

**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

EXHIBIT A

09.09 ~~SNOWMOBILES AND ALL-TERRAIN~~ REGULATION OF RECREATIONAL VEHICLES

(1) The regulations described in Ch. 350, Wis. Stats. shall apply equally to snowmobiles, ~~and all-terrain vehicles~~ and utility terrain vehicles operated within the Town limits.

(2) The following traffic regulations, following the prefix "09", shall apply equally to the operation of snowmobiles ~~and all-terrain vehicles~~ and utility terrain vehicles within the Town limits:

09-346.04	Obedience to traffic officers, signs and signals; fleeing from officer.
09-346.05	Vehicles to be driven on right side of roadway; exceptions.
09-346.11	Passing or meeting frightened animal.
09-346.14(1)	Distance between vehicles.
09-346.18	General rules of right-of-way
09-346.19	What to do on approach of emergency vehicle.
09-346.20	Right of way of funeral processions and military convoys.
09-346.21	Right of way of livestock.
09-346.26	Blind pedestrian on highway.
09-346.27	Persons working on highway.
09-346.33	U-turns.
09-346.35	Method of giving signals on turning and stopping.
09-346.37	Traffic-control signal legend.
09-346.39	Flashing signals.
09-346.40	Whistle signals.
09-346.44	All vehicles to stop at signal indicating approach of train.
09-346.46	Vehicle to stop at stop signs and school crossings.
09-346.47	When vehicles using alley or nonhighway access to stop.
09-346.48	Vehicles to stop for school busses displaying flashing lights.
09-346.50(1)(b)	Exceptions to stopping and parking restrictions.
09-346.51	Stopping, standing or parking outside of business or residence districts.
09-346.52	Stopping prohibited in certain specified places.
09-346.53	Parking prohibited in certain specified places.
09-346.54	How to park and stop on streets.
09-346.55	Other restrictions on parking and stopping.
09-346.62(2)	Reckless Driving.
09-346.63	Operating under influence of intoxicant or other drug.
09-346.87	Limitations on backing.
09-346.88	Obstruction of operator's view or driving mechanism.
09-346.89	Inattentive driving.
09-346.90	Following emergency vehicle.
09-346.91	Crossing fire hose.
09-346.92(1)	Illegal Riding
09-346.94(1)-(9)	Miscellaneous prohibited acts.

(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.

EXHIBIT B

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:

- (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:

(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.

