

201.2 Designating All-Terrain Vehicle Routes and Regulating the Operation of All-Terrain Vehicles Ordinance

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SECTION I – INTENT

The Town of Berry, Dane County, adopts the following all-terrain route for the operation of all-terrain vehicles listed in Section III. Following due consideration of the recreational value to connect opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, this route has been created.

SECTION II – STATUTORY AUTHORITY

The Town Board of the Town of Berry, Dane County, Wisconsin has the specific authority to adopt this ATV/UTV Route Ordinance under Wisconsin Statute 23.33(8)(b) and 23.33(11).

SECTION III – ROUTES

The following roads are designated as routes: All Town roads unless posted otherwise. No County or State highways are designated as routes, except those that have been designated as routes by the County or State.

SECTION IV – CONDITIONS

As a condition for use of this route, the following conditions shall apply to all operators and passengers.

- A. Operators of ATV or UTV vehicles shall abide by all traffic laws, include the rules and operation and equipment requirements contained in Wisconsin Statute 23.33 and Wisconsin Administrative Code Chapter 64, unless further restricted by this ordinance.
- B. ATV and UTV vehicles shall operate at a safe speed not to exceed 35 miles per hour unless a reduced speed is otherwise by this ordinance, by law or roadway conditions.
- C. Routes must be signed in accordance with NR 64.12 and NR 64.12(7)c. All required designed route signs and posts and their installation shall be paid for by an ATV/UTV Club, with approval, installation and maintenance of the signs by the Town of Berry. Repair of any damaged or vandalized signs will be paid for by the ATV/UTV Club. No ATV/UTV designated route will be open for use until properly signed.

SECTION V – ENFORCEMENT

This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin. Pursuant to Wisconsin Statute 23.33(1)(b), if a town adopts an ordinance regulating all-terrain vehicles, utility terrain vehicles, or both, its clerk shall immediately send a copy of the ordinance to the DNR, the State Patrol and to the office of any

law enforcement agency having jurisdiction over any of the roads or highways to which the ordinance applies

SECTION VI – PENALTIES

Wisconsin State All-Terrain Vehicle penalties as found in Wisconsin Statute 23.33(13)(a) are adopted by reference.

SECTION VII – SEVERABILITY

The provision of this ordinance shall be deemed severable and it is expressly declared that the Town of Berry would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons circumstances shall not be deemed affected.

SECTION VIII – 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 20th day of November, 2023

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Brenda Kahl, Clerk/Treasurer

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