

ALL TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTE ORDINANCE

ORDINANCE NO. 3-2024

An ordinance to create a Town Ordinance relating to all terrain and off-road utility vehicle routes and to regulate the operation of all-terrain and utility-terrain vehicles in the Town of Bergen, Vernon County, State of Wisconsin, and providing penalties in connection therewith.

The Town Board of the Town of Bergen, Vernon County, State of Wisconsin, does ordain as follows:

A. OPERATION OF ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES.

(1) Pursuant to §23.33(4)(d)4., Wis. Stats., except as otherwise provided in §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 except on roadways that are designated as all-terrain vehicle and utility terrain vehicle routes by this ordinance. Operation of all-terrain vehicles and utility terrain vehicles on a roadway in the town 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.

B. DESIGNATION OF ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES.

(1) The following routes are designated all-terrain vehicle and utility terrain vehicle routes in the town:

See attached map.

C. CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE AND UTILITY TERRAIN VEHICLE ROUTES. Pursuant to §23.33(8)(d), Wis. Stats., the following restrictions are placed on the use of the town all-terrain vehicle and utility terrain vehicle routes designated by this resolution:

(1) Routes shall be marked with uniform all-terrain vehicle and utility terrain vehicle route signs in accordance with §23.33(8)(e), Wis. Stats., and Sec. NR 64.12(7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking the 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 or utility terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the state, any municipality, or any authorized individual.

b. Possess any uniform all-terrain vehicle or utility terrain vehicle route or trail sign or standard of the type established 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 in a lawful manner. Possession of a uniform all-terrain vehicle and utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

(2) Operation shall be subject to all provisions of §23.33, Wis. Stats., which is adopted as part of this ordinance by reference to §23.33(11), Wis. Stats.

(3) A copy of this ordinance shall be sent to the town clerk, to the Department of Natural Resources, the Vernon County Sheriff's Department, and any other law enforcement agency serving the Town of Bergen's jurisdiction.

(4) All all-terrain vehicle and utility terrain vehicle operators shall observe posted roadway speed limits. All all-terrain vehicle and utility terrain vehicle operators shall ride single file. All all-terrain vehicle and utility terrain vehicle operators shall slow the vehicle to 10 mph or less when operating within 150 feet of dwelling.

(5) ATV/UTV operators shall engage in recreational use of the routes between 4 a.m. and 10 p.m. only.

(6) Town of Bergen will not be responsible for cost of signage,

D. ENFORCEMENT. This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin and additionally as stated in the Town's citation authority ordinance adopted per §66.0113, Wis. Stats.

E. PENALTIES. The penalties under §23.33(13), Wis. Stats., are adopted by reference.

F. 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.

G. EFFECTIVE DATE. This ordinance is effective upon publication or posting. The Town Clerk shall properly post and publish this ordinance as required under Section 60.80, Wis. Stats.

Adopted this 14th day of March, 2024.

TOWN OF BERGEN

Jeff Cermak
Jeff Cermak, Town Chair

Tina Dahl
Tina Dahl, Town Clerk

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