health, safety and welfare considerations, the public benefits to be derived and the public costs, and the impacts of such use including dust, noise, odor, health, safety and welfare, the Town Board for the Town of Cross Plains hereby intends to allow limited use of certain Town roads as an ATV/UTV route subject to all terms and conditions of the ordinance described herein.

WHEREAS, The Town Board of the Town of Cross Plains, Dane County, Wisconsin adopted an ATV/UTV ordinance on September 14, 2023 and Town Board desires to amend the ordinance.

NOW, THEREFORE, the Town Board of the Town of Cross Plains, Dane County, Wisconsin, DOES HEREBY ORDAIN to amend the ordinance as follows:

SECTION 1: DESIGNATION OF ATV/UTV ROUTES:

Subject to all terms and conditions of this ordinance, the following designated Town roads, if signs are posted in accordance with s. NR 64.12(7), Wisconsin Administrative Code, are hereby designated ATV/UTV Routes:

All Town Roads, County Highway S and P in the Town where the speed limit is 35 miles per hour; and all County roads approved by Dane County per Chapter 79 of Dane County Ordinances are open for ATV/UTV use.

Further, KP from west Village of Cross Plains limit to Garfoot Road, Garfoot Road, Braun Road, West Mineral Point east from Garfoot to County Highway P and County Highway J west from Garfoot to Valley Spring Road and Valley Spring Road shall be marked as a preferred route.

Further, at the intersection of Observatory and Barlow, signage shall identify Observatory as an end of preferred ATV/UTV route or other approved sign for a route that is a ATV/UTV dead end route. Further, if approved by Dane County, J from Garfoot east to Valley Spring and KP west from Village of Cross Plains limit to Garfoot are marked as preferred routes.

Said routes are further described and identified by map on file in the office of the Town of Cross Plains Town Clerk.

SECTION 2: ATV/UTV ROUTE SIGNAGE:

No use of the designated ATV/UTV routes is permitted unless and until signs are posted in accordance with Section NR 64.12(7), Wisconsin Administrative Code. The Town of Cross Plains reserves the right to choose not to post such signs unless all costs to acquire, install, maintain and remove, upon a future sunset or repeal of ATV/UTV use on Town roads, such signs are paid by the ATV/UTV enthusiasts who have advocated for the establishment of the ATV/UTV route.

SECTION 3: STATE LAW INCORPORATED:

All ATV/UTV use on the Town ATV/UTV route shall strictly comply with Wisconsin Statutes Sections 23.33, 346.02(11) and statutes cited therein and rules of the Department of Natural Resources adopted pursuant to such statutory authority, and such State laws and regulations are incorporated herein by reference. All future revisions or renumbering of such State law and regulations are incorporated herein in order to maintain strict conformity with such laws as required by Wisconsin Statutes Section 23.33(11)(am)1.

SECTION 4: LIMITED TIMES OF OPERATION:

ATVs and UTVs are only permitted to operate on the Town ATV/UTV route between the hours of 5:00 a.m. and 10:00 p.m.

SECTION 5: MAINTENANCE OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTES:

1. Designation of segments of the Town road system as ATV/UTV routes does not impose upon the Town a greater duty of care or responsibility for maintenance of those segments that for any other segment of Town road.
2. Operators of ATVs or UTVs on Town roads assume all the usual and normal risks of ATV or UTV operation.
3. The Town accepts no liability for the operation of ATVs or UTVs on any Town road, under the provisions of this ordinance.

SECTION 6: RULES OF OPERATION OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLES:

1. Observance of Traffic Laws Requirement. Operators must abide by all applicable traffic laws unless further restricted by this Section.
2. Speed Limit Requirements. ATVs and UTVs shall be operated at a speed that is not greater than is reasonable and prudent under the circumstances. The Town Board finds that it is never reasonable or prudent under the circumstances of the Town roads at issue for ATVs or UTVs to travel on the Town ATV/UTV route in excess of 35 miles per hour. Thirty-five miles per hour therefore shall be the maximum speed for ATV/UTVs on the Town ATV/UTV route, or such slower speed as is reasonable and prudent under the then-existing circumstances whichever is lower.
3. Registration Requirement. All ATVs or UTVs shall be registered in accordance with Wisconsin Department of Natural Resources regulations.
4. Protective Headgear Requirement. No person under the age of 18 may operate an ATV or UTV on any designated route unless wearing approved protective headgear.

5. Safety Certificate Requirement. All operators of ATVs or UTVs are subject to Wisconsin State statute and/or DNR rules and regulations pertaining to age, safety and safety certificate requirements. No person who is born on or after January 1, 1988, may operate an ATV unless he or she holds a valid safety certificate issued by the department, another state or a province of Canada.
6. Single File Operation Requirement. All ATV or UTV operators shall ride single file on paved surfaces only, unless yielding to right-of-way on a multiple lane roadway.
7. Right Side of the Roadway Requirement. Operation of ATVs or UTVs on a roadway which is an ATV/UTV 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.
8. Yield the Right-of-Way Requirement. ATV or UTV operators shall yield the right-of-way to pedestrians, electric scooters, and electric personal assistive mobility devices.
9. Lights and Lights Usage Requirements. All ATVs or UTVs must have headlights and tail lamps on at all times during operations.
10. Noise and Pollution Standards Requirements. All ATVs or UTVs operating on any designated ATV/UTV route must meet all applicable federal noise and air pollution standards.
11. Bridge Crossing Requirements. All ATVs or UTVs crossing a bridge shall:
 - a. Cross the bridge in the most direct manner practicable and at a place where no obstruction prevents a quick and safe crossing.
 - b. Stay as far to the right of the roadway or shoulder as practicable.
 - c. Yield the right-of-way to pedestrians and electric personal assistive mobility devices using the roadway.
12. Unattended Vehicles Prohibited. No person shall leave or allow an ATV/UTV owned or operated by him or her to remain unattended on any public highway or public property while the motor is running or with the starting key left in the ignition.
13. Operation While Under the Influence Prohibited. Sections 346.63 and 23.33 (4c) to (4x), Wis. Stats. shall apply to the operation of an ATV/UTV any place within the Town. Operators will be held to the same enforcement, expectations, permissions, penalties, restrictions, in addition to all other standards adopted by Wisconsin Statutes, which apply to the offense of driving a motorized vehicle under the influence of alcohol, drugs, and/or other chemical agents which impair an operator's safe use of a motorized vehicle.
14. Trailers and Trailing Prohibited. No person shall operate an ATV or UTV upon any ATV/UTV route with any person attached or trailing said vehicle in any manner including a trailer, unless it is by emergency personnel. Anyone operating such conveyance in an unsafe or reckless manner shall be deemed to be in violation of this Section.

SECTION 7: ENFORCEMENT

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

2. As a substitute for or in addition to forfeiture actions, the Town Attorney may, on behalf of the Town, seek enforcement of any and all parts of this ordinance by court actions seeking injunction orders or restraining orders and/or pursuing nuisance actions against the violator.

SECTION 8: PENALTIES

The penalties described in Wisconsin Statutes Section 23.33(13) are hereby incorporated by reference and shall apply to all violations of this ordinance. Deposit amounts shall be as indicated in the State of Wisconsin Uniform State Traffic Deposit Schedule.

SECTION 9: SUNSET

This ordinance shall expire **December 31, 2026**, and no longer be in force, unless the Town takes action, in the normal manner, prior to that date to continue the ordinance.

SECTION 10: SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinance whose terms conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

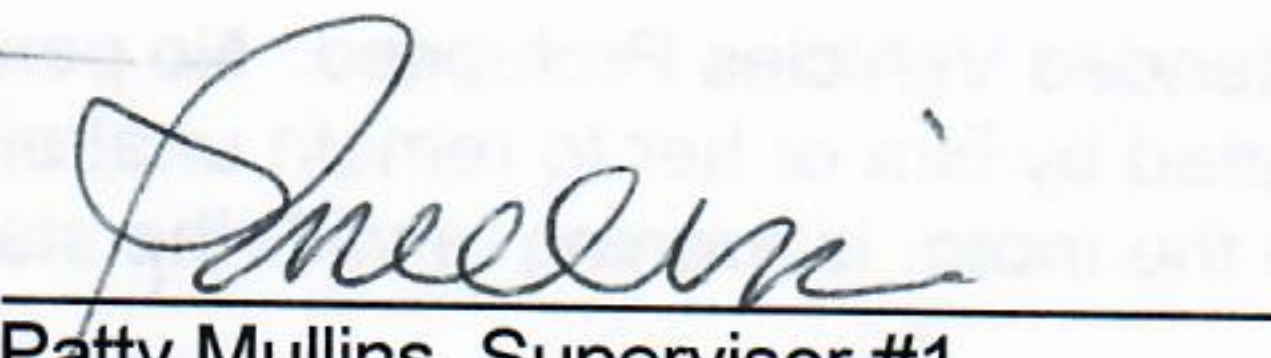
SECTION 11: EFFECTIVE DATE.

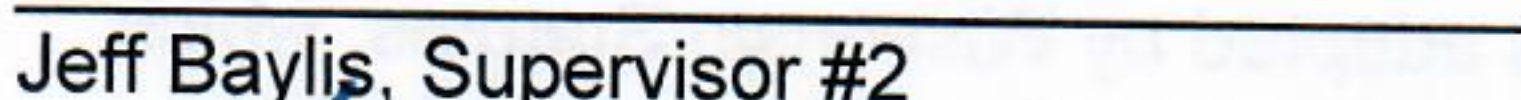
This ordinance shall be effective upon publication or posting as provided by law.

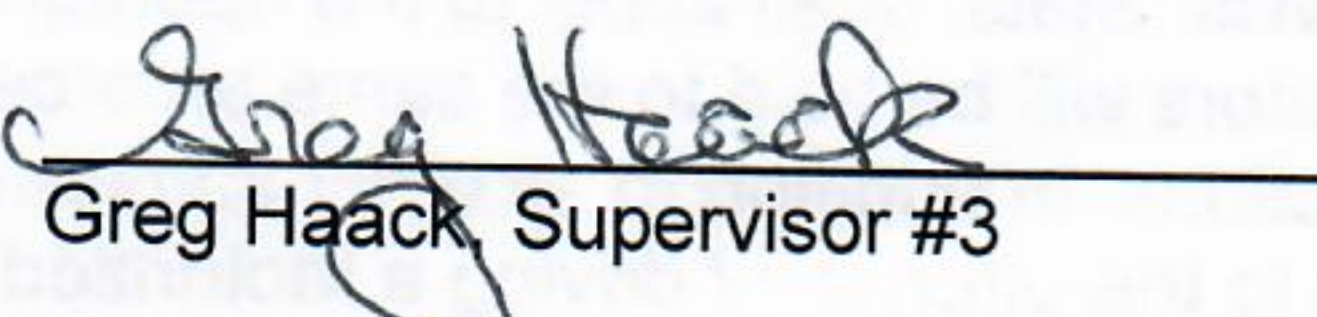
Dated this 20th day of November, 2023.

TOWN OF CROSS PLAINS


Greg Hyer, Town Chair

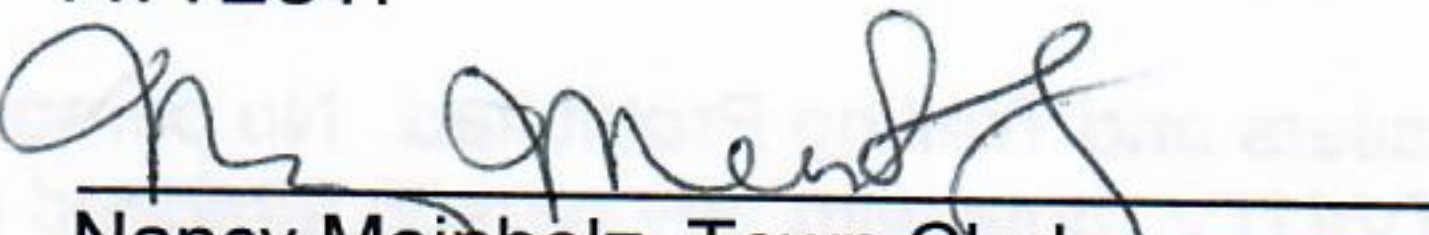

Patty Mullins, Supervisor #1


Jeff Baylis, Supervisor #2


Greg Haack, Supervisor #3


Paul Correll, Supervisor #4

ATTEST:


Nancy Meinholz, Town Clerk

This ordinance posted or published Dec 20 2023.