

TOWN OF MERRIMAC
ORDINANCE 2025-49

AN ORDINANCE TO ALLOW ATVS/ UTVS ON TOWN ROADS

Whereas, the Town Board of the Town of Merrimac adopted an Ordinance to Allow ATVs/ UTVs on Town Roads on November 2, 2022; and

THEREFORE BE IT RESOLVED, the Town Board of the Town of Merrimac rescinds Merrimac Ordinance 2022-43 and adopts the following ordinance related to Alcoholic Beverages:

Town of Merrimac, Sauk County does hereby, in accordance with Wisconsin State Statutes, ordains as follows:

Section I:

1.1 Title and Purpose: The Title of this ordinance is "Ordinance to Allow ATV'S/UTV'S on Town Roads". The purpose of this ordinance is to establish all- terrain vehicles [and utility terrain vehicle] routes in the Town of Merrimac and to regulate the operation of all-terrain vehicles [and utility vehicles] in the Town of Merrimac.

Section II:

2.1 Authority: The Town Board of the Town of Merrimac, Sauk County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle [and Utility Terrain Vehicles] Ordinance under s. 23.33 (8) (b) and (11), Wis. Stats.

Section III:

3.1 Adoption of Ordinance: This Ordinance adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting., provides the authority for the Town of Merrimac to designate all-terrain vehicle [and utility vehicle] routes in the town and to regulate the use of those routes and all-terrain [and utility vehicles] in the Town.

Section IV:

4.1 Operation of All-Terrain Vehicles [and Utility Terrain Vehicles]: Pursuant to s.23.33 (4), Wis. Stats., no person may operate an all-terrain vehicle [and utility terrain vehicle] on the roadway portion of any highway in the Town of Merrimac except on roadways that are designated as all-terrain vehicle [and utility vehicle] routes by this ordinance. Operation of all-terrain vehicles [and utility vehicles] on a roadway in the Town of Merrimac that is an all-terrain vehicle [and utility terrain vehicle] 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 that is safe given prevailing conditions.

Section V:

5.1 Designation of All-Terrain Vehicle [And Utility Terrain Vehicle] Routes: The following town roads in the Town of Merrimac are authorized as all-terrain vehicle [and utility terrain vehicle] routes:

Solum Lane
Kentview Avenue
Devils Delight Road

Yum Yum Hill Road
Bluff Road
Marsh Road
Rausch Road
Owls Head Road
Camp Lake Wisconsin Drive
Baltic Avenue to the County/Town line

Section VI:

6.1 Conditions Applicable to All-Terrain Vehicle [and Utility Terrain Vehicle] Routes: Pursuant to s. 23.33 (8) (d), Wis stats., the following restrictions are placed on the use of all-terrain vehicle [and utility terrain vehicle] routes designated by this ordinance:

6.1.1 Routes shall be marked with uniform all-terrain vehicle [and utility terrain vehicle] route signs in accordance with s. 23.33 (8) (e), Wis stats., and s. NR 64.12 (7), Wisconsin Administrative Code.

a. Town of Merrimac ATV/UTV route signs shall be provided by and shall be marked by the Baraboo Bluffs ATV Club or its successor with uniform all-terrain vehicle route signs in accordance with Wisconsin Administrative Code § NR 64.12.

b. Signage shall be inspected annually and shall be maintained by the Baraboo Bluffs ATV Club or their successor. The Town of Merrimac shall be notified immediately in any change in responsibility for maintenance of ATV/UTV Route signs. Failure of the Baraboo Bluffs ATV Club or its successor to maintain the ATV/UTV route signs may be cause for the Town of Merrimac board to rescind this ordinance in its entirety.

6.1.2 No person may do any of the following in regard to signs marking town all-terrain vehicle [and utility terrain vehicle] routes:

a. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle [and utility terrain vehicle] route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle [and utility terrain vehicle] route or trail sign or standards if the sign or standard is legally placed by state, any municipality, or any authorized individual.

b. Possess any uniform all-terrain vehicle [and utility terrain vehicle] route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform all-terrain vehicle [and utility terrain vehicle] route or trail sign or standard creates a rebuttable presumption of illegal possession.

6.1.3 Designated roads shall be open to ATV/UTVs from 6:00 a.m. to 10:00 p.m.

6.1.4 The speed limit on all all-terrain vehicle [and utility terrain vehicle] routes shall be the lower of 45mph or the posted speed limit.

6.1.5 Operation shall be subject to all provisions of s. 23.33, Wis. Stats which is adopted as part of the ordinance by reference, pursuant to s. 23.33 (11), Wis. Stats.

6.2 Notification of Other Agencies: A copy of this ordinance shall be sent by the Town clerk to the Department of Natural Resources, the Sauk County Sheriff's Department and any other law enforcement agency serving the Town of Merrimac's jurisdiction.

Section VII:

7.1 Enforcement: This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

Section VIII

8.1 Penalties: The penalties under s. 23.33 (13), Wis. Stats., are adopted by reference.

Section IX

9.1 Severability: If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Section X


Effective Date: This ordinance is effective on publication or posting.

This ordinance shall become effective upon its publication and/or posting in the manner set forth in s. 60.80, Wis. Stats.


Adopted this 6th day of August, 2025.


Mike Sitton-Town Chair


Jeff Peetz, Supervisor


John Gaedke, Supervisor

ATTEST:


Stephanie Brenske
Administrator & Clerk – Treasurer

Agreement Between Town Of Merrimac and Baraboo Bluffs ATV/UTV Club For Installation and Maintenance of ATV/UTV Signage.

This Agreement is entered into on this 16 day of August, 2025, by and between the Town of Merrimac, and the Baraboo Bluffs ATV/UTV Club.

PURPOSE

This Agreement sets forth the responsibilities of the Club regarding the installation and ongoing maintenance of all-terrain vehicle (ATV) and utility-terrain vehicle (UTV) signage within the jurisdiction of the Town, in accordance with Town ordinance #2025-49 and Wisconsin Administration Code NR 64.12 (7).

TERMS AND CONDITIONS

1. Sign Installation

- The Club shall be responsible for the purchase, installation, and placement of all ATV/UTV signage required for the safe and lawful operation of ATVs/UTVs on designated town roads.
- All signs shall comply with the specifications outlined in the Wisconsin Department of Transportation and Town of Merrimac ordinances and guidelines.
- Installation shall be completed within a reasonable timeframe following any changes to ATV/UTV routes or upon request by the Town.

2. Sign Maintenance

- The Club shall inspect signage on a regular basis and ensure that all signs remain visible, legible, and properly secured.
- The Club shall repair or replace any damaged, missing, or worn signs as needed or upon notification by the Town.

Town of Merrimac

By: 

Name: Mike Sitton

Title: Town Chair

Date: 8-06-2025

Baraboo Bluffs ATV/UTV Club

By: 

Name: Robert Spencer

Title: President

Date: 8-06-25

Attest:

By: 

Name: STEPHANIE BRANSKE

Date: 8-06-2025