

## **201.1 Cycle Event Ordinance**

I	Authority
II	Purpose
III	Definitions
IV	Contacts
V	Permits
VI	Conduct of the Events
VII	Prohibited Acts
VIII	The Municipality Will
IX	Statutory References
X	Penalties
XI	Effective Date

### **SECTION I – AUTHORITY**

Applicable sections of, but not limited to, Wisconsin Statutes Chapters 60, 61, 86, 340, 346 and 349.

### **SECTION II – PURPOSE**

Cycle events, including rides, rallies, and races of motorcycles or bicycles, involving more than thirty cycles have been shown to be large enough to disrupt the normal flow of traffic, including farm implements, and restrict resident's access to town roads. To promote the health and public safety of town residents and highway users, and assure safe, healthy and enjoyable recreational access to town roads, while maintaining the unimpeded flow of traffic, including the movement of farm implements such large cycling events require regulation by the Town.

### **SECTION III – DEFINITIONS.**

- A. Cycle Event. Shall mean any rides, rallies, or races of motorcycles or bicycles, involving more than thirty cycles and routed, in whole or in part, over Town roads. Events routed solely over County Roads and/or State Highways are not within this definition.
- B. Event Organizer. Shall include both the individual or individuals and any organization that schedules, organizes, publically advertises, or leads a Cycling Event. For example, any individual publically advertising or listing their name as a "ride leader" or "contact person" for the Cycling Event is an Event Organizer for purposes of this ordinance.
- C. Town. The Town of Berry.
- D. It will be presumed if thirty vehicles with bike racks park together for an event that the event involves thirty or more bicycles.

### **SECTION IV - CONTACTS**

Office hours: 7:00 a.m. to 4:00 p.m. except for Wednesday 7:30 a.m. to 10:30 a.m.  
Brenda Kahl, Clerk/Treasurer, 608-767-4152, twnberry@chorus.net  
Town website: [www.townofberry.org](http://www.townofberry.org)

### **SECTION V – PERMITS**

- A. Every Cycle Event requires a Permit issued by the Town.

- B. Each Event Organizer shall be responsible, jointly and severally, for making the necessary application for the required Cycle Event permit.
- C. The Cycle Event permit application must:
  - 1. Be filed with the Town Clerk at least six weeks prior to any event.
  - 2. Explain how the organizers will provide insurance protection for the town.
  - 3. The organizers or group agrees to pay all costs incurred by the municipality for law enforcement, sweeping the road, if required, and clean-up.
  - 4. A plan for minimizing the impact of traffic disruption for town residents.
  - 5. A plan to promote positive driver/cyclist interactions.
  - 6. Pay a deposit of \$500, or larger, to be determined by the board as necessary to secure payment of anticipated costs and assure performance of permit requirements.
  - 7. Designate a “Ride Leader” who will be responsible for and present during the cycling even, together with providing contact information for that individual.
  - 8. The Town Board may amend or alter the requirements of this ordinance as circumstances of an individual permit may require.

#### **SECTION VI – CONDUCT OF THE EVENTS**

Conditions upon the permit may also include, in the sole discretion of the Town Board, the following terms and conditions:

- A. Organizers will notify all residents along the route of travel in person or in writing of the group size, date and time of the event, name of event and a contact name and phone number.
- B. Route marking signage must consist of paper or plastic, placed on the shoulder of the roadway in the direction of travel and removed within 24 hours of the end of the cycle event.
- C. Each rider participating in event will wear an identifying back number of sufficient size to be readily readable from a distance.
- D. When roads are open to motor vehicle traffic, all cyclists must observe the rules of the road as it pertains to the motor vehicle code.
- E. Race organizers shall provide security and personal hygiene facilities.

#### **SECTION VII – PROHIBITED ACTS**

- A. Racing of any motor vehicles is prohibited on town roadways.
- B. There will be no painting of directions on town roadways.
- C. Blocking of any roadway or intersection for any reason, and/or attempting to prevent any town resident from leaving or returning to their residence unless specifically allowed by the event permit.
- D. Riding more than three abreast for more than 100 feet.
- E. Littering the right-of-way or adjoining private property.
- F. Organizing or conducting a Cycling Event without a Town permit.

#### **SECTION VIII – THE MUNICIPALITY WILL**

- A. Place warning signs on the cycle route for the day of the ride, if requested by the event organizer.
- B. Assist in notification of town residents.

- C. Sweep roadways clear of excess gravel, if requested, but the event must reimburse the town for any costs.
- D. Keep cycles routes in acceptable safe condition.
- E. Adjust road maintenance schedules, to the extent practical, to accommodate a permitted event.

**SECTION IX – STATUTORY REFERENCES**

Chapter 60	Town authority
Chapter 61	Village authority
Chapter 86.022	Obstructing a highway
Chapter 86.19(1)	Highway sign placement
Chapter 86.191(1)	Highway advertising prohibited
Chapter 340.01(5)(5e)(5m)(5s)	Bicycle definitions
Chapter 346	Rules of the road
Chapter 346.18	Rules of right-of-way
Chapter 346.19(1)	Approach of emergency vehicles
Chapter 346.195(1)	Liability for failure to yield
Chapter 346.80(1)(2)	Riding bicycle on roadway
Chapter 346.803(1)(2)(3)	Riding bicycle on bicycle way
Chapter 349.185	Authority to regulate certain events and pedestrians
Chapter 349.23(1)(2)(3)	Authority to designate bicycle lanes and ways or close roads or streets to all bicycle traffic

**SECTION X – PENALTIES**

Any Event Organizer who fails to obtain a Town permit for a Cycle Event which takes place on Town roads shall be subject to the following penalties and enforcement actions:

- A. A forfeiture of \$1,000 for a first violation of any provision of this ordinance;
- B. A forfeiture of \$1,500 for a second violation of any provision of this ordinance; and
- C. A forfeiture of \$2,000 for any further additional violation of any provision of this ordinance
- D. Any Event Organizer shown to have failed to obtain the required permit for a Cycle Event twice within three years may be enjoined from participating as an Event Organizer for any Cycle Event in the Town for a period of five years by any court of competent jurisdiction upon application by the Town.
- E. The Town shall recover as costs under Wisconsin Statutes 814.01 and 814.036 and this Ordinance, its actual costs, including reasonable witness and attorneys’ fees, for any enforcement action taken pursuant to this ordinance.

**SECTION XI – EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

Dated this 18<sup>th</sup> day of September, 2023

Published: September 28, 2023  
Posted: September 19, 2023

Brenda Kahl, Clerk/Treasurer

Duane Haag, Chairperson

David Evert, Supervisor  
Christine Molling, Supervisor

Michael Statz, Supervisor  
Travis Austin, Supervisor