

2021 OA-032

AMENDING CHAPTER 79 OF THE DANE COUNTY CODE OF ORDINANCES,
COUNTY HIGHWAY ACCESS CONTROL

The County Board of Supervisors of the County of Dane does hereby ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Subsection 79.023 is created to read as follows:

79.023 ATV/UTV PILOT PROGRAM.

[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. The Town of Mazomanie has adopted an ordinance to authorize AVT/UTV routes on all highways within their jurisdiction, including County Trunk Highway (CTH) Y. The Town has requested that Dane County designate CTH Y from the Mazomanie village limits to State Highway 78 as an ATV/UTV route. This section establishes a Pilot Program to designate CTH Y from the Village of Mazomanie to State Highway 78 as an ATV/UTV route.

(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 p.m. and 5:00 a.m.

(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 had 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.

49 (11) The Dane County Highway Commissioner reserves the right to revoke the Pilot
50 Program for any reason.

51 (12) The effective date of the Pilot Program shall be for a period of one year from
52 the date of publication.

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54 ARTICLE 3. Subsection 79.024 is amended to read as follows:

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

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62 ARTICLE 4. Subsection 79.14(1)(a) is amended to read as follows:

63 (1) *Permits.*

64 (a) *Applications.* Applications for permits shall be made to the department, 2302
65 Fish Hatchery Road, Madison, Wisconsin at the following site:
66 <https://highway.countyofdane.com/permits>.

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68 ARTICLE 5. Subsection 79.14(2) is amended to read as follows:

69 (2) *Required data.* Applications shall be made ~~on forms available at the main~~
70 ~~office of the department, 2302 Fish Hatchery road, Madison, Wisconsin~~ at the
71 following site <https://highway.countyofdane.com/permits>. Additionally, the
72 department may require the submission of a scale drawing showing property lines,
73 topography, streams, lakes, ponds, marshes and locations of existing and proposed
74 structures, and other appropriate supporting data as deemed necessary for the
75 adequate review of the applications.

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77 ARTICLE 6. Subsections 79.145(2)(b) and (c) are amended to read as follows:

78 (2) *Permits.*

79 (b) Applications shall be made ~~department, 2302 Fish Hatchery road, Madison,~~
80 ~~Wisconsin~~ at the following site <https://highway.countyofdane.com/permits>. Only
81 complete applications containing all required information shall be considered.

82 (c) Completed application will be accepted beginning ~~March 4~~ January 1 of the
83 calendar year the event takes place. An event date will be reserved on first-come,
84 first-serve basis. Applications must be submitted at least 30 days prior to the
85 scheduled event.

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87 ARTICLE 7. Subsections 79.15(1) through (11) and (16) through (18) are amended
88 to read as follows:

89 (1) For a permit to construct a temporary access, ~~\$110~~ \$135.

90 (2) For a permit to construct an access to agricultural lands, ~~\$110~~ \$135.

91 (3) For a permit to construct an access to a single family residential dwelling site,
92 ~~\$110~~ \$135.

93 (4) For a permit to construct an access to a multi-family residential dwelling site,
94 ~~\$220~~ \$245.

95 (5) For a permit to construct an access to a projected commercial site, with an
96 ADT of less than 100, ~~\$220~~ \$245.

- 97 (6) For a permit to construct an access to a projected commercial site, with an
98 ADT of 100 but less than 1,000, ~~\$550~~ \$575.
- 99 (7) For a permit to construct an access to a projected commercial site, with an
100 ADT of 1,000 or more, ~~\$1,400~~ \$1,125.
- 101 (8) For a permit to construct an access consisting of a public street or road,
102 ~~\$1,400~~ \$1,125.
- 103 (9) For a permit to construct an access consisting of a private street or road,
104 ~~\$1,400~~ \$1,125.
- 105 (10) For a permit to engage in miscellaneous work in a highway right-of-way, ~~\$45~~
106 \$70.
- 107 (11) For a permit to engage in public utility work in a highway right-of-way, ~~\$55~~
108 \$80.
- 109 (16) For a permit to construct improvements at an intersection with a highway,
110 ~~\$1,400~~ \$1,125.
- 111 (17) For issuance of an overweight or oversize vehicle load permit on a single trip
112 basis, ~~\$65~~ \$90.
- 113 (18) For issuance of an overweight or oversize vehicle load permit on a multiple
114 trip, calendar year basis, ~~\$220~~ \$245.

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116 ARTICLE 22. Subsection 79.53(2) is amended to read as follows:

- 117 (2) *Permits.* Applications for permits shall be made to the department, 2302 Fish
118 Hatchery Road, Madison, Wisconsin. Permit information is located at the following
119 site <https://highway.countyofdane.com/permits>. Only applications containing all
120 required information shall be considered.

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123 *[EXPLANATION: These amendments update the fee structure, change language for*
124 *use of county highways for special events, update language for use of online*
125 *applications, and creates a pilot project to allow ATV/UTV use on County Highways.]*

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