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DRAFT

Item # 1

Ordinance: O-2024-1

An ordinance creating Chapter 202 (?) of the General Code of Ordinances to Establish All-terrain and Utility-terrain vehicle routes for the operation of ATVs and UTVs within the Town of Pleasant Springs

- 1) The town board finds that there is a need for ATV/UTV routes on roadways in the town for recreational purposes and that the need should be balanced against possible dangers and liabilities resulting from use of ATV/UTVs on town roadways.
- 2) This ordinance is intended to establish ATV/UTV routes in the town of Pleasant Springs and to regulate the operation of same upon such routes
- 3) The town board of the Town of Pleasant Springs, Dane County, Wisconsin, has the specific authority to adopt this ordinance under §23.33(8), Wis. Stats.
- 4) Pursuant to §23.33(8)(b)(1), Wis. Stats. The Town of Pleasant Springs designates the following as ATV/UTV routes;

All town roads east of County Highway N and north of County Highway B

5)Route signs: All authorized ATV/UTV routes shall be designated by route signs. The route signs shall be provided by the local ATV club or its successor at their costs and shall be installed by the town public works employees in accordance with Ch. NR 64.12, Wis. Admin. Code. Signage requirements will be as determined by the Federal Manual on Uniform Traffic Control Devices.

- 6) All ATV/UTV operators shall be at least 16 years of age and possess a valid operator's license as defined in §340.01(41g), Wis. Stats. DOT-approved helmets are required to be worn by all operators and passengers of any ATV/UTV for persons under the age of 18 years old.**
- 7) No ATV/UTV shall be operated at a speed greater than 35 mph or the posted speed limit which ever is lower.**
- 8) ATV/UTV's must be operated with fully functional headlights, taillights, and brake lights on the routes.**
- 9) All ATV/UTV operators must ride single file on the extreme right-hand side of the paved highway.**
- 10) ATV/UTV's are prohibited from operating on town roadways between 10:00 PM and 5:00 AM every day of the year.**
- 11) ATV/UTV's must operate on paved roadway surface only.**
- 12) Insurance is required for all ATVs/UTVs operated within the Town of Pleasant Springs. Operators shall have proof of liability insurance and produce it upon demand by any law enforcement officer.**
- 13) ATVs/UTVs that do not meet Wisconsin State or local noise pollution requirements may not be operated in the Town of Pleasant Springs.**
- 14) This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.**

15) Any person who shall violate any portion of this ordinance shall, upon conviction thereof, forfeit not more than \$300 together with the costs of prosecution.

16) The Town of Pleasant Springs reserves the right to close or modify ATV/UTV routes at any time.

Effective Date

This ordinance shall take effect immediately upon passage and posting and/or publication as provided by law.

Adopted this _____ day of _____, 2024.

TOWN OF PLEASANT SPRINGS

By

Town Chair

By

Town Supervisor

By

Town Supervisor

By

Town Supervisor

By

Town Supervisor

ATTEST:

Maria P. Hougan, Town Clerk/Treasurer

Approved:

Posted:

October 15 Draft Minutes

Discussion and possible action regarding the draft ordinance to allow ATV's/UTV's on town of Pleasant Springs roads.

The Board reviewed the draft ordinance. Chair Green reported out on each category of his draft. He drafted the ordinance based on recommendations he heard from the board members and the public hearing meeting. He based the ordinance from other ATV/UTV ordinances from the Town of Cottage Grove, Town of Dunn, and Dane County. He stated this is simply a first draft. Supervisor Schuck commented regarding item four which designated all town roads east of County Highway N and North of County Highway B. She would like to change that section to state the entire township roads; she would like the time changed from operating on township roads from 10:00 p.m. to 5:00 a.m. to 11:00 or 12:00 p.m. to 5:00 a.m.; and also, to be added to section 13 to clarify the decibel levels. Further discussion followed.

Supervisor Gouaux would like the board to take two weeks to consider what everyone has said tonight. She believes there are a lot of residents who are not aware of this, many living in sub-divisions. She discussed the bike path usage and safety concerns. There are thousands of people using the bike path. She would like the map fine-tuned to be broader, but not include the higher density areas. A discussion on the map took place. Supervisor Olson agrees the ordinance should state all town roads should be opened up for ATV's /UTV's. This would also allow for fishermen to get to the boat landing, and also to increase the time from 10:00 p.m. to 11:00 p.m., and to add the decibel level to the ordinance.

Motion by Supervisor Olson, second by Sup. Schuck, to approve the draft ordinance with the proposed changes: open to all town roads, change the time from 10:00 p.m. to 11:00 p.m. (11:00 p.m. to 5:00 a.m.), and add the decibel level wording to the ordinance. A discussion followed. Motion carried 2-2. Motion failed on a tie vote.

Chair Green stated this can be reconsidered at the next town board meeting. He considers the safety of every resident in the town. There are seven sub-divisions in the town and the biker population has quadrupled. This will be added to the agenda for the next town board meeting.

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

along Town highways. Such regulations may include but are not limited to, speed control, right-of-way controls, yielding and stop signs, noise limits, and/or closure of Town highways or portions thereof to snowmobile access. In the event such regulations are enacted, any person violating such regulations may be subject to penalty as set forth in section 3 below.

(3) PENALTY

In addition to, and separate from, any liability resulting from any negligent actions, or violations of any applicable state statute, violations of this ordinance shall be punishable as class D forfeiture under s. TCG 25.04.

(4) SEVERABILITY

The provisions of this section are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience, and shall be liberally construed to effectively carry out its purposes. If any subsection, phrase, sentence or other portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent, and such holding shall not affect the validity of the remaining portions thereof.

(5) EFFECTIVE DATE

- (a) The original ordinance was adopted on December 5, 2005.
- (b) This section shall take effect upon passage and publication.

09.097 ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES

(1) STATEMENT OF PURPOSE

This ordinance is intended to establish and maintain all-terrain vehicle (“ATV”) and utility terrain vehicle (“UTV”) routes in the Town of Cottage Grove and to regulate the operation of same upon such routes.

(2) AUTHORITY

The Town Board of the Town of Cottage Grove, Dane County, Wisconsin, has the specific authority to adopt this ordinance under § 23.33(8), Wis. Stats.

(3) STATE STATUTES ADOPTED BY REFERENCE

The provisions of § 23.33, Wis. Stats. and Ch. NR 64, Wis. Admin. Code are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Unless otherwise provided in this ordinance, any act required to be performed or prohibited by any statute or regulation incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions, or modifications of the statutes or regulations herein are made a part of this ordinance. Any terms used in this ordinance that are defined in § 23.33(1), Wis. Stats., shall have the meaning prescribed by statute.

(4) ATV/UTV ROUTES DESIGNATED

- (a) Pursuant to § 23.33(8)(b)(1), Wis. Stats., the Town of Cottage Grove designates the following as ATV/UTV routes:

1. All Town roads east of County Highway N and north of U.S. Highway 12/18; and

CHAPTER 09 - TRAFFIC CODE

TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

2. Deerfield Road south of U.S. Highway 12/18 to its intersection with Schadel Road.

(5) ROUTE SIGNS

Under the direction of the Town, all authorized ATV/UTV routes shall be designated by route signs. The route signs shall be provided by the local ATV Club, or its successor at their cost, and shall be installed by the ATV Club in accordance with Ch. NR 64.12, Wis. Admin. Code, under the supervision of the Town. The route signs shall be inspected by the Town annually and shall be maintained by the ATV Club, or its successor. The Town shall be promptly notified by the ATV Club of any change in responsibility for maintenance of ATV/UTV route signs.

(6) CONDITIONS

In addition to the provisions of § 23.33, Wis. Stats., and Ch. NR 64.07, Wis. Admin. Code, the following restrictions are placed on the use of the ATV/UTV routes permitted under this section:

- (a) All ATV and UTV operators shall be at least 16 years of age and possess a valid operator's license as defined in § 340.01(41g), Wis. Stats., as may be amended from time to time, including a safety certificate if required by State law. A learner's permit shall not be considered as a valid driver's license nor shall any license that has been revoked, temporarily or otherwise, or suspended for any reason, be considered as a valid driver's license during the period of suspension or revocation.
- (b) All ATV and UTV operators shall observe the posted speed limits and all other applicable traffic regulations.
- (c) The operators of ATVs/UTVs shall ride in single file.
- (d) ATV/UTV headlamps and tail lamps must be turned on at all times and ATV/UTVs must have operational brake lights.
- (e) All UTV operators and passengers must wear seat belts at all times.
- (f) All Town designated ATV/UTV routes are closed between 11:00 p.m. and 5:00 a.m. every day of the year.

(7) ENFORCEMENT

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

(8) PENALTY FOR VIOLATION

Any person who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not more than \$250, together with the costs of prosecution.

(9) SEVERABILITY

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

09.10 PARADES AND RACES

(1) PURPOSE AND SCOPE

The governing body of the Town of Cottage Grove recognizes that the highways of the Town are

EXHIBIT B

09.097 ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES

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This ordinance is intended to establish and maintain all-terrain vehicle ("ATV") and utility terrain vehicle ("UTV") routes in the Town of Cottage Grove and to regulate the operation of same upon such routes.

(2) AUTHORITY

The Town Board of the Town of Cottage Grove, Dane County, Wisconsin, has the specific authority to adopt this ordinance under §23.33(8), Wis. Stats.

(3) STATE STATUTES ADOPTED BY REFERENCE

The provisions of § 23.33, Wis. Stats. and Ch. NR 64, Wis. Admin. Code are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Unless otherwise provided in this ordinance, any act required to be performed or prohibited by any statute or regulation incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions, or modifications of the statutes or regulations herein are made a part of this ordinance. Any terms used in this ordinance that are defined in § 23.33(1), Wis. Stats., shall have the meaning prescribed by statute.

(4) ATV/UTV ROUTES DESIGNATED

(a) Pursuant to § 23.33(8)(b)(1), Wis. Stats., the Town of Cottage Grove designates the following as ATV/UTV routes:

- (i) All Town roads east of County Highway N and north of U.S. Highway 12/18;
and
- (ii) Deerfield Road south of U.S. Highway 12/18 to its intersection with Schadel Road.

(5) ROUTE SIGNS

Under the direction of the Town, all authorized ATV/UTV routes shall be designated by route signs. The route signs shall be provided by the local ATV Club, or its successor at their cost, and shall be installed by the ATV Club in accordance with Ch. NR 64.12, Wis. Admin. Code, under the supervision of the Town. The route signs shall be inspected by the Town annually and shall be maintained by the ATV Club, or its successor. The Town shall be promptly notified by the ATV Club of any change in responsibility for maintenance of ATV/UTV route signs.

(6) CONDITIONS

In addition to the provisions of § 23.33, Wis. Stats., and Ch. NR 64.07, Wis. Admin. Code, the following restrictions are placed on the use of the ATV/UTV routes permitted under this section:

(3) PENALTY FOR VIOLATION

In addition to, and separate from, any penalty specified in any applicable state statute; violations of this ordinance shall be punishable as Class C forfeitures, under TCG § 25.04.

(4) EFFECTIVE DATE

- (a) The original ordinance was adopted on July 6, 1981.
- (b) This section shall take effect upon passage and publication.

TOWN OF COTTAGE GROVE
ORDINANCE 2024-05-20a

**AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES REGARDING THE
OPERATION OF ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES IN
THE TOWN OF COTTAGE GROVE**

WHEREAS, the Town Board finds it necessary to regulate the operation of all-terrain vehicles and utility terrain vehicles in the Town in order to protect public health and safety.

NOW, THEREFORE, the Town Board of the Town of Cottage Grove, Dane County, Wisconsin, do ordain as follows:

SECTION 1. Section 09.09 of the Code of Ordinances is hereby amended as set forth in Exhibit A attached hereto.


SECTION 2. Section 09.097 of the Code of Ordinances is hereby created as set forth in Exhibit B attached hereto.

SECTION 3. All other provisions of Code of Ordinances not specifically amended herein shall remain unmodified and in full force and effect.

SECTION 4. This ordinance shall take effect upon passage and publication as provided by law. *Routes will open once all signage is complete as confirmed by the Highway Superintendent.*

The above and foregoing ordinance was duly adopted at a meeting of the Town Board of the Town of Cottage Grove held on the 2nd day of May, 2024, by a vote of 4 in favor and 1 opposed.

TOWN OF COTTAGE GROVE


Kris Hampton, Town Chair

Attested by:


Kim Banigan, Town Clerk-Treasurer



Town of Pleasant Springs <clerktreasurer@tn.pleasantsprings.wi.gov>

Dane County ATV/UTV ordinance

Engelberger, Michael <Engelberger.Michael@danecounty.gov>

Wed, Sep 18, 2024 at 3:22 PM

To: Town of Pleasant Springs <clerktreasurer@tn.pleasantsprings.wi.gov>

Cc: "Marren, Kerry" <Marren.Kerry@danecounty.gov>, "Abongwa, Clement" <Abongwa.Clement@danecounty.gov>, "Dunphy, Pamela" <Dunphy@danecounty.gov>, "Eslick, Kevin" <Eslick.Kevin@danecounty.gov>

Hello Pili, our ordinance was updated and adopted a year or so ago. Below is the page on our Highway Department website that explains how people can apply for a route on county roads. Also included are links to Chapter 79 including 79.023 which covers the county's ATV/UTV section and other information. Our ordinance only covers county roads. ATV/UTV's can only use county roads once they have been approved for the routes and upon compliance with the ordinance. They have to apply, pay the fee and have signage posted before they can use the routes. In addition county road routes can only be approved if the local township allows ATV/UTV usage under their own ordinance. There are also many prohibited county highways outlined in the ordinance and as listed on the map. State statues would also apply to ATV/UTV usage on any authorized road. Other questions can be answered by Kevin and others at the Dane County Highway Department. Kevin's email is listed on the web page below. Please let me know if you have any further questions. Hope you are doing well! Thank you.

ATV/UTV Routes | Dane County
Highway and Transportation
highway.danecounty.gov



Michael Engelberger
Dane County Board Supervisor District 35
Public Works & Transportation Committee Chair
1101 Giles Street
Stoughton, WI 53589
608-444-5990
Engelberger.Michael@danecounty.gov

On Sep 18, 2024, at 11:13 AM, Town of Pleasant Springs <clerktreasurer@tn.pleasantsprings.wi.gov> wrote:

[Quoted text hidden]

Sent Securely via TLS from County of Dane by Proofpoint

**CHAPTER 79
COUNTY TRUNK HIGHWAY
ACCESS CONTROL**

SUBCHAPTER I

- 79.01 Purpose and Intent.
 79.02 Authority.
 79.023 ATV/UTV Routes on County Trunk Highways.
 79.024 Delivery of Notices, Orders and Decisions.
 79.025 Penalties.
 79.026 Enforcement.
 79.027 Additional Enforcement.
 79.03 Title.
 79.04 Definitions.
 79.05 Jurisdiction in Unincorporated Areas.
 79.06 Jurisdiction in Other Areas.
 79.07 Compliance with Ordinances, Regulations and Plans.
 79.08 Right of Access.
 79.09 Access Authorization.
 79.10 Vacation.
 79.11 Existing Points of Access.
 79.12 Change of Use.
 79.13 Standards of Specific Provisions.
 79.14 Administration.
 79.145 Highway Access For Special Events: Permit Required
 79.15 Controlled Access Highways; Fees.
 [79.16 - 79.29 reserved.]

SUBCHAPTER II

- 79.30 Regulations Applicable To General Access Highways.
 79.31 General Access Highway Fees.
 79.32 General Access Highway Fees; Continued.
 [79.33 - 79.49 reserved.]
 79.50 Regulations Applicable to Agricultural Commercial Vehicles and Implements of Husbandry.
 79.51 Definitions.
 79.52 Permit Required.
 79.53 Administration.
 79.54 Enforcement.
 79.55 Penalties.
 [79.56 - 79.99 reserved.]

[History: cr., sub nom. Ch. 30, 07/15/71.]
 State Law Reference: Section 83.027, Wis. Stats.

SUBCHAPTER I

79.01 PURPOSE AND INTENT. In general, this chapter provides for the review and approval of proposed new points of access onto county trunk highways. The purpose of this chapter is to promote the safe and efficient ingress and egress to county trunk highways in the interest of public safety, convenience and general welfare; to protect the public investment in highways by preventing premature functional obsolescence; to reduce highway accidents caused by frequent and poorly designed points of access; to promote the balanced use of land for the mutual protection of land owners, motorists and Dane County; and to enhance the highway appearance for making highway travel more pleasant.

[History: am., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

79.02 AUTHORITY. This chapter is adopted under the authority of ss. 83.015(2), 83.07 and 86.07, Wis. Stats.

[History: am., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

79.023 ATV/UTV ROUTES ON COUNTY TRUNK HIGHWAYS. [intro.]

Section 23.33(11)(am)4., Wis. Stat., permits a city, village or town to enact an ordinance to authorize the operation of all-terrain vehicles (ATV)s and utility terrain vehicles (UTV)s on certain highways that have a speed limit of 35 mph or less and which are located within their territorial boundaries regardless of whether the city, village or town has jurisdiction over the highway. This section establishes the process for designating certain county trunk highways as ATV/UTV routes.

(1) Definitions.

(a) *All-Terrain Vehicle (ATV)* has the meaning specified under § 340.01(2g), Wis. Stat.

(b) *Utility Terrain Vehicle (UTV)* has the meaning specified under § 23.33(1)(ng), Wis. Stat.

(2) All ATV/UTV operators and vehicles shall comply with the provisions set forth in § 23.33, Wis. Stat.

(3) No person shall operate an ATV/UTV on a designated roadway between the hours of 10:00 pm and 5:00 am.

(4) ATV/UTV operation is restricted to the paved surface of the roadway. Operation on the gravel shoulders, ditches, and other areas of highway right-of-way is prohibited.

(5) No ATV/UTV shall be operated at a speed greater than 35 mph or the posted speed limit, whichever is lower.

(6) All ATV/UTV operators shall ride in single file on the extreme right hand side of the paved portion of the highway.

(7) All operators shall have their headlight and taillight illuminated while operating on a county highway.

(8) All operators shall have a valid driver's license.

(9) Operation of ATV/UTVs on County Highways not designated as ATV/UTV routes is prohibited except as permitted under § 23.33(11)(am)4. Wis. Stat.

(10) The Dane County Highway Department shall post ATV/UTV route signs on the County Highway system. Local authorities are not authorized to place signs on a County Highway without the permission of the Dane County Highway Commissioner.

(11) Permits.

(a) Permits shall be required to establish ATV/UTV routes on County Trunk Highways. Applications for permits shall be made at the following site:

<https://highway.countyofdane.com/permits>.

(b) A person, organization or municipality may submit a permit for approval of an ATV/UTV route.

(c) A permit application will not be considered unless the municipality in which the ATV/UTV route is being proposed has passed an ordinance permitting ATV/UTV use on roadways within its jurisdiction.

(d) Each county highway shall require its own permit. The permit application fee is \$500.00.

(e) Permit applicants shall be responsible for purchasing the necessary signs for an approved ATV/UTV route as identified by the Highway Department. Signage requirements will be as determined by the Federal Manual on Uniform Traffic Control Devices. All signs shall be installed by the Highway Department within four weeks of receipt. A county trunk highway shall not be approved as an ATV/UTV route until all signs have been installed.

(f) The Highway Commissioner shall make the decision about permit approval.

(g) Any applicant may appeal the denial of a permit to the Dane County Public Works and Transportation Committee. All appeals shall be

made in writing within ten (10) business days of denial. The designations in s. 79.023(12) may not be appealed.

(h) The Highway Commissioner reserves the right to revoke a permit for changing road conditions or safety issues.

(i) CTH Y from the Mazomanie village limits to State Highway 78 shall be grandfathered in as a designated ATV/UTV route without further permitting.

(12) ATV/UTV operation on the following Dane County Highways is prohibited:

(a) CTH AB from CTH MN to CTH BB

(b) CTH B from USH 51 to CTH N

(c) CTH B from CTH MM to USH 51

(d) CTH BB from the I39/90/City of Madison to the Damascus Way/Village of Cottage Grove

(e) CTH BB/Monona Drive

(f) CTH BW/Broadway

(g) CTH C from STH 19 to CTH V

(h) CTH CV from STH 113/City of Madison to USH 51

(i) CTH CV from STH 19 to Vinburn Road

(j) CTH D from Wingra Creek/City of Madison to CTH CC

(k) CTH I from STH 19 to CTH V

(L) CTH K from CTH M to USH 12

(m) CTH M from CTH MM to Prairie Heights Drive

(n) CTH M from Stoney Ridge Circle Southern Intersection/City of Verona to Mineral Point Road/City of Madison

(o) CTH M from CTH Q north/City of Middleton to STH 113

(p) CTH M/Century Avenue from USH 12 to CTH Q north/City of Middleton

(q) CTH MC/John Nolen Drive/Olin Avenue

(r) CTH MM from Village of Brooklyn North Village Limits to Janesville/Village of Oregon

(s) CTH MM from Village of Oregon North Village Limits to Rimrock Road

(t) CTH MM/Rimrock Road

(u) CTH MS/University Avenue

(v) CTH N from Progress Way/City of Sun Prairie to CTH V

(w) CTH N from USH 51 to Village of Cottage Grove South Village Limits

(x) CTH N from CTH TT to City of Sun Prairie South Village Limits

(y) CTH P from CTH PD to Bourbon Street/Village of Cross Plains

(z) CTH P from Village of Cross Plains North Village Limits to USH 12

(aa) CTH PB from STH 69/Village of Belleville to American Way/City of Verona

- (bb) CTH PD from USH 151/City of Madison westerly to USH 151
 - (cc) CTH Q from CTH M to Village of Waunakee South Village Limits
 - (dd) CTH Q/Allen Boulevard
 - (ee) CTH S from the Junction Road on ramp/City of Madison to STH 78
 - (ff) CTH T from Pulley Drive/City of Madison to CTH TT/Seminary Springs Road
 - (gg) CTH TT from CTH T/Seminary Springs Road to CTH N
 - (hh) CTH TT from CTH N to CTH T/Ridge Road
 - (ii) CTH T from CTH TT/Ridge Road to Oak Park Road
 - (jj) CTH V from USH 151 to STH 113
- [History: 79.023 cr., 21 OA-31, pub. 12/2/21 & re-pub. 1/24/22; intro., (11), and (12) am., 2023 OA-31, pub. 07/27/23.]

79.024 DELIVERY OF NOTICES, ORDERS AND DECISIONS. Any notice, order or decision required by any provision of subchapter I shall be delivered to the affected person(s). *Delivered* means delivery in person, by email, or delivery by deposit with the U.S. postal service of certified mail, addressed to the recipient at the recipient's last known address. If delivery is by certified mail, delivery shall be deemed completed on the date of mailing and the use of mail service shall not increase the time allowed to act in answer to or in consequence of such delivery.

[History: cr., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98; am., 21 OA-32, pub. 12/2/21 & re-pub. 1/24/22.]

79.025 PENALTIES. (1) Any person violating any provision of this chapter shall forfeit not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200) for each day that a violation exists. Each day that a violation exists shall constitute a separate offense.

(2) Any person who has the ability to pay any forfeiture entered against him or her under this chapter but refuses to do so within thirty (30) days after judgment is entered may be confined in the Dane County Jail until such forfeiture is paid, but in no event shall the confinement exceed thirty (30) days.

[History: renum. from 79.20, OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98; (1) am., OA 21, 2003-04, pub. 12/03/03, eff. 01/01/04.]

79.026 ENFORCEMENT. (1) The corporation counsel shall prosecute all violations of this chapter upon request of the agency or the department.

(2) In addition to an action to collect a forfeiture, the corporation counsel is directed to seek an injunction in any case deemed appropriate after consultation with the department, to enforce this ordinance.

[History: renum. from 79.21, OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

79.027 ADDITIONAL ENFORCEMENT.

(1) It shall be unlawful and a violation of this ordinance for any landowner, either directly or through action of any tenant or other user of lands, to alter the contour of the lands abutting controlled access highways in such a manner as to permit vehicular access from adjacent lands to a controlled access highway without first obtaining all permits required by this ordinance.

(2) The department is authorized to issue an order, upon its determination that a violation of the provisions of subsection (1) above has occurred, requiring the landowner to remove any such alteration by a date certain which shall in any event be at least 20 days from the date of delivery of the notice.

(3) Any order issued pursuant to subsection (1) above may be appealed to the agency by filing a written notice of appeal, within 10 days of the date of delivery of the removal notice, with the department. The agency shall set a time and place for considering the appeal, which shall in any event be at least 20 days from the date of receiving the notice of appeal, and shall provide notice of the appeal date, time and location to the appellant. The person subject to the order shall have the right to appear and contest the order and to present evidence and witnesses on his or her behalf. If the agency sustains the order, the person subject to the order shall remove the alteration by the date set forth in the decision which shall in any event be at least 20 days from the date of delivery of the agency's decision to the person.

(4) If the person subject to the order shall refuse to comply with the order, the department may request the corporation counsel to seek a court order allowing the department to remove the alteration and billing the costs thereof to the landowner. In addition to such relief, any person violating the removal order shall forfeit not less than \$50 nor more than \$200 for each day of refusal or neglect to obey any such order beyond the date set forth in the order or the date the notice was actually or constructively received, whichever is later.

[History: renum. from 79.22 and (2) and (3) am., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98; (4) am., OA 21, 2003-04, pub. 12/03/03, eff. 01/01/04.]

79.03 TITLE. (1) This chapter shall be known as, referred to, or recited as the County of Dane County Trunk Highway Regulations.

(2) Sections 79.05 through 79.29, inclusive, shall be known as subchapter I. Unless otherwise stated, subchapter I applies only to controlled access county trunk highways.

(3) Sections 79.30 through 79.49, inclusive, shall be known as subchapter II. Unless otherwise stated, subchapter II applies only to general access highways which are part of the county trunk system.

[History: (1) am. and (2) and (3) cr., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

79.04 DEFINITIONS. For the purpose of these regulations, certain words or phrases used herein are defined as follows:

(1) *Access* shall mean a point where a private driveway or road or town road connects to a county trunk highway.

(2) *Adoption date* shall mean the date that a specified county trunk highway became subject to the provisions of subchapter I.

(3) *Agency* shall mean the Dane County Transportation Committee.

(4) *Average daily traffic* or *ADT* means the average number of vehicles passing over a given point in a 24 hour period. The number may be determined by actual counts or by estimates based on available data. For purposes of this chapter, the ADT shall be made or calculated at a point on the connecting road within 100 feet of its intersection with a county trunk highway. *Connecting road* as used in this subsection means any driveway or road, public or private, for which an access permit is required under this chapter.

(5) *Controlled access highway* shall mean a highway on which the traffic is such that the county board has found, determined and declared it to be necessary, in the interest of public safety, convenience and general welfare to regulate entrance upon and departure from the highway or street except at places specifically designated and provided for such purposes, and to exercise special controls over traffic on such highway or street.

(6) *Department* shall mean the Dane County Highway and Transportation Department.

(7) *General access highway* shall mean a county trunk highway which is not a controlled access highway.

(8) *Mile* shall mean a mile measured to include 1/2 mile in either direction from each particular point of access under consideration.

(9) *Parcel* shall mean contiguous lands under the control of a developer(s), not separated by streets, highways or railroad rights-of-way, established prior to the adoption date of a particular county trunk highway.

(9m) *Special Event* means any temporary, planned, extraordinary occurrence on highway right-of-way including, but not limited to, parades, processions, festivals and bicycle, motorcycle or foot races/rides.

(10) *Temporary access* is one for a year or less. [History: am., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98; (1) am., OA 8, 1998-99, pub. 09/16/98; (9m) cr., OA 35, 2011-12, pub. 02/28/12.]

79.05 JURISDICTION IN UNINCORPORATED AREAS. [intro.] The provisions of subchapter I shall apply to the following county trunk highways within unincorporated Dane County:

- (1) AB From the eastern boundary of the City of Madison to C.T.H. "MN"
- (2) B From eastern boundary of the City of Fitchburg to U.S.H. 51
- (3) B From U.S.H. 51 to C.T.H. "N" (except areas within the City of Stoughton)
- (4) B From the northern boundary of the Village of Rockdale to the southern boundary of the Village of Cambridge
- (5) BB From the eastern boundary of the City of Madison to the western boundary of the Village of Cottage Grove
- (6) BB From the eastern boundary of the Village of Cottage Grove to S.T.H. 73
- (7) C From U.S.H. 151 to Happy Valley Road (except areas within the City of Sun Prairie)
- (8) CC From C.T.H. "D" to the western boundary of the Village of Oregon
- (9) CV From the northern boundary of the City of Madison to U.S. 51
- (10) CV From the southern boundary of the Village of DeForest to Windsor Road
- (11) CV From S.T.H. 19 to Windsor Road
- (12) D From C.T.H. "CC" to the southern boundary of the City of Fitchburg
- (13) D From the northern boundary of the City of Fitchburg to Wingra Drive (except areas within the City of Madison)
- (14) G From S.T.H. 92 to U.S. 18-151

- (15) ID From the western County line to the intersection with S.T.H. 78 in Section 10 & 11, T6N R6E (except areas within the Village of Blue Mounds)
- (16) ID From the eastern boundary of the Village of Mount Horeb to the intersection with U.S.H. 18-151 in Section 7, T6N R7E
- (16m) K From U.S.H. 12 to C.T.H. "M"
- (17) M From the northern boundary of the City of Verona to C.T.H. "S"
- (18) M From the eastern boundary of the City of Middleton to S.T.H. 113
- (19) MC Those segments outside of the City of Madison
- (20) MM From the northern boundary of the Village of Brooklyn to the southern boundary of the Village of Oregon
- (21) MM From the northerly boundary of the City of Fitchburg to C.T.H. "MC" (except areas within the City of Madison)
- (22) N From U.S. 51 to the southern boundary of the Village of Cottage Grove
- (23) N From the northern boundary of the Village of Cottage Grove to the southern boundary of the City of Sun Prairie
- (24) N From the northern boundary of the City of Sun Prairie to C.T.H. "V"
- (25) P From C.T.H. "S" in Section 33, T7N R7E to the southern boundary of the Village of Cross Plains
- (26) PB From T5N R 79.05(8) – 79.06 Sun Valley Parkway in Section 2, T5N R8E
- (27) PB From the intersection with S.T.H. 69 in Section 11, T5N R8E to U.S. 18-151
- (28) PD From U.S.H. 18-151 in Section 16, T6N R7E to the western boundary of the City of Fitchburg (except areas within the City of Madison)
- (29) PD From U.S.H. 18-151 in Sections 6 and 7, T6N R9E to C.T.H. "D"
- (30) PD From the eastern boundary of the Village of Mount Horeb to the intersection with U.S.H. 18-151 in Section 7, T6N R7E

- (31) Q From the northern boundary of the City of Middleton to the southern boundary of the Village of Waunakee
- (32) S From S.T.H. 78 to C.T.H. "P" in Section 33, T7N R7E
- (33) S From C.T.H. "P" (in Pine Bluff) to the western boundary of the City of Madison
- (34) T From the eastern boundary of the City of Madison to C.T.H. "TT" in Section 36, T8N R10E
- (35) T From C.T.H. "TT" in Sections 13 and 24, T8N R11E to the western boundary of the Village of Marshall
- (36) TT From C.T.H. "T" in Section 36, T8N R10E to C.T.H. "N"
- (37) TT From C.T.H. "N" to C.T.H. "T" in Sections 13 and 24, T8N R11E
- (38) V From S.T.H. 113 to U.S.H. 51 (except areas within the Village of DeForest)

[History: (5), (9), (17), (18), (27), (29) and (31) adopted 07/15/71; (1), (4), (6), (8), (14), (16m), (19), (20), (22), (23), (24), (25), (32), (35) and (37) adopted 05/17/73; (10) adopted 05/17/79; (2), (3), (7), (11), (12), (13), (21), (26), (28), (30), (33), (34), (36) and (38) adopted 05/16/85; 79.04 am., renum., OA 1, 1985-86, adopted 05/16/85; (15) and (16) am., OA 17, 1985-86, adopted 01/16/86; [intro.] am., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

79.06 JURISDICTION IN OTHER AREAS.

[intro.] The provisions of subchapter I shall also apply within those incorporated areas of Dane County where a decision of the Dane County Board has been referred to and approved by the governing body of such incorporated area, or in those incorporated and unincorporated areas where access-control by the Wisconsin Department of Transportation has been transferred to Dane County in accordance with the provisions of ss. 83.027 and 84.25(13), Wis. Stats. The following highway segments are made subject to access control:

(1) "BW" from the intersection with Raywood Road in the City of Madison easterly to the intersection with Copsps Avenue in the City of Monona.

(2) "MV" WEST: Beginning at the intersection of County Trunk Highway "MV" (formerly United States Highway 18 & 151) and Country View Road, located in the SW 1/4 - SW 1/4 of Section 16, T6N, R8E, Town of Verona, Dane County, Wisconsin; said point being approximately 1,220 feet east and 25 feet north of the Southwest Corner of said Section 16; thence easterly 0.52