

**ORDINANCE NO. 2022-2-14-1
(Amended 2023-08-17)**

Town of Christiana
County of Dane
State of Wisconsin

**AN ORDINANCE TO DESIGNATE ALL TOWN ROADS AND COUNTY ROADS "B" & "W" AS
ATV/UTV ROUTES**

Section 1. Intent

The Town of Christiana, 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)(b). The applicable provisions of regulating ATV/UTV operation pursuant to routes as adopted.

Section III. Routes

The following roads are designated as routes if the road is signed in accordance with Wis. Stat. § 23.33(8)(e):

- a. All town roads under the jurisdiction of the Town of Christiana in accordance with Wis. Stat. § 23.33(8)(b).
- b. County Roads "B" & "W" upon application duly made and accepted by the Dane County Highway and Transportation Department, and upon being signed in accordance with Stat. § 23.33(8)(e).

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, and time of day limitations where no ATV/UTV operation shall be allowed between 10:00 p.m. and 5:00 a.m.

- 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 with outside funding.
- e. No person may do any of the following regarding 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.

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 conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section VIII. Reserved Authority

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

Section IX. Repealer

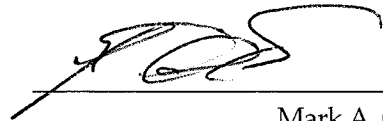
The provisions of this Ordinance to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provision shall date 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 after the required permits are accepted and signs are in place.

Amended this 17th day of August 2023

A handwritten signature in black ink, appearing to read 'Mark A. Cook', written over a horizontal line.

Mark A. Cook
Town Board Chairman

Attest:

A handwritten signature in black ink, appearing to read 'Carissa Lyle', written over a horizontal line.

Carissa Lyle
Clerk/Treasurer