

VILLAGE OF MERRIMAC

STATE OF WISCONSIN

ORDINANCE NO. 144-7

SAUK COUNTY

**CREATING SECTION 144-7: ALL-TERRAIN VEHICLE
AND UTILITY-TERRAIN VEHICLE ROUTES**

WHEREAS, the Village Board of the Village of Merrimac is desirous of realizing the recreational and economic value of all-terrain vehicle and utility-terrain vehicle routes;

WHEREAS, the Village Board has given due consideration to the protection of the public safety and has examined the terrain involved, the automobile traffic on the proposed routes, and the input of other Wisconsin communities who have opened up their roadways as all-terrain vehicle routes;

THEREFORE, the Village Board of the Village of Merrimac do ordain as follows:

- I. *Adoption.* Section 144-7 of the Municipal Code is hereby created as follows:

144-7 ALL-TERRAIN VEHICLE AND UTILITY-TERRAIN VEHICLE ROUTES

- (1) INTENT. This ordinance is created to establish all-terrain vehicle and utility-terrain vehicle routes on public roadways and to regulate the operation of such vehicles on such routes to provide safe and healthful conditions for the use of ATV's and UTVs consistent with state law.
- (2) STATUTORY AUTHORITY. This ordinance is created pursuant to the Village's authority under Wis. Stat. § 23.33(8)(b) and § 23.33(11)(a).
- (3) ADOPTION OF STATE LAW. Except as otherwise provided herein, operation of ATVs and UTVs shall be subject to all provisions of Wis. Stat. § 23.33, as the same may be amended from time to time.
- (4) DEFINITIONS.
 - (a) "All-terrain vehicle" or "ATV" means a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on three or more tires.
 - (b) "Utility-terrain vehicle" or "UTV" means any of the following:
 - (i) A commercially designated and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primary off

of a highway, and that has, and was originally manufactured with, all of the following:

1. A weight, without fluids, of 3,000 pounds or less.
2. Four or more tires.
3. A steering wheel.
4. A tail light.
5. A brake light.
6. Two headlights.
7. A width of not more than 65 inches.
8. A system of seatbelts, or similar system, for restraining each occupant of the device in the event of an accident.
9. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.

(5) ROUTES. All public streets in the Village of Merrimac, including the section of Hwy 78 within the territorial boundaries of the Village, are designated as ATV routes.

(6) CONDITIONS OF USE. As a condition of this route, the following shall apply to all operators (and passengers where applicable):

(a) All ATV and UTV operators shall comply with the provisions of Wis. Stat. § 23.33 and all rules and regulations promulgated by the Wisconsin Department of Natural Resources thereunder.

(b) All ATV and UTV operators shall comply with Chapter 144 of the Village of Merrimac Municipal Code, including but not limited to section §144 -2 Parking regulations.

(c) ATVs and UTVs may be operated on the designated routes between the hours of 6:00a.m. through 10:00p.m.

(d) All ATV and UTV operators shall observe the posted speed limits.

(7) SIGNAGE. The Village shall sign the routes in accordance with Wis. Stat. §23.33(8) and Wisconsin Administrative Code NR 64.12(7). No person may interfere with a sign or standard as provided under Wis. Stat. § 23.33(8)(f).

(8) ENFORCEMENT. The enforcement provisions of Wis. Stat. § 23.33(12), as the same may be amended from time to time, are adopted by reference as if fully set forth herein.

(9) PENALTIES. Unless specified in this section, all penalties as found in Wis. Stat. § 23.33(13) or section §1-4 of the Municipal Code as the same may be amended from time to time, are adopted by reference as if fully set forth herein. In

enforcing this section § 144-7, law enforcement may penalize violators pursuant to Wis. Stat. § 23.33(13) or section §1-4 of the Municipal Code.

(10) EFFECTIVE DATE. This ordinance shall take effect on September 1, 2022, or as soon as the Village Administrator determines that the routes are posted with proper signage, whichever is later.

- II. Severability. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Village of Merrimac would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to the other person's circumstances shall not be deemed affected.
- III. Filing. The Village Administrator is directed to send a copy of this ordinance to the Sauk County Sherriff's Department, the City of Baraboo Police Department, the state traffic patrol, and the Wisconsin Department of Natural Resources.

Date this 10th day of August, 2022

ATTESTED BY VILLAGE OF MERRIMAC

Philip Budde, President

Jennie Klecker, Administrator/Clerk/Treasurer