

**ORDINANCE NO. 2023-01**

**Town of Albion**

**County of Dane**

**State of Wisconsin**

**AN ORDINANCE TO ALLOW ALL-TERRAIN VEHICLE (ATV) AND UTILITY-TERRAIN VEHICLE (UTV) OPERATION ON DESIGNATED TOWN ROADS SO MARKED WITH ATV/UTV ROUTE SIGNAGE**

**Section 1. Intent**

The Town of Albion, Dane County, adopts the following all-terrain vehicle (ATV) and utility-terrain vehicle (UTV) ordinance for the operation of all-terrain and utility-terrain vehicles upon the roads listed in Section III of this document.

Following due consideration of the recreation value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density, and history of automobile traffic, this ordinance has been created.

**Section II. Statutory Authority**

This ordinance is created pursuant to town authority as authorized by Wis. Stat. § 23.33(8)(6). The applicable provisions of regulating ATV/UTV operation pursuant to routes as adopted.

**Section III. Routes**

The following roads are designated as routes:

All official town roads located within the Town of Albion, Unless otherwise posted in accordance with Wis. Stat. § 23.33(8). At the time of adoption of this Ordinance, there are no roads in the township that are signed.

**Section IV. Conditions**

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

- a. All ATV/UTV operators shall ride single file.
- b. These ATV/UTV routes shall have a speed limit based on posted speed limits within the town.
- c. No person under the age of sixteen (16) years may operate an ATV/UTV on any segment of a town road which is designated as an ATV/UTV route. All ATV/UTV operators must hold a valid driver's license.

- d. Routes must be signed in accordance with NR 54-12 and NR64.12(7)(c), Wisconsin Administrative Code. Signage will be provided by outside funding.
- e. No person may do any of the following in regard to signs marking town ATV/UTV routes:
  - i. Intentionally remove, damage, deface, move or obstruct any ATV/UTV route or trail signs or intentionally interfere with the effective operation of signs if the sign is legally placed by the state municipality or any authorized individual.
  - ii. Possess any uniform ATV/UTV route or trail sign of the type established for the warning, instruction or information to the public, unless he or she obtained the route or trail sign in a lawful manner. Possession of an ATV/UTV route or trail sign creates a rebuttable presumption of illegal possession.
- f. Operation shall be subject to all provisions of s23.33, Wis. Stats., which is adopted as parts of this ordinance by reference.
- g. A copy of this ordinance shall be sent to the Department of Natural Resources, the State of Wisconsin traffic patrol, and the Dane County Sheriff's Department.
- h. ATV/UTV operators are required to have applicable liability insurance.

#### **Section V. Enforcement**

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

#### **Section VI. Penalties**

Wisconsin state all-terrain vehicle and utility-terrain vehicle penalties as found in Wis.Stat. § 23.33(13)(a) are herewith adopted.

#### **Section VII. 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 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 ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

#### **Section VIII. Reserved Authority**

The Town of Albion Town Board reserves the right to repeal this Ordinance and prevent all use of ATVs and UTVs on Town of Albion town roads at any time with or without cause.

#### **Section IX. Repealer**

The provisions of this Ordinance to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a

continuation of such ordinances and not as new enactments, and the effectiveness of such provision shall date from the date of adoption of prior ordinances. In addition, the adoption of this ordinance shall not affect any action, prosecution, or proceeding brought for the enforcement of any right or liability established, accrued, or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.

**Section X. Effective Date**

This ordinance becomes effective upon passage by the Town Board and after the required signs are in place.

Adopted this 7<sup>th</sup> day of February, 2023.

APPROVED:



Robert Venske, Chairman

ATTEST:



Julie Hanewall, Clerk

ADOPTED:

Supervisor, Abigail Staff introduced the above ordinance and moved its passage. Seconded by Bruce Hudson.

Roll Call: Robert Venske, yes, Bruce Hudson, yes, Abigail Staff, yes, Pat Tesar, yes, Lawrence Beck, No

Yes: 4      No: 1

Copies of this ordinance may be obtained at the clerk's office located at 620 Albion Road, Edgerton, WI 53534, Monday through Friday, 8:00 a.m. to 1:00 p.m.