

## Village of Rockdale

### Dane County, WI

Ordinance No. 2021-01

#### Section 1 – Intent

The Village of Rockdale, 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 streets listed in Section III.

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

The ordinance is created pursuant to village authority as authorized by s. 23.33(8)(b), Wis. Stats. The applicable provisions of s. 23.33 regulating ATV/UTV operation pursuant to routes as adopted.

#### Section III – Routes

The following streets are designated as routes:

All official village streets located within the Village of Rockdale, but only if the street is signed in accordance with s. 23.33(8), Wis. Stats. At the time of adoption of this Ordinance there are no streets that are signed.

#### Section IV – Conditions

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

- A. All ATV/UTV operators shall ride single file.
- B. These ATV/UTV routes shall have a speed limit of 35 miles or less based on posted speed limits within the village.
- C. Time of day limitations where no ATV/UTV operation shall be allowed between 10:00 p.m. and 5:00 a.m.
- D. No person under the age of sixteen (16) may operate an ATV/UTV on any segment of village streets which are designated ATV/UTV route. All ATV/UTV operators must hold a valid driver's license.
- E. Routes must be signed in accordance with NR 54-12, and NR 64.12(7)(c), Wisconsin Administrative Code. Signage will be provided by outside funding.

- F. No person may do any of the following in regard to signs marking village ATV/UTV routes:
  - 1. 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.
  - 2. Possess any uniform ATV/UTV route or trail sign of the type established for the warning, instruction of 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.
- G. Operation shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted as parts of this ordinance by reference.
- H. 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.

#### **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 are found in s. 23.33(13)(a), Wis. Stats., are adopted by reference.

#### **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 directly specified 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 Village of Rockdale Village Board reserves the right to repeal this Ordinance and prevent all use of ATVs and UTVs on Village of Rockdale village streets, at any time with or without cause.

#### **Section IX – Repealer**

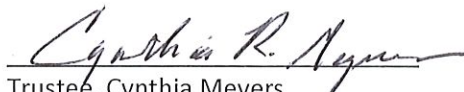
The provisions of this Ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provision shall date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

The ordinance becomes effective upon passage by the Village Board and posting the erection of required signs.

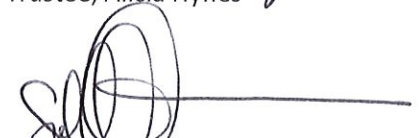
Passed this 18 day of October, 2021.

  
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President, Julie Nelles

  
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Trustee, Cynthia Meyers

  
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Trustee, Jeri Boden

  
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Trustee, Alicia Hynes

  
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Trustee, Sarah Halvorson

  
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Clerk, Ann Gerlich