



VILLAGE OF MOUNT HOREB

E. Main Street

Mount Horeb, WI 53572

Phone: (608) 437-6884 Fax: (608) 437-3190

Email: mhinfo@mounthorebwi.info Web: mounthorebwi.info

VILLAGE BOARD AGENDA Wednesday, August 7, 2024 at 7:00 PM

Municipal Building Board Room
138 E. Main Street
Mount Horeb, WI

- 1) Call to order
- 2) Pledge of Allegiance
- 3) Roll call
- 4) Public Comments – non-agenda items
- 5) Consent Agenda
 - a. Consideration of July 10, 2024 Meeting Minutes
 - b. Consideration of July 31, 2024 Special Meeting Minutes
 - c. Consider recommendation of Ordinance 2024-12 "An Ordinance Providing for the Direct Annexation of a Portion of the Town of Blue Mounds to the Village of Mount Horeb, Dane County, Wisconsin"
 - d. Recommendation of Certified Survey Map for T Robert and Janet M Ibinger Rev Trust, 920 Norsk Ridge
 - e. Recommendation of Extraterritorial Jurisdiction Certified Survey Map James Leuzinger, Z&L Properties LLC, Red Fox Drive
 - f. Consider Pay Request #4 for Contract 24-100, 2024 Street Improvements
- 6) Agenda Items
 - a. Appearance by Robert Sagmoen, Badger ATV Club Regarding Opening Village Streets for ATV/UTV Traffic
 - b. Consideration of Proclamation recognizing National Farmers Market Week, August 4-10th
 - c. Consideration of Ordinance 2024-11 Building Inspection Certified Municipality
 - d. Recommendation on MPO Membership
 - e. Consider Transfer of Reserve "Class B" Liquor License to the Town of Blue Mounds
 - f. Discussion on Gap Financing and Closing Date for Lukken Property Purchase

- 7) Committee Reports:
 - a. Community Development Authority
 - b. Dane County Cities & Villages Association Report
 - c. Finance/Personnel
 - d. Historic Preservation Committee Report
 - e. Library Board
 - f. Mount Horeb Area Chamber of Commerce
 - g. Mount Horeb Area Joint Fire Department
 - h. Parks, Recreation, and Forestry Commission
 - i. Plan Commission
 - j. Public Safety Committee
 - k. Public Works Committee
 - l. School Liaison
 - m. Sustainability and Natural Resources Committee
 - n. Tourism Commission
 - o. Utility Commission
- 8) Village President's report
- 9) Village Administrator's report
- 10) Village Clerk's report
- 11) Meeting adjournment.

UPON REASONABLE NOTICE, EFFORTS WILL BE MADE TO ACCOMMODATE THE NEEDS OF DISABLED INDIVIDUALS THROUGH APPROPRIATE AIDS AND SERVICES. FOR INFORMATION OR TO REQUEST THIS SERVICE, CONTACT ALYSSA GAFFNEY, CLERK, AT 138 E MAIN STREET, MOUNT HOREB, WI (608) 437-9404.

**VILLAGE OF MOUNT HOREB
VILLAGE BOARD MEETING MINUTES
JULY 10, 2024**

The Village Board met in regular session in-person on the above date in the Board Room of the Mount Horeb Municipal Building.

Call to Order/Roll Call: Village Trustee Cathy Scott called the meeting to order at 7:00pm. The Pledge of Allegiance was recited. Present were Trustees Jones, Halverson, Schellpfeffer, and White. Village President Czyzewski and Trustee Gauger were absent. Also present were Administrator Nic Owen, Village Clerk Alyssa Gaffney, and Youth-In-Government student Siobahn Mertz.

Public Comments: None

Consent Agenda: Scott requested the Residential Exterior Improvement Application for Graham Cronin be pulled. White requested the Specific Implementation Plan for a mixed-use building at 1881 Springdale Street be pulled. Jones moved, Schellpfeffer seconded to approve the following remaining consent agenda items: June 5, 2024 Meeting Minutes; Alcohol License Application renewal for Walgreens #11648, 1401 Springdale St.; Alcohol License Agent Tommy Heath for Walgreens #11648; Specific Implementation Plan for North Design Build LLC, Valley and Adams Townhomes; Policy Updates for Employee Handbook; Residential Exterior Improvement Application for Tom Castello, 302 Forest Street; and Pay Request #3 for Street Project 24-100. Motion carried by unanimous voice vote. White inquired about the porch lighting, tree landscaping, and renewable resources for the project. A representative of the project was present and addressed White's questions. White moved, Halverson seconded to approve the Specific Implementation Plan for a mixed-use building at 1881 Springdale Street. Motion carried by unanimous voice vote. Scott stated she pulled the Residential Exterior Improvement Application for Graham Cronin due to the Community Development Authority committee tabling the item.

Presentation and Consideration of Financing for Purchase of Lukken Farm: Financial Advisor Kevin Mullen from Baird spoke about the financing, the State Trust Fund Loan program, and TID 3.

Consideration of Agreement for Mount Horeb Country Music Faire, Kyle Keene Entertainment LLC: Owen explained this item. Halverson moved, White seconded to approve the agreement. Motion carried by unanimous voice vote.

Committee reports: All committee reports were given, with no action taken.

Village President's report: Trustee Scott did not have a president's report.

Village Administrator's report: Owen did not have anything to report.

Village Clerk's report: Gaffney reported details on absentee voting and public testing for the August 13th Partisan Primary election.

Adjournment: With no further business before the board, Halverson moved, Schellpfeffer seconded to adjourn @ 7:35pm. Motion carried by unanimous voice vote.

Minutes by Alyssa Gaffney, Village Clerk

DRAFT

**VILLAGE OF MOUNT HOREB
VILLAGE BOARD MEETING MINUTES
WEDNESDAY, JULY 31, 2024**

The Village Board of the Village of Mount Horeb met on the above date in-person in the Board Room of the Municipal Building.

Call to Order/Roll Call: Village Trustee Cathy Scott called the meeting to order at 5:30pm. Present were Village Board Trustees Brett Halverson, Ben Jones, Nate Gauger, and Tim White. Village President Ryan Czyzewski was present via telephone. Trustee Marc Schellpfeffer was absent. Also present were Administrator Nic Owen and Village Clerk Alyssa Gaffney.

Consideration of Resolution 2024-10, Authorizing Loan from State Trust Fund:

Trustee Scott read the full resolution aloud to the board and audience. Halverson moved, Jones seconded to approve Resolution 2024-10, "Approving Application to Board of Commissioners of Public Lands Trust Fund Loan". Gauger questioned the tax impact. All members present voted aye, by roll call vote. Motion carried unanimously.

Adjournment: There being no further business before the Board, Gauger moved, Halverson seconded to adjourn the meeting at 5:36pm, carried by unanimous voice vote.

Minutes by Alyssa Gaffney, Village Clerk



AGENDA ITEM REPORT

MEETING DATE

August 7, 2024

PREPARED BY

Nicholas Owen, Administrator

AGENDA ITEM # 5.c

Consider recommendation of Ordinance 2024-12 "An Ordinance Providing for the Direct Annexation of a Portion of the Town of Blue Mounds to the Village of Mount Horeb, Dane County, Wisconsin"

BACKGROUND

Diane Fink has submitted for annexation of 15 acres of land on the South West Side of the Village off of Brookview Trail. The land is being annexed for future development as a residential subdivision which will require rezoning and plat review. The land is contiguous to the existing Village limits and is included in our Urban Service Area. The future land use designation for this property in the Comprehensive Plan is Planned Neighborhood, which is consistent with the proposed use. I'm waiting for confirmation of the ward number for the property, that will be filled in prior to Board approval.

RECOMMENDATION

ATTACHMENTS

1. 14681 Petitioners Submittal
2. Annexation Map
3. Ord 2024-12 Annexation Ordinance Fink

PETITION FOR DIRECT ANNEXATION

TO: Village of Mount Horeb
Attn: Alyssa Gaffney
Village Clerk
Municipal Building
138 E. Main Street
Mount Horeb, WI 53572

Town of Blue Mounds
Attn: Amanda Burghy
Town Clerk
10566 Blue Vista Road
Blue Mounds, WI 53517

The undersigned, constituting 100% of the owners of and electors residing in the following described territory located in the Town of Blue Mounds, Dane County, Wisconsin, lying contiguous to the Village of Mount Horeb, petition the Village Board of the Village of Mount Horeb to annex the territory described below and shown upon the attached map as permitted under Wis. Stat. sec. 66.021, to the Village of Mount Horeb, Dane County, Wisconsin.

The real property of the territory proposed to be annexed is particularly described as provided on the attached **Exhibit A** and as stated below:

UNPLATTED LANDS, BEING A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 6 EAST, TOWN OF BLUE MOUNDS, DANE COUNTY, WISCONSIN, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF AFORESAID SECTION 14; THENCE, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 14, NORTH 00 DEGREES 24 MINUTES 17 SECONDS EAST, 1322.19 FEET; THENCE, NORTH 89 DEGREES 59 MINUTES 11 SECONDS WEST, 1751.26 FEET TO THE NORTHWEST CORNER OF LOT 1 OF CERTIFIED SURVEY MAP NO. 13799, RECORDED IN VOLUME 91 OF CERTIFIED SURVEY MAPS OF DANE COUNTY ON PAGES 175-177 AS DOCUMENT NO. 5096631 (CSM 13799), AND ALSO THE POINT OF BEGINNING; THENCE, ALONG THE WESTERLY LINE OF AFORESAID CSM 13799, SOUTH 33 DEGREES 40 MINUTES 20 SECONDS WEST, 85.00 FEET, THENCE, CONTINUING ALONG SAID WESTERLY LINE, SOUTH 31 DEGREES 47 MINUTES 55 SECONDS WEST, 247.12 FEET; THENCE, CONTINUING ALONG SAID WESTERLY LINE, SOUTH 16 DEGREES 47 MINUTES 53 SECONDS WEST 374.93 FEET; THENCE, CONTINUING ALONG SAID WESTERLY LINE, SOUTH 17 DEGREES 54 SECONDS 17 SECONDS WEST, 400.09 FEET; THENCE, CONTINUING ALONG SAID WESTERLY LINE, SOUTH 05 DEGREES 55 MINUTES 11 SECONDS EAST, 170.20 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF UNITED

STATES HIGHWAY 18-151 (U.S.H. 18-151); THENCE, ALONG SAID NORTHERLY RIGHT-OF-WAY, NORTH 56 DEGREES 04 MINUTES 47 SECONDS WEST, 30.97 FEET; THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY, NORTH 50 DEGREES 22 MINUTES 17 SECONDS WEST 100.54 FEET; THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY, NORTH 56 DEGREES 04 MINUTES 47 SECONDS WEST 483.18 FEET, TO A POINT ON THE WESTERLY LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF AFORESAID SECTION 14; THENCE, ALONG SAID WESTERLY LINE, NORTH 00 DEGREES 15 MINUTES 16 SECONDS EAST, 838.88' TO THE SOUTHWEST CORNER OF BROOKSTONE RIDGE, RECORDED IN VOLUME 57-70A OF PLATS OF DANE COUNTY ON PAGES 277-278 AS DOCUMENT NO. 2844497; THENCE, ALONG THE SOUTH LINE OF SAID BROOKSTONE RIDGE, SOUTH 89 DEGREES 59 MINUTES 11 SECONDS EAST, 891.50 FEET, BACK TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS (+/-) 664,625 SQUARE FEET, OR (+/-) 15.26 ACRES

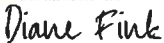
This petition is executed in duplicate for filing one copy with the Village Clerk of the Village of Mount Horeb, Dane County, Wisconsin, and one copy with the Town Clerk of the Town of Blue Mounds, Dane County, Wisconsin. Attached to each copy as **Exhibit B** is a scale map showing the boundary of the above-described real property and showing the relationship of such territory to the Village of Mount Horeb, Dane County, Wisconsin.

The purpose of the proposed annexation is:

The undersigned have entered into an agreement to sell the real property of the proposed annexation territory and the purchaser has requested that the real property be annexed to the Village of Mount Horeb. The purchaser intends to develop the real property and will connect to municipal services located within and available to properties located within the Village.

There are -0- persons residing in the territory.

Dated this 24th day of June 2024.

DocuSigned by:

B4444039E901479
Diane V. Fink

6/24/2024

****All owners and residents (if any) of the territory to be annexed must sign. If the owner is a business entity, all appropriate officers or members of the business entity must sign.**

Exhibit A

Legal Description of Land to be Annexed

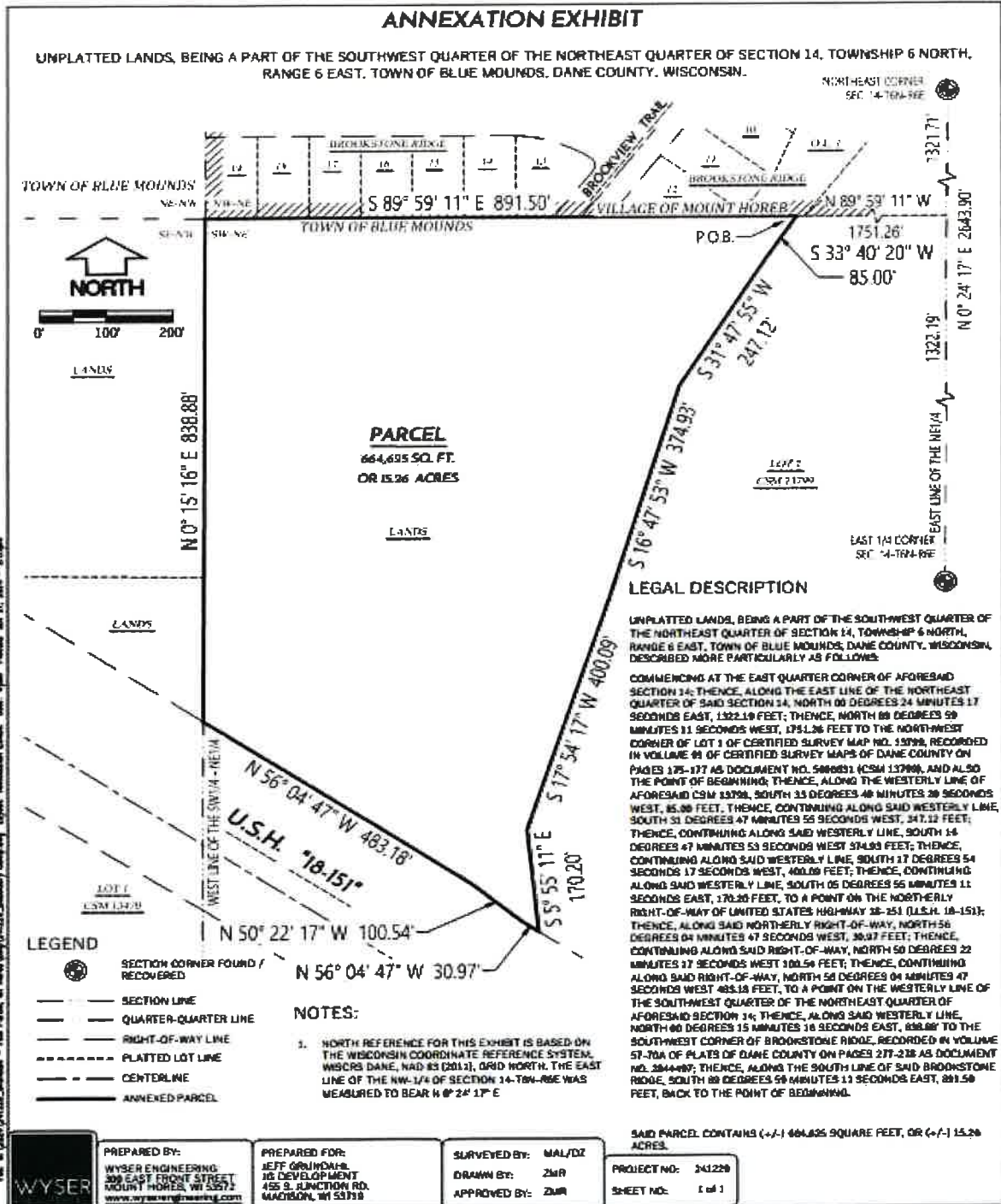
UNPLATTED LANDS, BEING A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 6 EAST, TOWN OF BLUE MOUNDS, DANE COUNTY, WISCONSIN, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

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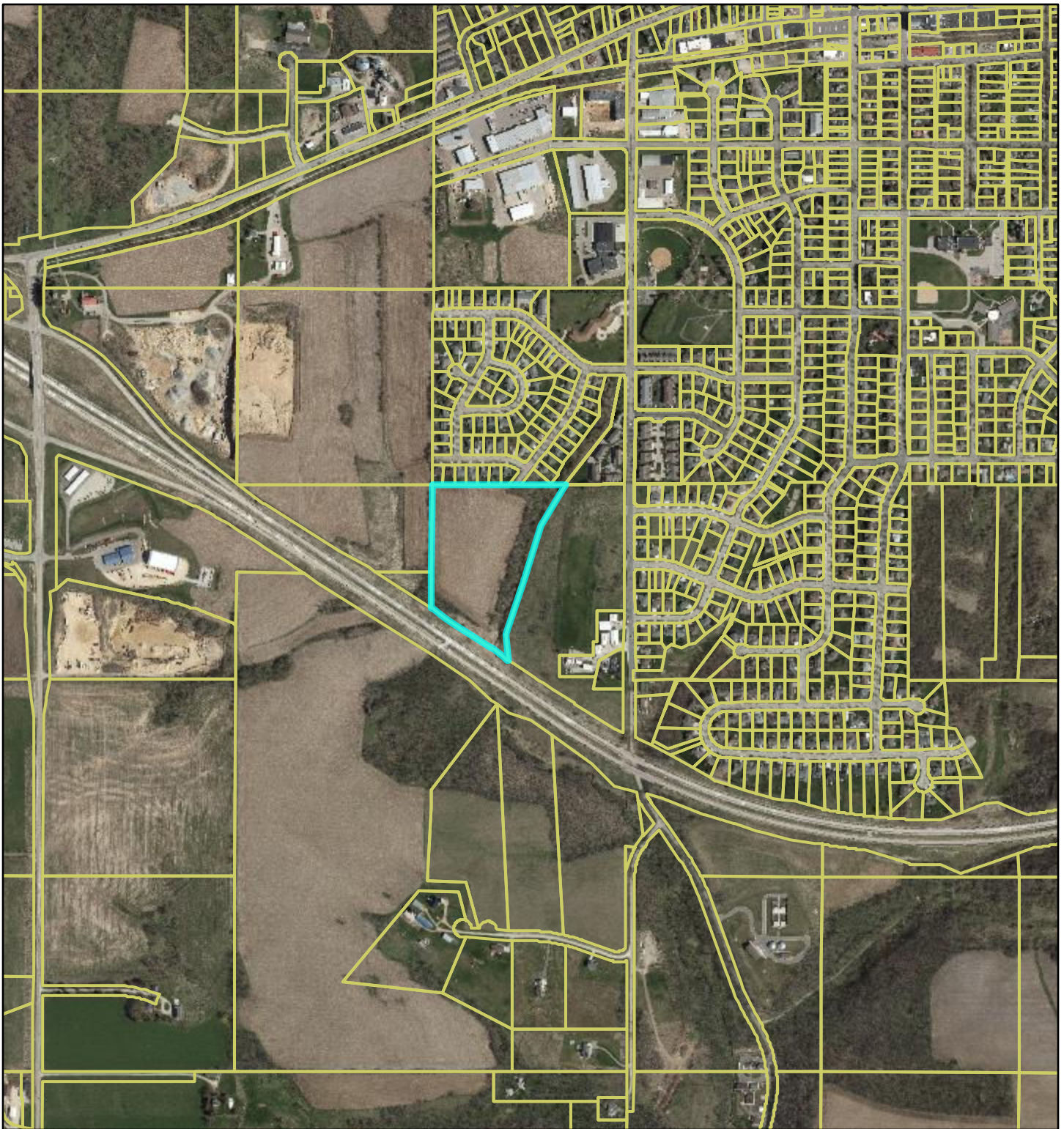
SAID PARCEL CONTAINS (+/-) 664,625 SQUARE FEET, OR (+/-) 15.26 ACRES.

Exhibit B

Scale Map Showing Boundaries of Land to be Annexed

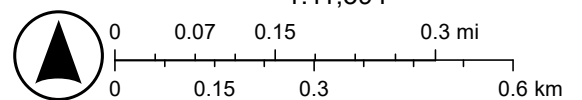


Fink Annexation



7/11/2024, 2:15:15 PM

 Parcels



ORDINANCE 2024-12
VILLAGE OF MOUNT HOREB

AN ORDINANCE PROVIDING FOR THE DIRECT ANNEXATION
OF A PORTION OF THE TOWN OF BLUE MOUNDS TO THE
VILLAGE OF MOUNT HOREB, DANE COUNTY, WISCONSIN

RECITALS

- A. On or about June 24, 2024, a petition to annex (the “Annexation Petition”) the property described in and shown on Exhibit A (the “Property”) to the Village of Mount Horeb was filed with the Village Clerk by the owner of the Property, Diane Fink (the “Owner”).
- B. On or about June 24, 2024, the Owner owned all of the real property within the Property. No electors reside within the Property. The current population of the Property is zero.
- C. A copy of the Annexation Petition, together with a scale map and a legal description of the Property, was filed with the Wisconsin Department of Administration and the Town Clerk of the Town of Blue Mounds.
- D. The Village has considered the recommendations, if any, that the Department of Administration has made regarding the annexation.

*NOW THEREFORE, the Village Board of the Village of Mount Horeb,
Dane County, do ordain as follows:*

ORDINANCE

- 1. Property Annexed. In accordance with Wis. Stat. § 66.0217, the Village Board approves the annexation of the Property.
- 2. Effect of Annexation. From and after the effective date, the Property shall be a part of the Village of Mount Horeb for any and all purposes provided by law, and all persons coming or residing within such Property shall be subject to all ordinances, rules, and regulations governing the Village of Mount Horeb.
- 3. Ward Designation. From and after the effective date, the Property annexed by this Ordinance shall be incorporated into **Ward No. __** of the Village.

4. Clerk Duties. From and after the effective date, the Village Clerk is hereby directed to provide notice and copies of this Ordinance pursuant to the applicable Wisconsin Statutes.
5. Zoning. From and after the effective date, the Property shall be initially and temporarily zoned in the A-1 Agricultural District pursuant to section 17.34 of the Village Code.
6. Payment to Town of Springdale. Pursuant to Wis. Stat. § 66.0217(14)(a)1., the Village agrees to pay annually to the Town of Springdale, for five (5) years, an amount equal to the amount of property taxes that the Town of Springdale levied on the Property as shown by the 2024 tax roll.
7. Effective Date. This Ordinance shall take effect upon passage and publication as provided by law.
8. Recitals incorporated. The representations and recitations set forth in Recitals are material to this Ordinance and are hereby incorporated into and made a part of this Ordinance as though they were fully set forth in this paragraph.

The above ordinance was duly adopted by a two thirds (2/3) majority vote of the elected members of the Village Board of the Village of Mount Horeb at a meeting held on August 7, 2024.

APPROVED:

By: _____
Ryan Czyzewski, Village President

ATTEST:

By: _____
Alyssa Gross, Village Clerk

Attachment:

Exhibit A – Legal Description and Map of Property to be annexed

COUNTY OF DANE

Notary Public, State of Wisconsin
My commission: _____

(Print name)

3

EXHIBIT A

Legal Description and Map of Property

LANDS TO BE ANNEXED TO THE VILLAGE OF MOUNT HOREB

UNPLATTED LANDS, BEING A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 6 NORTH, RANGE 6 EAST, TOWN OF BLUE MOUNDS, DANE COUNTY, WISCONSIN, DESCRIBED MORE PARTICULARLY AS FOLLOWS:

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SAID PARCEL CONTAINS(+/-) 664,625 SQUARE FEET, OR(+/-) 15.26 ACRES



AGENDA ITEM REPORT

MEETING DATE

August 7, 2024

PREPARED BY

Nicholas Owen, Administrator

AGENDA ITEM # 5.d

Recommendation of Certified Survey Map for T Robert and Janet M Ibinger Rev Trust, 920 Norsk Ridge

BACKGROUND

This is a two lot CSM to divide one existing lot into two. The two new lots meet all zoning standards. We are working with the applicant to either include an easement for future sanitary sewer to the 2nd lot on the CSM or to create a separate easement document for the easement. Staff is comfortable with approval contingent on receipt of the easement.

RECOMMENDATION

ATTACHMENTS

1. 2024-06-25_Certified Survey Map Application
2. 231035_CSM (2024-06-26)



VILLAGE OF MOUNT HOREB
138 East Main Street
Mount Horeb, WI 53572
Phone (608) 437-6884 Fax: (608) 437-3190

APPLICATION FOR A CERTIFIED SURVEY MAP

Date: 06/25/2024

Fee: \$400.00

TO: THE VILLAGE PRESIDENT AND VILLAGE BOARD
138 E Main Street
Mt Horeb WI 53572

The undersigned owner (agent) of the property herein described hereby requests you to consider approval of a certified survey map for the following described property:

(1) Location of property (include street address, outlot, subdivision) _____
950 Norsk Ridge, Lot 1 CSM 11734, Nordic View Addition to Nordic Hills

(2) Owner and Address T Robert & Janet M Ibinger Rev Trust
950 Norsk Ridge
Mount Horeb, WI 53572

(3) The survey contains 2 lots and 5.37 acres.

(4) The proposed zoning, if different, will be _____

All the data required by Section 18.23 of the Subdivision Ordinance (has) (has not) been provided.

SIGNED: _____
(applicant)
Owner

(applicant's interest in the property)

950 Norsk Ridge
Mount Horeb, WI 53572
(applicant's address)

Applicant's Phone: 608-576-9424

Referred to: _____ Date: _____ Approved: _____

Date of Village Board approval: _____

18.61 FEES.

(1) DEVELOPMENT IMPACT ANALYSIS FEE. At the time of submitting a Development Impact Analysis Input Form, the developer shall pay a nonrefundable fee of \$250.

(2) ADMINISTRATIVE AND REVIEW FEES. At the time of submitting a plat or certified survey application, the developer shall pay the following fees:

(a) PRELIMINARY PLATS.

1. A nonrefundable administrative fee of \$250.
2. A deposit toward engineer review fees of \$100, plus \$50 per lot created up to, and including, 20 such lots and \$20 for each lot in excess of 20.

(b) FINAL PLATS.

1. A nonrefundable administrative fee of \$150.
2. A deposit toward engineer review fees of \$100, plus \$50 per lot created up to, and including, 20 such lots and \$20 for each lot in excess of 20.

(c) CERTIFIED SURVEY MAPS.

1. A nonrefundable administrative fee of \$100.
2. A deposit toward engineer review fees of \$100, plus \$75 per lot created.

(3) PROFESSIONAL FEES. In addition to the fees required under subsections (1) and (2) above, each applicant under this section shall reimburse the Village for all professional fees, including reasonable engineering, planning, and legal review fees, incurred by the Village in connection with such application.

(4) SUBDIVISION IMPROVEMENT AGREEMENTS. In addition to reimbursing the Village for all engineering and legal expenses incurred in preparing subdivision and certified survey map improvement agreements, the developer shall pay the following fees and deposits. Each development phase within a subdivision shall require a separate agreement.

(a) Nonrefundable Administrative Fee.

1. Plats

- | | |
|----------------------|-------|
| a. Phase I | \$300 |
| b. Subsequent Phases | \$250 |

2. Certified Survey Maps

- | | |
|-------------|-------|
| a. Phase I | \$150 |
| b. Phase II | \$100 |

(b) Legal Deposit.

1. Plats

- | | |
|----------------------|---------|
| a. Phase I | \$3,000 |
| b. Subsequent Phases | \$2,000 |

- 2. Certified Survey Maps
 - a. Phase I \$1,000
 - b. Subsequent Phases \$750

(c) Engineering Deposit.

- 1. Plats
 - a. Phase I \$1,500
 - b. Subsequent Phases \$1,000
- 2. Certified Survey Maps
 - a. Phase I \$500
 - b. Subsequent Phases \$400

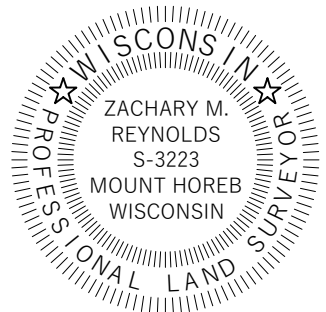
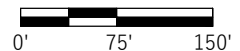
Upon completion of the Village review of the agreement and acceptance of the implementation of the agreement, the applicant shall reimburse the Village for any costs in excess of the deposit, and any excess deposit shall be returned to the applicant.

LOT 1, OF CERTIFIED SURVEY MAP NO. 117334 RECORDED ON APRIL 19, 2006 IN VOLUME 72 OF CERTIFIED SURVEY MAPS OF DANE COUNTY ON PAGES 11-12 AS DOCUMENT NO. 4182201 BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWN 6 NORTH, RANGE 6 EAST, ALL IN THE VILLAGE OF MOUNT HOREB, DANE COUNTY, WISCONSIN.



- | | |
|---|---------------------------|
|  | SECTION CORNER |
|  | FOUND / RECOVERED |
|  | 3/4" REBAR FOUND |
|  | 1 1/4" REBAR FOUND |
|  | 1" IRON PIPE FOUND |
|  | 3/4" REBAR SET 1.50 LB/FT |
|  | CSM BOUNDARY |
|  | CSM INTERNAL BOUNDARY |
|  | RIGHT-OF-WAY LINE |
|  | CENTERLINE |
|  | SECTION/QUARTER LINE |
|  | PLATTED LINE |
|  | RECORDED INFORMATION |

1. FIELD WORK PERFORMED BY WYSER ENGINEERING, LLC. ON THE WEEKS OF FEBRUARY 8TH, 12TH, AND 14TH 2024.
2. NORTH REFERENCE FOR THIS CERTIFIED SURVEY AND MAP ARE BASED ON THE WISCONSIN COORDINATE REFERENCE SYSTEM, WISCRS DANE, NAD 83 (2011), GRID NORTH. THE MATHEMATICAL NORTH-SOUTH QUARTER OF SECTION 1, T6N, R6E, BEARS S 0°33' 11" W. THE CENTER OF SECTION 1, TOWN 6 NORTH, RANGE 6 EAST, WAS NOT FIELD LOCATED DURING THIS SURVEY AS IT DOES NOT AFFECT THE BOUNDARY OF THIS PARCEL
3. THIS PARCEL IS SUBJECT TO ALL EASEMENTS AND AGREEMENTS, BOTH RECORDED AND UNRECORDED.
4. SEE SHEET 2 OF 4 FOR EXISTING IMPROVEMENTS & EASEMENT DETAILS.



VOL. _____ PAGE _____

DOC. NO. _____

C.S.M. NO. _____



PREPARED BY:
WYSER ENGINEERING
300 EAST FRONT STREET
MOUNT HOREB, WI 53572
www.wyserengineering.com

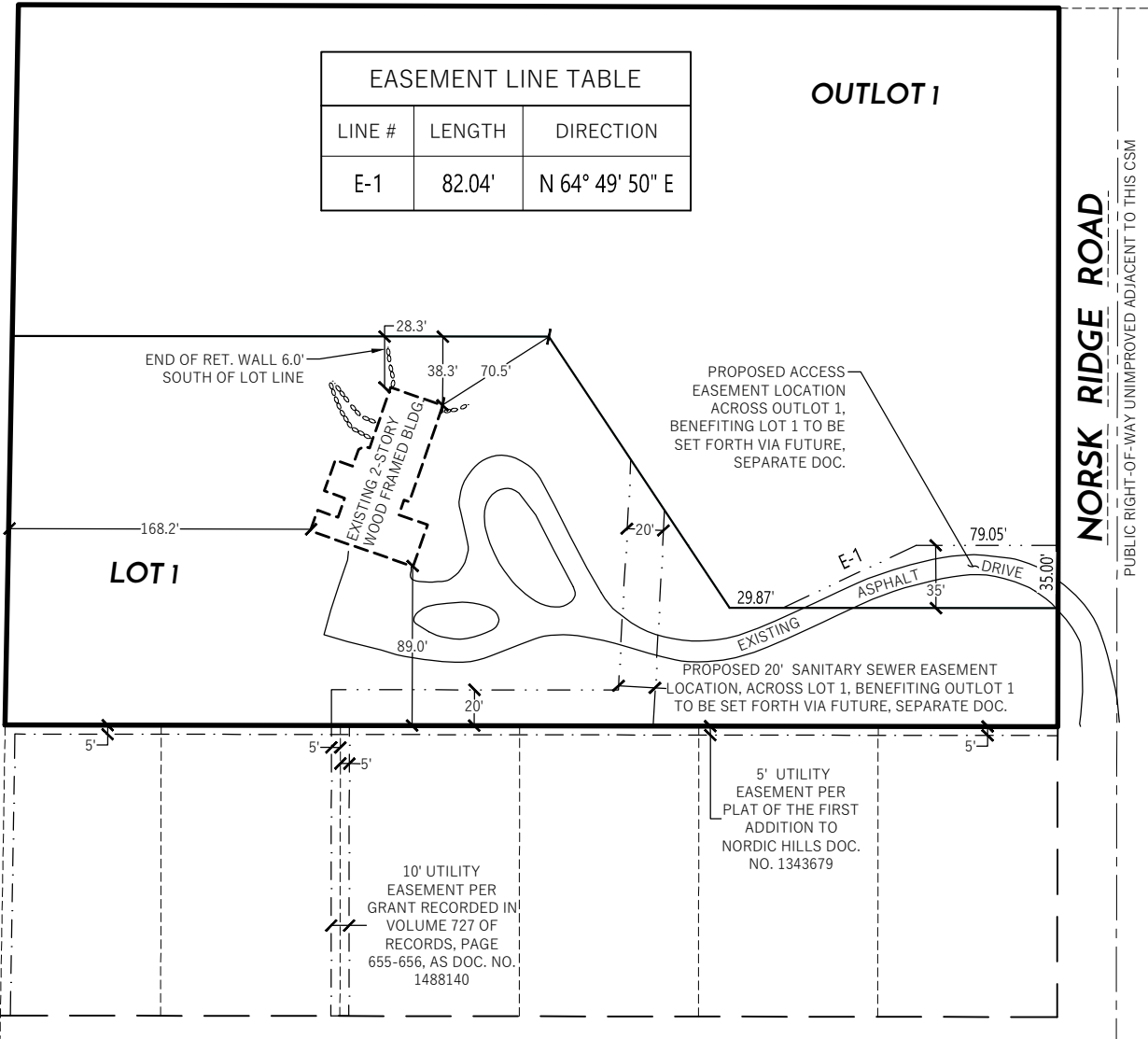
PREPARED FOR:
ROBERT & JANET IBINGER
950 NORSK RIDGE ROAD,
MOUNT HOREB, WI 53572

SURVEYED BY: MAL/DZ
DRAWN BY: AMS
CHECKED BY: ZMR
APPROVED BY: ZMR

PROJECT NO: 231035
SHEET NO: 1 of 4

CERTIFIED SURVEY MAP NO. _____

LOT 1, OF CERTIFIED SURVEY MAP NO. 117334 RECORDED ON APRIL 19, 2006 IN VOLUME 72 OF CERTIFIED SURVEY MAPS OF DANE COUNTY ON PAGES 11-12 AS DOCUMENT NO. 4182201 BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWN 6 NORTH, RANGE 6 EAST, ALL IN THE VILLAGE OF MOUNT HOREB, DANE COUNTY, WISCONSIN.

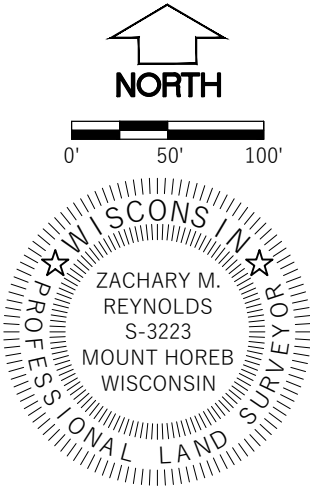


LEGEND

- CSM BOUNDARY
- CSM INTERNAL BOUNDARY
- EXISTING BUILDING
- RIGHT-OF-WAY LINE
- CENTERLINE
- SECTION/QUARTER LINE
- PLATTED LINE
- STONE RETAINING WALL
- EXISTING EASEMENT
- PROPOSED EASEMENT
- () RECORDED INFORMATION

NOTES:

- THIS PARCEL IS SUBJECT TO ALL EASEMENTS AND AGREEMENTS, BOTH RECORDED AND UNRECORDED.
- PROPOSED EASEMENTS ARE SHOWN PENDING FUTURE DEVELOPMENT OF OUTLOT 1



File: W:\2023\231035_Buechner - Nordic Hills Subdivision\dwg\231035_CSM.dwg Layout: CSM 2 OF 4 User: Zach Plotted: Jun 26, 2024 - 3:46pm



PREPARED BY:
WYSER ENGINEERING
300 EAST FRONT STREET
MOUNT HOREB, WI 53572
www.wyserengineering.com

PREPARED FOR:
ROBERT & JANET IBINGER
950 NORSK RIDGE ROAD,
MOUNT HOREB, WI 53572

SURVEYED BY: MAL/DZ
DRAWN BY: AMS
CHECKED BY: ZMR
APPROVED BY: ZMR

VOL. _____ PAGE _____

DOC. NO. _____

C.S.M. NO. _____

PROJECT NO: 231035

SHEET NO: 2 of 4

Page 21 of 86

CERTIFIED SURVEY MAP NO. _____

LOT 1, OF CERTIFIED SURVEY MAP NO. 117334 RECORDED ON APRIL 19, 2006 IN VOLUME 72 OF CERTIFIED SURVEY MAPS OF DANE COUNTY ON PAGES 11-12 AS DOCUMENT NO. 4182201 BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWN 6 NORTH, RANGE 6 EAST, ALL IN THE VILLAGE OF MOUNT HOREB, DANE COUNTY, WISCONSIN.

LEGAL DESCRIPTION

LOT 1, OF CERTIFIED SURVEY MAP NO. 117334 RECORDED ON APRIL 19, 2006 IN VOLUME 72 OF CERTIFIED SURVEY MAPS OF DANE COUNTY ON PAGES 11-12 AS DOCUMENT NO. 4182201 BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWN 6 NORTH, RANGE 6 EAST, ALL IN THE VILLAGE OF MOUNT HOREB, DANE COUNTY, WISCONSIN.

SAID PARCEL CONTAINS 234,255 SQUARE FEET, OR 5.38 ACRES.

SURVEYOR'S CERTIFICATE

I, ZACHARY M. REYNOLDS, WISCONSIN PROFESSIONAL LAND SURVEYOR S-3223, DO HEREBY CERTIFY THAT BY DIRECTION OF ROBERT & JANET IBINGER, I HAVE SURVEYED, DIVIDED, AND MAPPED THE LANDS DESCRIBED HEREON AND THAT THE MAP IS A CORRECT REPRESENTATION IN ACCORDANCE WITH THE INFORMATION PROVIDED. I FURTHER CERTIFY THAT THIS CERTIFIED SURVEY MAP IS IN FULL COMPLIANCE WITH CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE SUBDIVISION REGULATIONS OF THE VILLAGE OF MOUNT HOREB AND DANE COUNTY, WISCONSIN.

ZACHARY M. REYNOLDS, S-3223
WISCONSIN PROFESSIONAL LAND SURVEYOR

DATE



File: W:\2023\231035_Buechner - Nordic Hills Subdivision\dwg\231035_CSM.dwg Layout: CSM 3 OF 4 User: Zach Plotted: Jun 26, 2024 - 4:05pm



PREPARED BY:
WYSER ENGINEERING
300 EAST FRONT STREET
MOUNT HOREB, WI 53572
www.wyserengineering.com

PREPARED FOR:
ROBERT & JANET IBINGER
950 NORSK RIDGE ROAD,
MOUNT HOREB, WI 53572

SURVEYED BY: MAL/DZ
DRAWN BY: AMS
CHECKED BY: ZMR
APPROVED BY: ZMR

PROJECT NO: 23-1035
SHEET NO: 3 of 4

VOL. _____ PAGE _____
DOC. NO. _____
C.S.M. NO. _____

File: W:\2023\231035_Buechner - Nordic Hills Subdivision\dwg\231035_CSM.dwg Layout: CSM 4 of 4 User: Zach Plotted: Jun 26, 2024 - 4:00pm

CERTIFIED SURVEY MAP NO. _____

LOT 1, OF CERTIFIED SURVEY MAP NO. 117334 RECORDED ON APRIL 19, 2006 IN VOLUME 72 OF CERTIFIED SURVEY MAPS OF DANE COUNTY ON PAGES 11-12 AS DOCUMENT NO. 4182201 BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 1, TOWN 6 NORTH, RANGE 6 EAST, ALL IN THE VILLAGE OF MOUNT HOREB, DANE COUNTY, WISCONSIN.

OWNER'S CERTIFICATE

T. ROBERT IBINGER AND JANET M. IBINGER JOINT REVOCABLE TRUST, AS OWNER, I HEREBY CERTIFY THAT WE CAUSED THE LANDS DESCRIBED HEREON TO BE SURVEYED, DIVIDED, AND MAPPED AS REPRESENTED ON THIS CERTIFIED SURVEY MAP. WE ALSO CERTIFY THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY S. 236.34 TO BE SUBMITTED TO THE VILLAGE OF MOUNT HOREB FOR APPROVAL.

WITNESS THE AND SEAL OF SAID OWNERS THIS _____ DAY OF _____, 2024

IN THE PRESENCE OF: _____
OWNER: T. ROBERT IBINGER AND JANET M. IBINGER JOINT REVOCABLE TRUST
BY: MANAGING MEMBER

STATE OF WISCONSIN) SS
DANE COUNTY) SS

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2024,

THE ABOVE NAMED _____ MANAGING MEMBER FOR T. ROBERT IBINGER AND JANET M. IBINGER JOINT REVOCABLE TRUST, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC, STATE OF WISCONSIN MY COMMISSION EXPIRES _____

VILLAGE OF MOUNT HOREB APPROVAL

THE VILLAGE OF MOUNT HOREB HAS APPROVED THIS CERTIFIED SURVEY MAP.

ALYSSA GAFFNEY DATE _____
VILLAGE CLERK, VILLAGE OF MOUNT HOREB



PREPARED BY: WYSER ENGINEERING 300 EAST FRONT STREET MOUNT HOREB, WI 53572 www.wyserengineering.com	PREPARED FOR: ROBERT & JANET IBINGER 950 NORSE RIDGE ROAD, MOUNT HOREB, WI 53572	SURVEYED BY: MAL/DZ DRAWN BY: AMS CHECKED BY: ZMR APPROVED BY: ZMR	PROJECT NO: 23-1035 SHEET NO: 4 of 4
---	---	---	---

OFFICE OF THE REGISTER OF DEEDS
_____ COUNTY, WISCONSIN
RECEIVED FOR RECORD _____,
20 ____ AT _____ O'CLOCK ____ M AS
DOCUMENT # _____
IN VOL. _____ OF CERTIFIED SURVEY
MAPS ON PAGE(S) _____.
_____ KRISTI CHLEBOWSKI, REGISTER OF DEEDS



AGENDA ITEM REPORT

MEETING DATE

August 7, 2024

PREPARED BY

Nicholas Owen, Administrator

AGENDA ITEM # 5.e

Recommendation of Extraterritorial Jurisdiction Certified Survey Map James Leuzinger, Z&L Properties LLC, Red Fox Drive

BACKGROUND

This Extraterritorial CSM is to split a lot for development in a small business park in the Town of Blue Mounds off of CTH JG. Staff have reviewed and have no concerns with approval. The Plan Commission recommends approval.

RECOMMENDATION

ATTACHMENTS

1. Completed Application for CSM ETJ
2. 2024-07-03 220334 Stamped CSM 2024
3. Pages from CSM 15681_2024 CSM Area Markup

**APPLICATION
CERTIFIED SURVEY MAP
EXTRATERRITORIAL JURISDICTION**

Date: 7/3/2024 Fee: \$275 (see attached)

The undersigned owner/agent of the described property hereby requests approval of a certified survey map described as follows:

Location of property (town name and section) _____
Blue Mounds - Section 13

Owner Name: James Leuzinger - Z & L Properties, LLC
Address: 2581 WI-92 Trunk
Mount Horeb, WI
Email Address: jamesl@premierbuildingsolutions.biz
Phone: 608-220-7448

The survey contains 1 Lot lots and 3.5 acres.

Proposed zoning, if different, will be Commercial

SIGNED: _____

(applicant)
None, Engineer
(applicant's interest in the property)

Applicant Name (if different from owner): Vierbicher - John Kastner
Address: 999 Fourier Dr., Suite 201
Madison, WI 53717
Email Address: jkas@vierbicher.com
Phone: 262-408-5708

Date of Plan Commission approval: _____

Date of Village Board approval: _____

FEES

18.61 FEES.

(1) **ADMINISTRATIVE AND REVIEW FEES.** At the time of submitting a plat or certified survey application, the developer shall pay the following fees:

(a) **PRELIMINARY PLATS.**

1. A nonrefundable administrative fee of \$250.
2. A deposit toward engineer review fees of \$100, plus \$50 per lot created up to, and including, 20 such lots and \$20 for each lot in excess of 20.

(b) **FINAL PLATS.**

1. A nonrefundable administrative fee of \$150.
2. A deposit toward engineer review fees of \$100, plus \$50 per lot created up to, and including, 20 such lots and \$20 for each lot in excess of 20.

(c) **CERTIFIED SURVEY MAPS.**

1. A nonrefundable administrative fee of \$100.
2. A deposit toward engineer review fees of \$100, plus \$75 per lot created.

(2) **PROFESSIONAL FEES.** In addition to the fees required under subsection (1) above, each applicant under this section shall reimburse the Village for all professional fees, including reasonable engineering, planning, and legal review fees, incurred by the Village in connection with such application.

ORDINANCE NO. 2007-03
VILLAGE OF MOUNT HOREB

AN ORDINANCE TO REPEAL AND RECREATE SECTION 18.11 OF THE CODE OF
ORDINANCES
JURISDICTION IN UNINCORPORATED AREAS

The Village Board of the Village of Mount Horeb, Dane County, Wisconsin, do ordain as follows:

1. Section 18.11 of the Code of Ordinances is repealed and recreated to provide as follows:

18.11 JURISDICTION IN UNINCORPORATED AREAS.

(1) Area of Jurisdiction. This Ordinance shall apply throughout the Extraterritorial Land Division Jurisdiction established, and amended from time to time, by a Resolution of the Village Board.

(2) Extraterritorial Land Division Policies. The following policies shall specifically govern the Village's review of divisions of land within its extraterritorial jurisdiction area in order to promote the intent and those purposes set forth in this Chapter:

- a. No such land divisions will be permitted without approval of the Village, in accordance with the procedures in this Chapter as applicable to land divisions within the Village.
- b. Such land divisions will be permitted if not exceeding an overall density of one (1) dwelling unit for 35 acres, exclusive of any farmstead demonstrated by the land divider to the satisfaction of the Village to be existing as of the effective date of this Chapter. Lots for non-residential use will be handled on a case by case basis. The standards used to review these land divisions will be the same as the standards contained in the Dane County Exclusive Agricultural Zoning District Ordinances that are used for considering rezonings. The only exceptions to this policy are when a boundary agreement exists with a neighboring township that dictates otherwise, or lots resulting from the infill of existing subdivisions.
- c. The minimum lot size within the extraterritorial limits of the Village shall be one (1) acre. The maximum lot size shall be five (5) acres. In all instances, the density provisions of paragraph (2).b., immediately above, shall also apply.
- d. The Village will attempt to seek consistency between its Plans and locally adopted Town Plans. To the extent that the policies of the

Village are more restrictive in regard to the protection of the public health, safety, welfare, environmental quality, or in terms of implementing the Village's Comprehensive Plan or Official Map, the Village's policies shall prevail, including the protection of areas planned for rural or natural character in the Village's Plan. All land divisions within extraterritorial limits will be subject to the land reservation or dedication requirements of this Chapter. This specifically means the following:

- (i) Any public right-of-way area identified on the Village's Master Plan or Official Map shall be dedicated in conformance with requirements of this Chapter.
 - (ii) Any waterway or storm water management area identified on the Village's Master Plan or Official Map shall be dedicated in conformance with requirements of this Chapter.
 - (iii) If any lands falling within the limits of an environmental corridor, as mapped by the Village or Dane County, the land divider shall record a public open space easement specifying that the restricted area shall not be further divided or otherwise developed while in the Village's extraterritorial land division area.
- e. Such land divisions shall meet all of the development layout design standards contained in this Chapter.
 - f. Such land divisions shall follow the erosion control requirements established by the Village in this Chapter or in any other ordinance or regulation.
 - g. Such land divisions shall pay the required review fees contained in this Chapter prior to initial placement on the Plan Commission agenda.
 - h. The plat, condominium plat, or certified survey map shall include the entire original parcel of land from which any new lots or parcels are created, and a note shall be placed on the face of the plat or certified survey map indicating areas necessary for placement within a conservation easement or similar development limitation acceptable to the Village, and written in favor of the Village, for compliance with the density standard established herein.

(3) Extraterritorial Land Division Procedures.

- a. In all cases, the time period within which action is required shall not begin until the Town Board, the staff serving the Dane County Zoning Committee, and the Village have received all maps, drawings and data required for plat, condominium plat, or certified survey map approval.
- b. No person shall divide any land located within the Village's extraterritorial land division approval area without first filing an

application and paying the Village's standard land division review fees contained in this Chapter. The timing for filing the application and paying the Village's review fees shall be the same as otherwise required per land division within the Village.

- c. Pre-application Procedure. Before filing an application for approval of a plat or certified survey, the subdivider shall consult with the Village Administrator or the designee of the Village Administrator, and shall prepare the following:
 - (i) A preliminary sketch of the proposed land division for review and comment by Village Staff.
 - (ii) Provide a detailed air photo or map of all natural features on the site, including floodplains, wetlands, drainageways, slopes between 12% and 20% and slopes over 20%, and wooded areas, for review and comment by Village Staff.
 - (iii) This procedure is intended to assist the developer in appraising the objectives of these regulations, the Master Plan, the Official Map and other pertinent Village ordinances. The pre-application information shall be submitted to the Plan Commission for review and approval.
- d. Submittal requirements and review procedures for land divisions within the Village's Extraterritorial Land Division Jurisdiction shall be otherwise identical to those required for land divisions within the Village Limits.

The foregoing ordinance was duly adopted by the Village Board of the Village of Mount Horeb at its regular meeting held on March 7, 2007. The vote was 7 ayes; 0 nays; 0 absent.

APPROVED:

John A Zimmer, Village President

ATTEST:

Cheryl J Sutter, Village Clerk

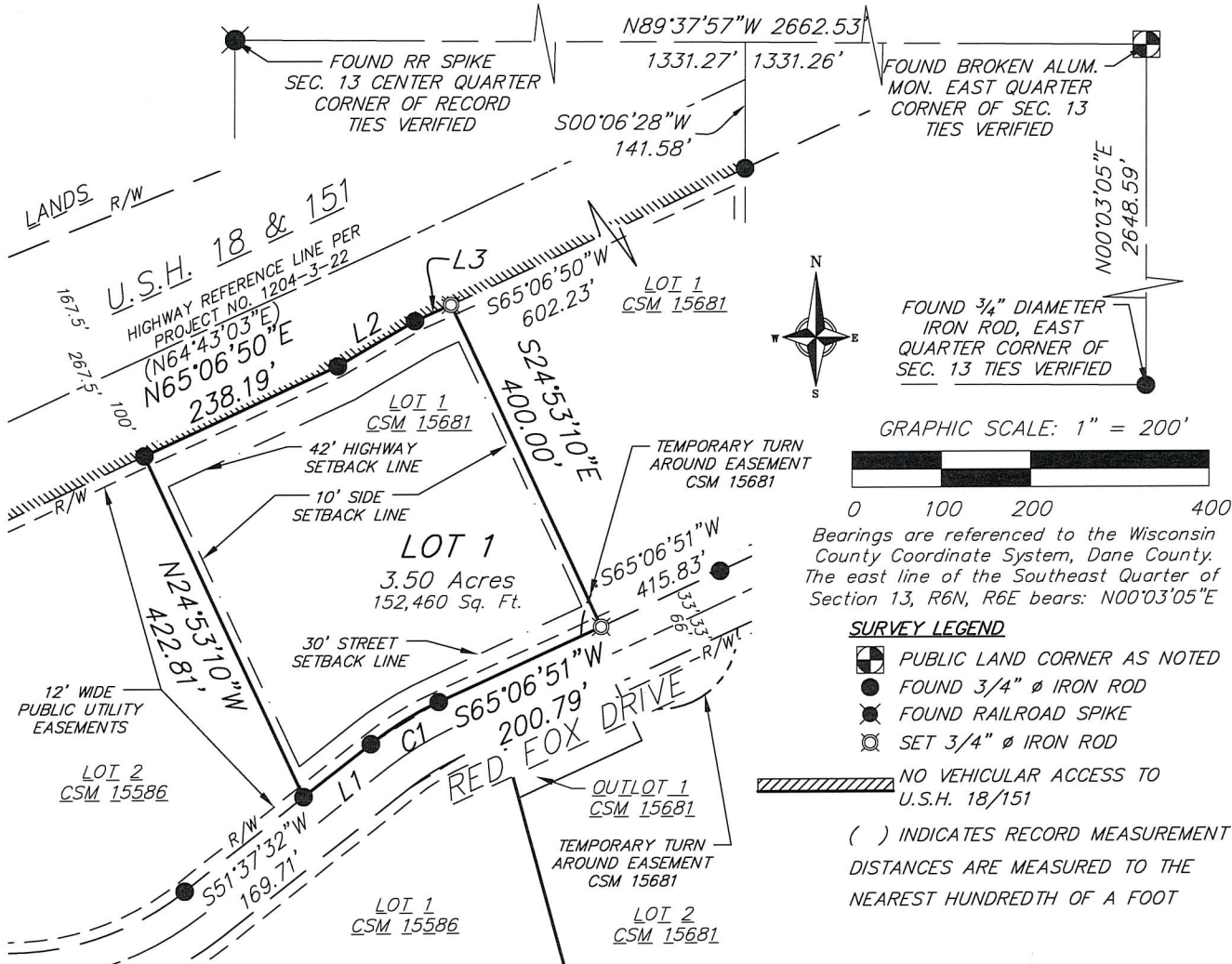
APPROVED: 3/07/2007

PUBLISHED/POSTED: 3/15/2007

©Vierbicher Associates, Inc.

CERTIFIED SURVEY MAP No

PART OF LOT 1 OF DANE COUNTY CERTIFIED SURVEY MAP NO. 15681 RECORDED AS DOCUMENT NO. 5719225 IN VOLUME 114, PAGES 1 THROUGH 5 OF CERTIFIED SURVEY MAPS AND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 06 NORTH, RANGE 06 EAST, TOWN OF BLUE MOUNDS, DANE COUNTY, WISCONSIN



SURVEYOR'S CERTIFICATE

I, Marc A. Londo, Wisconsin Professional Land Surveyor No. 2696, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes, Chapter A-E7 of the Wisconsin Administrative Code and the subdivision regulations of the Town of Lisbon, and under the direction of James Leuzinger, Premier Building Solutions I have surveyed, divided and mapped this Certified Survey Map; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is part of Lot 1 of Dane County Certified Survey Map No. 15681, located in the Northwest Quarter of the Southeast Quarter of Section 13, T6N, R6E, Town of Blue Mounds, Dane County, Wisconsin, containing 3.50 acres of land and is bounded by a line described as follows:

Commencing at a found broken aluminum monument at the east one-quarter corner of said Section 13, T6N, R6E;

Thence, N89°37'57"W, along the north line of the said Southeast Quarter of Section 13, T6N, R6E, 1331.26 feet, to the northeast corner of the Northwest Quarter of the Southeast Quarter of said Section 13, T6N, R6E;

Thence, S00°06'28"W, along the east line of the said Northwest Quarter of the Southeast Quarter of Section 13, T6N, R6E, 141.58 feet to a found 3/4" iron rod at the south right-of-way line of U.S.H. 18 & 151;

Thence, S65°06'50"W, along the said south right-of-way line of U.S.H. 18 and 151, 602.23 feet to a set 3/4" diameter iron rod and the Point of Beginning (P.O.B.) of this description.

Thence, S24°53'01"E, 400.00 feet to a set 3/4" iron rod at the northwest right-of-way line of Red Fox Drive and the southeast line of said Lot 1 of Dane County Certified Survey Map No. 15681;

Thence, S65°06'51"W, along the said northwest right-of-way line of Red Fox Drive and the said southeast line of Lot 1 of Dane County Certified Survey Map No. 15681, 200.79 feet to a found 3/4" iron rod at the beginning of a curve to the left;

Thence 89.46 feet, continuing along the said northwest right-of-way line of Red Fox Drive and the said southeast line of Lot 1 of Dane County Certified Survey Map No. 15681, a curve to the left having a radius of 380.00 feet, an included angle of 13°29'19", (a chord of 89.25 feet which bears S58°22'11"W)(C1) to a found 3/4" diameter iron rod at the end of said curve;

Thence, S51°37'32"W continuing along the said northwest right-of-way line of Red Fox Drive and the said southeast line of Lot 1 of Dane County Certified Survey Map No. 15681, 95.76 feet to a found 3/4" iron rod at the southwest corner thereof;

Thence, N24°53'10"W, along the southwest line of said Lot 1 of Dane County Certified Survey Map No. 15681, 422.81 feet, to a found 3/4" diameter iron rod at the southeast right-of-way line of U.S.H. 18 and 151 and the northwest corner of said Lot 1 of Dane County Certified Survey Map No. 15681;

Thence, N65°06'50"E, along the said southeast right-of-way line of U.S.H. 18 and 151 and the northwest line of said Lot 1 of Dane County Certified Survey Map No. 15681, 238.19 feet to a found 3/4" diameter iron rod;

Thence, N59°23'52"E, along the said southeast right-of-way line of U.S.H. 18 and 151 and the northwest line of said Lot 1 of Dane County Certified Survey Map No. 15681, 100.40 feet (L2), to a found 3/4" diameter iron rod;

Thence, N65°06'50"E, along the said southeast right-of-way line of U.S.H. 18 and 151 and the northwest line of said Lot 1 of Dane County Certified Survey Map No. 15681, 44.45 feet (L3), returning to the Point of Beginning;

The above-described parcel contains 152,460 square feet or 3.50 acres.

Marc A. Londo 7/3/2024

Marc A. Londo, WI PLS #2696 Date
Vierbicher Associates, Inc
201 East Main Street, Suite 100
Reedsburg, WI 53959
(608) 524-6468



SURVEYOR'S NOTES:

1. See Dane County Certified Survey Map No. 15681, for setback lines and easements information.
2. See sheet 2 of 2 for Line and Curve Tables.
3. The existing tax parcel number of this parcel is: 010/0606-134-8935-0.
4. Field work was completed on 7/2/2024.

vierbicher
planners | engineers | advisors



Job #: 220334
Date:
Rev:
Drafted By: mlon
Checked By: sdis

SURVEYED FOR:
James Leuzinger
Premier Building Solutions
2581 WI-92 Trunk
Mt Horeb, WI
53572

C.S.M. No. _____
Doc. No. _____
Vol. _____ Page _____

SHEET
1 OF 2

03 Jul 2024 - 7:26a M:\Premier Building Solutions\220334_ Gerber Leisure - Blue Mounds\CADD\220334_CSM 2024.dwg by: mlon

CERTIFIED SURVEY MAP No _____

PART OF LOT 1 OF DANE COUNTY CERTIFIED SURVEY MAP NO. 15681 RECORDED AS DOCUMENT NO. 5719225 IN VOLUME 114, PAGES 1 THROUGH 5 OF CERTIFIED SURVEY MAPS AND LOCATED IN THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 06 NORTH, RANGE 06 EAST, TOWN OF BLUE MOUNDS, DANE COUNTY, WISCONSIN

OWNER'S CERTIFICATE

I, Scott D. Zahler, Z & L Properties, LLC, a Wisconsin limited liability company, duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that we caused land described on this Certified Survey Map to be surveyed, divided and mapped as represented hereon. We further certify that this Certified Survey Map is required by S. 236.34 Wisconsin Statutes, to be submitted to the Town of Blue Mounds and the Village of Mount Horeb for approval.

IN WITNESS WHEREOF, the said Z & L Properties, LLC, has caused these presents to be signed by Scott D. Zahler, at Mount Horeb, Wisconsin, on this _____ day of _____, 2024.

In the Presence of: Z & L PROPERTIES, LLC

Scott D. Zahler,
Partner, Z & L Properties, LLC

State of Wisconsin)
)ss
County of Dane)

Personally came before me this _____ day of _____, 2024, the above named, Scott D. Zahler, of the above named Z & L Properties, LLC, to me known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin

My Commission Expires: _____

VILLAGE OF MOUNT HOREB APPROVAL

This Certified Survey which falls within the extraterritorial zoning authority of the Village of Mount Horeb is hereby acknowledged and accepted by the Village Board of the Village of Mount Horeb, Dane County, Wisconsin on

this _____ day of _____, 2024.

Alyssa Gross, Village Clerk

TOWN OF BLUE MOUNDS APPROVAL

This Certified Survey, has been duly approved by the Town Board of the Town of Blue Mounds, Dane County, Wisconsin, on this _____ day of _____, 2024.

Mike Freitag, Town Clerk

REGISTER OF DEEDS CERTIFICATE

Received for recording on this ____ day of _____, 2024, at ____ o'clock ____m., and recorded in Volume _____ of Certified Surveys on Pages _____, as Document Number _____.

Kristi Chlebowski, Dane County Register of Deeds

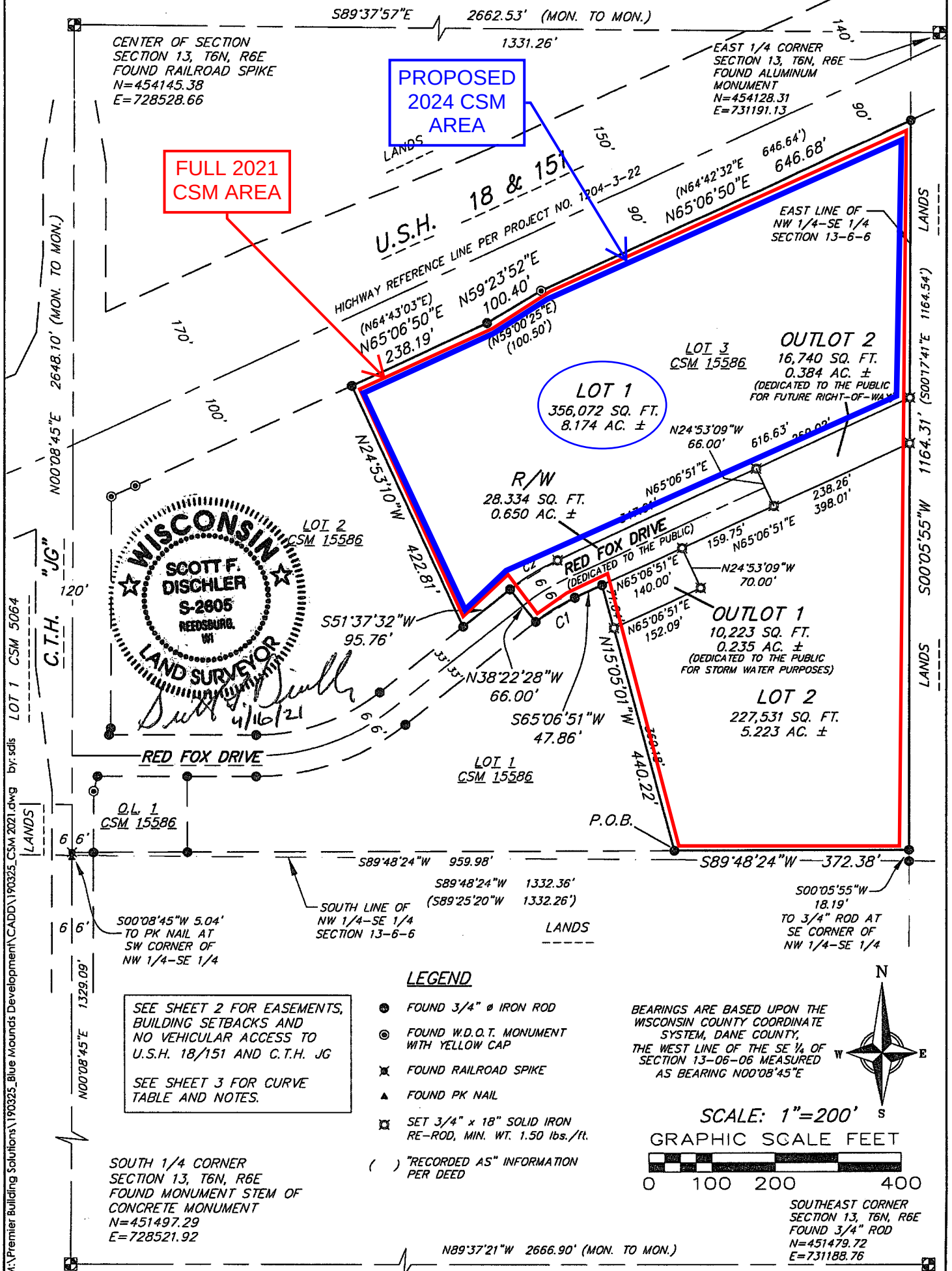
Line Table		
Line #	Direction	Length
L1	S51°37'32"W	95.76'
L2	N59°23'52"E	100.40'
L3	N65°06'50"E	44.45'

Curve Table							
Curve #	Arc Len.	Radius	Delta	Ch. Len.	Ch. Dir.	Tangent In	Tangent Out
C1	89.46'	380.00'	13°29'19"	89.25'	S58°22'11"W	S65°06'51"W	S51°37'32"W



CERTIFIED SURVEY MAP No. 15681

ALL OF LOT 3, DANE COUNTY CSM 15586, LOCATED IN THE NW 1/4 OF THE SE 1/4 OF SECTION 13, TOWNSHIP 06 NORTH, RANGE 06 EAST, TOWN OF BLUE MOUNDS, DANE COUNTY, WISCONSIN



vierbicher planners engineers advisors Phone: (800) 261-3898		FN: 190325	SURVEYED FOR: PREMIER BUILDING SOLUTIONS ATTN: JAMES LEUZINGER 2581 WI-92 TRUNK MOUNT HOREB, WI	C.S.M. No. 15681	SHEET 1 OF 5
		DATE: 2-3-2021		Doc. No. 5719225	
		Drafted By: SDIS		Vol. 114 Page 1	
		Checked By: MLON			

SMITHGROUP

August 1, 2024

Nic Owen
Village Administrator
VILLAGE OF MOUNT HOREB
138 East Main Street
Mount Horeb, WI 53572

Re Pay Request No. 4 – Contract 24-100, 2024 Street Improvements

Dear Nic,

Enclosed is Payment Request No. 4 from Rule Construction, Ltd. for work performed to date on the above referenced project. This payment request is recommended for payment in the amount of \$212,969.11. A summary of the payment is listed below, and the detailed request has been attached.

TOTAL AMOUNT REQUESTED TO DATE	\$1,158,876.72
LESS RETAINAGE	\$27,131.33
NET AMOUNT DUE	\$1,131,745.40
AMOUNT OF PREVIOUS PAYMENTS	\$918,776.29
AMOUNT DUE THIS APPLICATION	\$212,969.11

If you have questions, please do not hesitate to call. Thank you.

Sincerely,



Heather Brose, PE
Associate | Civil Engineer

cc: Rule Construction, Ltd. via Email



Contractor's Application for Payment No. 4

ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE		Application Period: 6/20/2024 to 7/23/24	Application Date: 7/23/2024
To (Owner): Village of Mount Horeb	From (Contractor): Rule Construction, Ltd.	Via (Engineer):	Smith Group
Project: Mount Horeb 2024 Street Improvements	Contract: 24-100		
Owner's Contract No.: 24-100	Contractor's Project No.: 24-100	Engineer's Project No.:	24-100

Application For Payment Change Order Summary

Approved Change Orders		
Number	Additions	Deductions
CO#1	\$15,207.00	
CO#2	\$25,130.00	
CO#3	\$9,775.00	
CO#4	\$4,570.00	
	\$54,682.00	
TOTALS	\$50,112.00	
NET CHANGE BY CHANGE ORDERS		\$50,112.00 \$54,682.00

1. ORIGINAL CONTRACT PRICE.....	\$	\$1,085,253.00	
2. Net change by Change Orders.....	\$	\$50,112.00	\$54,682.00
3. Current Contract Price (Line 1 ± 2).....	\$	\$1,135,365.00	\$1,139,935.00
4. TOTAL COMPLETED AND STORED TO DATE (Column F total on Progress Estimates).....	\$	\$1,167,190.32	\$1,158,876.72
5. RETAINAGE: 5% of First 50%			
a. 5% X \$542,626.50 Work Completed.	\$	\$27,131.33	
b. X _____ Stored Material....	\$		
c. Total Retainage (Line 5.a + Line 5.b).....	\$	\$27,131.33	
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c).....	\$	\$1,140,059.00	\$1,131,745.40
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application).....	\$	\$918,776.29	
8. AMOUNT DUE THIS APPLICATION.....	\$	\$221,282.71	\$212,969.11
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G total on Progress Estimates + Line 5.c above).....	\$	\$4,694.00	\$8,189.60

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:

(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;

(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and

(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor Signature

By: 	Date: 7/23/2024
---	-----------------

Payment of: \$ ~~221,282.71~~ **\$212,969.11**
(Line 8 or other - attach explanation of the other amount)

is recommended by: Heather K. Brose August 1, 2024
(Engineer) (Date)

Payment of: \$ _____
(Line 8 or other - attach explanation of the other amount)

is approved by: _____ (Owner) _____ (Date)

Approved by: _____

Funding or Financing Entity (if applicable) (Date)

Progress Estimate - Unit Price Work

Contractor's Application

For (Contract): 24-100							Application Number: 4							
Application Period: 6/20/2024 to 7/23/24							Application Date: 7/23/2024							
A					B		C	D	E	F				
Item					Contract Information			Estimated	Value of Work	Materials Presently Stored (not in C)	Total Completed and Stored to Date (D + E)	% (F / B)	Balance to Finish (B - F)	
Bid Item No.	Description				Item Quantity	Units	Unit Price	Total Value of Item (\$)	Quantity Installed					Installed to Date
1	Unclassified Excavation				1	LS	\$ 84,000.00	\$84,000.00	1.00	\$84,000.00		\$84,000.00	100.0%	
2	Excavation Below Subgrade & Place Stone Fill (Undercut)				880	CY	\$ 50.00	\$44,000.00	640.00	\$32,300.00		\$32,300.00	73.4%	\$11,700.00
3	Geotextile Fabric				440	SY	\$ 5.00	\$2,200.00	1076.00	\$5,380.00		\$5,380.00	244.5%	-\$3,180.00
4	Install Crushed Stone Base Course (12" Deep)				6,850	SY	\$ 12.00	\$82,200.00	7542.80	\$90,513.60		\$90,513.60	110.1%	-\$8,313.60
5	Finish Grade Base Course				15	STA	\$ 750.00	\$11,250.00	15.00	\$11,250.00		\$11,250.00	100.0%	
6	Install 30" Concrete Curb and Gutter. (Includes 12" depth crushed stone base course to 12" behind C&G)				3250	LF	\$ 22.50	\$73,125.00	3293.20	\$74,097.00		\$74,097.00	101.3%	-\$972.00
7	Driveway Paving and Access During Curb Curing				5	EA	\$ 800.00	\$4,000.00	4.00	\$3,200.00		\$3,200.00	80.0%	\$800.00
8	Sawcut Butt Joint				1,720	LF	\$ 2.00	\$3,440.00	1829.00	\$3,658.00		\$3,658.00	106.3%	-\$218.00
9	Install 4" Deep Bituminouse Pavement (2-1/4" Binder, 1-3/4" Surface, Type I)				7,050	SY	\$ 21.00	\$148,050.00	7542.80	\$158,398.80		\$158,398.80	107.0%	-\$10,348.80
10	Remove Existing Bituminous Drive Apron & Replace w/3" Thick Bituminous Drive Apron on 8" Aggregate Base				1,010	SF	\$ 5.00	\$5,050.00	1497.73	\$7,488.65		\$7,488.65	148.3%	-\$2,438.65
11	Remove Existing Concrete Apron & Replace with 6" Concrete Drive Apron on 6" Deep Aggregate base				1,920	SF	\$ 10.50	\$20,160.00	2197.74	\$23,076.27		\$23,076.27	114.5%	-\$2,916.27
12	Hydrant Curb Striping (15 LF Centered on Hydrant)				120	LF	\$ 12.00	\$1,440.00						\$1,440.00
13	Special Waterway Curb, Includes placement and Compaction of Base				160	LF	\$ 56.00	\$8,960.00	160.00	\$8,960.00		\$8,960.00	100.0%	
14	Restoration				1	LS	\$ 19,500.00	\$19,500.00	1.00	\$19,500.00		\$19,500.00	100.0%	
15	Construction Staking and Layout				1	LS	\$ 15,000.00	\$15,000.00	1.00	\$15,000.00		\$15,000.00	100.0%	
16	Traffic Control				1	LS	\$ 12,500.00	\$12,500.00	1.00	\$12,500.00		\$12,500.00	100.0%	
17	Erosion Control				1	LS	\$ 9,500.00	\$9,500.00	1.00	\$9,500.00		\$9,500.00	100.0%	
18	Sanitary Spot Repair - Sunset Lane (20 LF)				1	LS	\$ 5,825.00	\$5,825.00	1.00	\$5,825.00		\$5,825.00	100.0%	
19	Sanitary Spot Repair - Linda Rd (10 LF Each)				2	EACH	\$ 4,935.00	\$9,870.00	2.00	\$9,870.00		\$9,870.00	100.0%	
20	Sanitary Spot Repair - Linda Road at Durtschi Drive (20 LF)				1	LS	\$ 5,930.00	\$5,930.00	1.00	\$5,930.00		\$5,930.00	100.0%	
21	Sanitary Spot Repair - Heather Ct at Perimeter Rd (20 LF)				1	LS	\$ 6,030.00	\$6,030.00	1.00	\$6,030.00		\$6,030.00	100.0%	
22	Sanitary Spot Repair - Heather Ct Cul-de-sac (60 LF)				1	LS	\$ 13,850.00	\$13,850.00	1.00	\$13,850.00		\$13,850.00	100.0%	
23	Remove and Replace 48" Sanitary Sewer MH w/Castings (Neenah R-1550-B with Non-Rocking Lid)				4	EA	\$ 6,565.00	\$26,260.00	4.00	\$26,260.00		\$26,260.00	100.0%	
24	Adjust Existing Sanitary Sewer MH casting to FG (New adjustment rings and external chimney seal)				12	EA	\$ 1,000.00	\$12,000.00	12.00	\$12,000.00		\$12,000.00	100.0%	
25	Provide new Sanitary Sewer MH Casting				8	EA	\$ 600.00	\$4,800.00	7.00	\$4,200.00		\$4,200.00	87.5%	\$600.00
26	10-inch Ductile Iron Watermain				20	LF	\$ 198.00	\$3,960.00	35.60	\$7,048.80		\$7,048.80	178.0%	-\$3,088.80
27	8-inch Ductile Iron Watermain				510	LF	\$ 132.00	\$67,320.00	504.60	\$66,607.20		\$66,607.20	98.9%	\$712.80
28	6-inch Ductile Iron Watermain				1,020	LF	\$ 115.00	\$117,300.00	1194.00	\$137,310.00		\$137,310.00	117.1%	-\$20,010.00
29	6-inch Gate Valve and Box				1	EA	\$ 1,985.00	\$1,985.00	3.00	\$5,955.00		\$5,955.00	300.0%	-\$3,970.00
30	8-inch Gate Valve and Box				3	EA	\$ 2,790.00	\$8,370.00	3.00	\$8,370.00		\$8,370.00	100.0%	
31	10-inch Gate Valve and Box				1	EA	\$ 4,000.00	\$4,000.00	3.00	\$12,000.00		\$12,000.00	300.0%	-\$8,000.00
32	Fire Hydrant w/Auxiliary Valve				7	EA	\$ 9,230.00	\$64,610.00	8.00	\$73,840.00		\$73,840.00	114.3%	-\$9,230.00
33	Tapping Tee and Gate Valve (Includes Live Tap)				3	EA	\$ 5,500.00	\$16,500.00	3.00	\$16,500.00		\$16,500.00	100.0%	
34	Connection to Existing Watermain (Ida Circle at Durtschi Drive)				1	LS	\$ 2,500.00	\$2,500.00	1.00	\$2,500.00		\$2,500.00	100.0%	
35	Connection to Existing Watermain (Linda Road at Michele Street)				1	LS	\$ 3,000.00	\$3,000.00	1.00	\$3,000.00		\$3,000.00	100.0%	
36	Connection to Existing Watermain (Linda Road at Durtschi Drive)				1	LS	\$ 3,000.00	\$3,000.00	1.00	\$3,000.00		\$3,000.00	100.0%	
37	Connection to Existing Watermain (Heather Court at Easement)				1	LS	\$ 2,500.00	\$2,500.00	1.00	\$2,500.00		\$2,500.00	100.0%	
38	Abandon Existing Watermain				1	LS	\$ 2,500.00	\$2,500.00	1.00	\$2,500.00		\$2,500.00	100.0%	
39	Replacement of Water Service (including tap and connections)(Owner supplied corp, box, stop and reducer)				26	EA	\$ 550.00	\$14,300.00	26.00	\$14,300.00		\$14,300.00	100.0%	
40	Installation of Owner supplied Copper Water Service				1,015	LF	\$ 72.00	\$73,080.00	917.50	\$66,060.00		\$66,060.00	90.4%	\$7,020.00
41	Underground Utility Exploration				6	EA	\$ 1,000.00	\$6,000.00						\$6,000.00
42	Rock Excavation				500	LF	\$ 40.00	\$20,000.00	224.00	\$8,960.00		\$8,960.00	44.8%	\$11,040.00
43	12-Inch RCP				42	LF	\$ 103.00	\$4,326.00	40.00	\$4,120.00		\$4,120.00	95.2%	\$206.00
44	15-Inch RCP				134	LF	\$ 108.00	\$14,472.00	120.00	\$12,960.00		\$12,960.00	89.6%	\$1,512.00
45	2' x 3' Type H Curb Inlet w/casting and grate				2	EA	\$ 2,890.00	\$5,780.00	2.00	\$5,780.00		\$5,780.00	100.0%	
46	Manhole w/casting and grate				2	EA	\$ 3,405.00	\$6,810.00	2.00	\$6,810.00		\$6,810.00	100.0%	
47	Curb Opening w/Medium Rip Rap and Geotextile (Sunset Lane)				1	LS	\$ 2,500.00	\$2,500.00	1.00	\$2,500.00		\$2,500.00	100.0%	
48	Flared End Section with Concrete Flume (Sunset Lane)				1	LS	\$ 1,500.00	\$1,500.00	1.00	\$1,500.00		\$1,500.00	100.0%	
49	Temporary Water Supply System for work related to replacement of the water main on Linda Road				1	LS	\$ 10,000.00	\$10,000.00	1.00	\$10,000.00		\$10,000.00	100.0%	

For (Contract): 24-100							Application Number 4			
Application Period: 6/20/2024 to 7/23/24							Application Date: 7/23/2024			
A					B	C	D	E	F	
Item				Contract Information			Estimated	Value of Work	Materials	Total Completed
Bid Item No.	Description	Item Quantity	Units	Unit Price	Total Value of Item (\$)	Quantity Installed	Installed to Date	Presently Stored (not in C)	and Stored to Date (D + E)	% (F / B)
CB1-1	Surge Supressor and MH	1	LS	\$ 13,310.00	\$13,310.00	1.00	\$13,310.00		\$13,310.00	100.0%
CB1-2	18" Hydrant Extension	1	LS	\$ 1,897.00	\$1,897.00	1.00	\$1,897.00		\$1,897.00	100.0%
CB2-1	Hanneman Boulevard Sanitary Sewer Spot Repair	1	LS	\$ 10,510.00	\$10,510.00	1.00	\$10,510.00		\$10,510.00	100.0%
CB2-2	Perimeter Road Sanitary Spot Repair	1	LS	\$ 7,700.00	\$7,700.00	1.00	\$7,700.00		\$7,700.00	100.0%
CB2-3	Alaska Patch Increase	1	LS	\$ 3,680.00	\$3,680.00	1.00	\$3,680.00		\$3,680.00	100.0%
CB2-4	Sunset Patch Increase	1	LS	\$ 3,240.00	\$3,240.00	1.00	\$3,240.00		\$3,240.00	100.0%
CB3-1	Sunset Lane Storm Sewer	115	LF	\$ 85.00	\$9,775.00	117.00	\$9,945.00		\$9,945.00	101.7%
Totals					\$1,135,365.00		\$1,167,190.32		\$1,167,190.32	102.8%

\$1,158,876.72



AGENDA ITEM REPORT

MEETING DATE

August 7, 2024

PREPARED BY

Nicholas Owen, Administrator

AGENDA ITEM # 6.a

Appearance by Robert Sagmoen, Badger ATV Club Regarding Opening Village Streets for ATV/UTV Traffic

BACKGROUND

Robert Sagmoen, representing the Badger ATV club, will be present to request the Village consider opening its streets for ATV/UTV traffic. Sagmoen has provided information that is in your packets regarding ATV/UTV use in Wisconsin, the statutes regulating their use on public streets, State registration and use information, Dane County ATV/UTV code as well as codes adopted by municipalities to allow ATV/UTV use on streets. Of the two towns that surround the Village, the Town of Blue Mounds has approved ATV/UTV use on town roads and the Town of Springdale is still considering their use. This item has also been added as a topic for discussion for the Public Safety Committee and staff would anticipate the committee reviewing this information to form a recommendation to the Board.

RECOMMENDATION

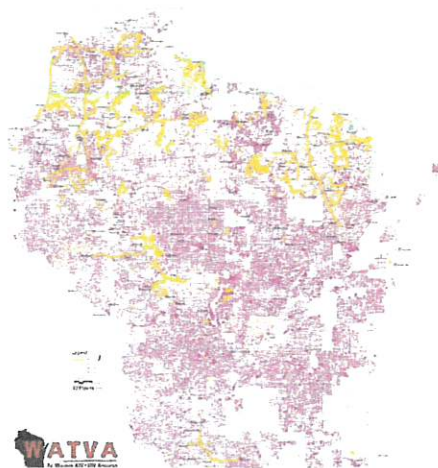
ATTACHMENTS

1. General Info
2. DOT Registration and Use Info
3. Dane County Code
4. Town of Blue Mounds Code
5. Cross Plains Code
6. Area Maps



WHERE WE RIDE

WI ORV STATS 2024
ATV TRAIL: 2,332 MILES | ATV ROUTE: 62,577 MILES
MOTORCYCLE TRAIL: 81 MILES



Fox Valley All-Terrain Vehicle Association

2d · 🌐

Wisconsin has the most miles of ATV/UTV trails & road routes of any state. Currently we have approximately 2,332 miles of summer ATV/UTV trails & about 4470 miles of winter ATV/UTV trails, and (a of 4-13-24) there is 62,577 miles of road routes in Wisconsin 🤔
(Yellow is summer trails, Red is open road routes)



3 26

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Julie Siegle

ALL of Marquette County WI County Roads are ROUTED & NOW OPEN !!!



Write a comment...





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Comment

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BADGER ATV / UTV Club Of Southwest, Wi. 2022

Brenda Dreger Brindley · 1d · 🌐

Here is some of the comparison numbers that were provided at the annual WATVA meeting in Stevens Point.

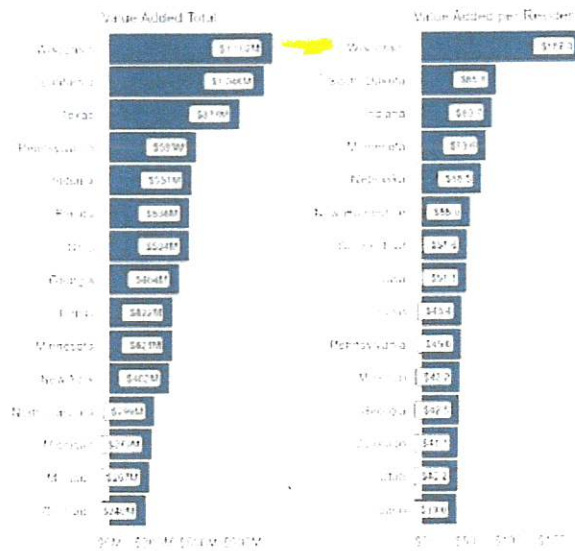
HOW WE COMPARE

Wisconsin climbs ahead as the top contender in the ATV/UTV industry across the nation, leading in economic impact. The industry fuels an impressive \$1.1 billion to the nation's Gross Domestic Product, as reported by the U.S. Bureau of Economic Analysis Outdoor Recreation Satellite Account. This achievement underscores Wisconsin's dominant spot in the ATV/UTV market, a distinction that holds true regardless of state sizes.

Per person, the industry's contribution is outstanding, delivering \$187 to Wisconsin's economy for each resident. This performance outpaces South Dakota, the nearest competitor by more than double, with South Dakota contributing \$85.8 per resident. These findings, drawn from U.S. Census Bureau population figures, highlight Wisconsin's significant economic engine powered by ATV/UTV activities.

While this analysis includes broader outdoor recreational activities like motorcycling, it shines a spotlight on ATVing's critical role in bolstering Wisconsin's economy, showcasing its unmatched contribution when compared to other states.

TOP 15 STATES IN MOTORCYCLING / ATVING IN '22



Source: Calculated by the author using data from the U.S. BEA and the U.S. Census Bureau

👍👍 Angela Baker-Anstice and 4 others

Seen by 64

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☆ USAF Airman armed with an M2 Carbine in front of a Boeing KC-135 Stratotanker at Loring AFB in Maine, note B-52F in the background - 1960

Loring Air Force Base was built in Northern Maine in the late 1940's, it's location was strategically placed as it was the closest USAF Base in the continental USA to Europe.

Originally named Limestone AFB, it was re-named in 1954 for Major Charles J. Loring, Jr., a Medal of Honor recipient who was KIA/MIA while leading a flight of F-80... See more

Date of enactment: **March 11, 2022**

2021 Senate Bill 506 Date of publication*: **March 12, 2022**

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

2021 WISCONSIN ACT 164

AN ACT *to amend* 23.33 (11) (am) 1.; and *to create* 349.11 (11) of the statutes; **relating to:** authorizing posting of speed limits applicable to all-terrain vehicles and utility terrain vehicles.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 23.33 (11) (am) 1. of the statutes is amended to read:

23.33 (11) (am) 1. Any county, town, city, or village may enact an ordinance that is in strict conformity with this section and rules promulgated by the department under this section if the ordinance encompasses all aspects encompassed by this section, except as provided in subds. 2., 3., and 4. and s. 349.11 (11).

SECTION 2. 349.11 (11) of the statutes is created to read:

349.11 (11) Notwithstanding any speed limits imposed under this section or under s. 346.57, if a local authority designates a highway under its jurisdiction as an all-terrain vehicle route under s. 23.33 (8) (b), the local authority may post a speed limit, applicable only to all-terrain vehicles and utility terrain vehicles, as defined under s. 23.33 (1) (ng), that is lower than the speed limit imposed under this section or under s. 346.57.



All-Terrain Vehicles and Utility Terrain Vehicles

◆ [State ROW Permits](#) ◆ [ATVs/UTVs](#) ◆ [Connection permits \(driveways, roads and streets\)](#) ◆ [Work on highway ROW permits](#) ◆ [Utility permits](#) ◆ [Utility accommodation policy](#) ◆ [Broadband deployment](#) ◆ [Utility coordination](#) ◆ [Utility permits on WisDOT railroad property](#) ◆ [State highway detour permits](#) ◆ [Environmental coordination](#) ◆ [Highway maintenance](#)

[Route definition](#) | [Registration](#) | [Ordinances](#) | [Routes on state highways](#) | [Merrimac Ferry](#) | [Trails](#) | [Route and trails crossings](#) | [ATV route sign permitting](#) | [Special signing](#) | [Signing FAQs](#) | [Contact](#) | [Safety](#)

Introduction

Wis. Stat. s. 23.33 allows all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) to operate on a state highway in certain cases, which are detailed in sections A - C below. An ATV ordinance must be enacted by a municipality and/or county before operation may occur. *For the remainder of this webpage, ATVs and UTVs will be labeled collectively as ATVs.* Since ATVs are not allowed to operate on interstate highways, none of the information on this webpage applies to interstates.



Photo courtesy of the Wisconsin ATV Association

ATV registration

All ATV registrations are handled by the DNR – not WisDOT. Go to the DNR's [website](#) for more information.

ATV ordinances

WisDOT does not have approval authority of local government ordinances, nor can WisDOT offer legal advice on how ordinances should be written. WisDOT only reviews ATV ordinances prior to processing traffic signing permit applications for ATV routes to verify that a town, village, city or county has referenced the appropriate section(s) of s. 23.33 as detailed in sections A - C below.

The Wisconsin DNR does have sample ordinance language in Appendix A of its publication [ATV Route Guideline and Suggestions \(A Community Official's Handbook\)](#). If necessary, consult your local government's corporation counsel or legal representative for advice.

ATV routes – definition

ATV routes by statute are on the roadway portion of a highway and not the shoulder or other parts of the right-of-way (ROW). A roadway is defined in Wis. Stat. [s. 340.01\(54\)](#) as the, "portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder." On a 2-lane rural highway, the "roadway" is the area between the fog lines (white lines) as shown in picture (1). In an urban area, it is the area between the curbs in picture (2).

(1)



(2)



► It is important to understand that a roadway is not an ATV route until there is an enacted ordinance and the roadway is signed/posted according to law.

ATV routes on state highways

The following information is divided into three sections based on current Wisconsin statutes.

A - ATV route designation on state highways

A town, village, city or county may enact an ordinance under Wis. Stat. [s. 23.33\(8\)\(b\)1.](#) to designate a highway not under its jurisdiction as an ATV route. In this case, ATV operation on a [state highway](#) or [connecting highway](#) is allowed only if WisDOT approves the route. WisDOT's approval consists of an ATV route order that is issued for the designated segment of state or connecting highway. WisDOT



will review an ATV ordinance to verify that the termini of the designated route is what WisDOT and the municipality or county agreed upon prior to issuing the route order.

B - ATV operation on state highways with speed limits of 35 mph or less within municipal boundaries

A town, village or city may enact an ordinance under Wis. Stat. [s. 23.33\(11\)\(am\)4](#), to authorize the operation of ATVs on a highway that has a speed limit of 35 mph or less and is located within the territorial boundaries of the town, village or city regardless of who has jurisdiction over the highway. In this case, ATV operation on a state highway is not subject to WisDOT approval. WisDOT will review an ATV ordinance to verify that the statute language "authorize the operation" has been used correctly instead of the term "designated."

Much of the state highway system operates with speed limits over 35 mph, and these higher speed highways remain off-limits to ATV use without approval from WisDOT. Unless speed limits are set initially by state statutes, all speed limits in Wisconsin must be established through an engineering and traffic investigation, including further modifications that lower or raise speed limits to meet other statutory speed limits. Anyone interested in how speed limits are established is encouraged to view WisDOT's [webpage](#) on the topic.

Note: Under [s. 349.11\(11\)](#), local authorities may post speed limits on highways under their jurisdiction that only apply to ATVs and UTVs that are lower than the speed limits imposed under [s. 349.11](#) or [s. 346.57](#).

C - ATV operation on state highway bridges 1,000 feet or less in length

Under Wis. Stat. [ss. 23.33\(4\)\(d\)3.b.](#) and [11\(am\)3.](#), ATVs may be authorized to operate on the roadway or shoulder of a highway to cross a bridge 1,000 feet or less in length that is located within the territorial boundaries of a county, city, village or town, regardless of who has jurisdiction over the highway, and only if a county **and** a city, village or town **both** enact ordinances that apply to the bridge. In this case, ATV operation on a state highway bridge is not subject to WisDOT approval.

Under the law, ATVs must exit the highway as quickly and safely as practicable after crossing the bridge. WisDOT defines this as the first available road designated as an ATV route on either side of the bridge that is not a dead end, or an ATV trail on WisDOT ROW that is established after crossing the bridge in which ATVs may use. A bridge is defined as a structure (bridge, box culvert, etc.) more than 20 feet in length over a navigable waterway, highway or railroad. See Wis. Adm. Rule [Trans 212.02\(2\)](#) and [pages](#) from WisDOT's Structure Inspection Manual.

WisDOT reviews both municipal and county ATV ordinances developed under the two bridge statutes to verify that:

- The ATV route has the appropriate termini on each side of the bridge (the first available road or ATV trail as described above) and that both ordinances mention the same roads or trails.
- All five items listed in [s. 23.33\(11\)\(am\)3.\(a\)-\(e\)](#) are also included, which is required by the statute.
- The statute language "authorize the operation" has been correctly used instead of "designated."

The term "jurisdiction" in sections A - C above refers to maintenance jurisdiction instead of the ROW (fee title) owner or highway easement owner.

ATVs using the Merrimac Ferry

WisDOT policy is to only approve small segments of the state highway system as ATV routes to assist with local ATV route continuity and when it does not adversely affect the safety, operability, mobility and maintenance of the highway. Currently, there are no continuous local ATV routes in the Town of West Point in Columbia County or the Village/Town of Merrimac in Sauk County that warrant approving state highways 113 and/or 188 in Columbia County, including the ferry, as an ATV route. Therefore, ATVs are not allowed to use the ferry.

ATV trails on state highway ROW

WisDOT may permit an ATV trail within state highway ROW if sufficient space is available and it would not adversely affect the safety, maintenance and operation of the highway. A [DT1504](#) permit is required and a municipality, county or other governmental agency must be the applicant. Permit requirements are listed in [HMM 09-10-11](#), section 6.3. Go to the [state highway connection permits](#) webpage for more information on the permitting process.

ATV route or trail crossings of state highways

Generally, ATV operators should look for existing driveways, local roads and permitted trail crossings when crossing state highways. This offers the safest path, and it is always the best practice for operators to plan ahead and know locations of legal crossings along their route. Below you will learn more about what to look for and also where there may be some exceptions.

The law and roadway crossings

Wis. Stat. [s. 23.33](#) establishes many requirements for ATV operators including how to cross any type of roadway. At any location where crossing the roadway with an ATV is legal, and no obstructions such as curbs, a raised median, or fence prevent a safe and quick crossing, [s. 23.33\(4\)\(d\)1.](#), requires the operator to:

- Stop completely prior to crossing,
- Yield to all pedestrians and vehicles of any type using the roadway, and



- Cross in the most direct manner possible.

While the law covers operator *behavior*, it does not establish the rules about *where* roadways may be crossed. Those issues are dealt within the highway-related statutes of Wisconsin law. In general, the authority charged with maintaining the highway controls where drivers and people can enter and exit the roadway, including to cross. For town roads, village/city streets, and county highways, the town, municipality, or county will control access to the roadway. State highways are regulated and controlled by WisDOT, which is charged with establishing and maintaining the state highway system.

WisDOT sometimes owns the rights to enter the highway from lands, and often controls access to state highways under Wis. Stat. ss. 84.09, 84.25 and 84.295. It is illegal to enter and cross one of those highways except at an authorized location.

Identifying a safe crossing

Most ATV operators may not know what access restrictions are on state highways. So WisDOT and DNR have developed some basic guidelines to help ATV operators legally cross state highways in the safest manner possible.

- *Look for existing driveways, local roads, and permitted trail crossings.* These locations have been authorized by WisDOT. Driveways and road/street/trail connections are reviewed by WisDOT staff for engineering standards such as spacing and proper sight distance. It is better for ATVs to cross at these authorized locations versus other locations, especially on 55 mph highways with high traffic volumes. Motorists expect vehicles to enter and exit the roadway at these known access points. ATVs (and snowmobiles) crossing at unauthorized locations have a higher likelihood of being involved in a serious or fatal crash.
- *Crossing at non-driveway or road locations.* WisDOT understands that ATVs operated by farmers, surveyors, utilities, etc., will need to cross a state highway at a location other than a driveway or road to get from one field to another or from one side of the highway to the other. As long as there is low-volume traffic, sufficient sight distance, and no damage done to the ROW, WisDOT will not take steps to prevent these crossings. When safety and highway maintenance are compromised, then WisDOT will take action to block ATV access and seek law enforcement assistance if needed.

Operators' role in protecting public assets

In addition to reducing the risk of a crash, another important reason for ATV operators to cross state highways at existing driveways, local roads, and permitted trail crossings is to minimize highway ROW damage. When ATVs destroy vegetation or cause rutting, it may lead to embankment erosion and clogged ditches. If ATVs deposit loose gravel and dirt onto the highway surface, it may lead to safety issues, especially for motorcycles.

At the right are pictures of illegal crossings and the resulting damages. If the operator(s) that caused these damages cannot be found, then taxpayer dollars must be used for repairs, which reduces funding that could be used to perform regular highway maintenance. If the responsible operator(s) can be identified, then they may be liable for up to three times the cost to repair the damage under Wis. Stat. [s. 86.02](#).



For everyone's safety and well-being, WisDOT recommends that ATVs cross state highways at existing driveways and road/street intersections.

Are permits needed for ATV crossings?

WisDOT permits **are not required** in the following situations because vehicular crossings already exist:

- At town, village, city or county road crossings. For example, ATV routes and trails crossing state highways.
- From a driveway on one side to a local road on the other side (or vice-versa).
- From a driveway on one side to a driveway on the other side.

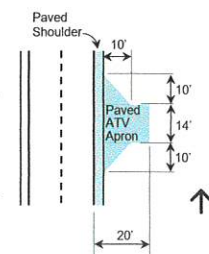
WisDOT permits **are required** in the following situations:

- Where no current vehicular crossing currently exists. For example, a new trail crossing from public/private property to public/private property.
- At a T-intersection where a new trail on public/private property would cross a state highway to a local road.
- Fixing or making improvements to an existing trail connection.
- Any time excavation, work, or improvement installation occurs in the ROW

WisDOT will require installation of a paved apron where an ATV trail connects to the roadway of a state highway. An apron is needed to prevent maintenance issues such as gravel or mud deposits on the roadway surface and to reduce the risk of damage to wing blades when plowing snow. WisDOT may waive or temporarily suspend this requirement if appropriate.

A detail drawing will be required as part of the permit. An example is provided showing typical apron dimensions. These dimensions may vary depending on topography, geology, and other local conditions. Consult with WisDOT for apron requirements in areas that have curb and gutter.

ATV Paved Apron Detail



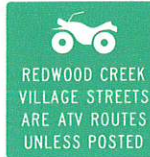
ATV route sign permitting



ATV route signs are required on state highways in order for ATVs to legally operate on them. A traffic signing permit is also required from WisDOT. The application [form](#) may be filled out by a local government elected official or employee, or a county highway department may fill it out for the local government. **Send the completed permit application to the [transportation region office](#) along with a copy of the approved ATV ordinance(s).**

The permit application must include a map or sketch showing the general location of the signs. Once approved, the permittee orders the signs and related materials. County highway departments typically install signs on state highways since they have expertise with the [Wisconsin Manual of Uniform Traffic Control Devices](#) (WMUTCD) and install many WisDOT signs. A municipality may install the signs or hire a licensed contractor with WMUTCD expertise upon prior WisDOT approval. All signs erected must comply with the WMUTCD.

Special ATV route signing

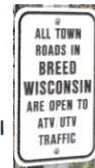


Under Wis. Stat. [s. 23.33\(8\)\(e\)3.](#), a town, village, city or county may erect a sign on any highway that crosses its territorial boundary to alert motorists that all highways under its jurisdiction have been designated as ATV routes. On state highways, WisDOT approval is not needed, but a traffic signing permit is still required. The D11-10A sign — similar to the one shown on the left — may be used. The sign size on state highways is 36" x 36." WisDOT will review a town, village, city or county ATV ordinance to verify that it has designated all of its roads as ATV routes prior to granting permit approval to erect the sign on a state highway.

Smaller sign sizes may be used on local highways. A white sign with black letters (regulatory sign) may also be used as shown on the right. Consult the person in charge of road maintenance or a county highway department for more information on local road signing.

It is important to understand that these signs only apply to town, village, city or county roads **under its jurisdiction** — not all roads within a municipality or county. For example, a sign with the message, "ALL ADAMS COUNTY ROADS ARE ATV ROUTES EXCEPT AS POSTED," only applies to county-maintained roads — not all town, village or city roads located within Adams County. ATV routes within those jurisdictions would require separate signing at their boundaries.

If the D11-10A sign is used, a "NO ATV TRAFFIC" sign (R5-51) may be displayed on any highway where ATVs are prohibited. Since it is a regulatory function, a white sign with black letters must be used. An example is shown on the right. The size on state highways is 24" x 24."



Note: The R9-16 sign shown on the left was recently approved for use in the Federal MUTCD on 12/19/23. WisDOT is reviewing the updated MUTCD to determine which revisions will also be implemented into WisDOT's MUTCD. At this time, however, the sign cannot be used on Wisconsin highways.

ATV route signing - Frequently asked questions

WisDOT has received many questions regarding ATV route signing both on state and local highways. To guide local units of government and ATV clubs on appropriate ATV route signing, this "frequently asked questions" webpage has been established. As more questions are asked of WisDOT, the questions and answers will be posted.

1. Do local units of government have to follow the WMUTCD for ATV route signing?

A. Yes, the WMUTCD must be followed on all state and local highways. Per Wis. Stat. [s. 349.065](#), local authorities shall place and maintain traffic control devices upon highways under their jurisdiction to regulate, warn, guide or inform traffic. The design, installation and operation or use of new traffic control devices placed and maintained by local authorities after the adoption of the uniform traffic control devices manual under Wis. Stat. [s. 84.02\(4\)\(e\)](#) shall conform to the manual. After January 1, 1977, all traffic control devices placed and maintained by local authorities shall conform to the manual.

2. Why is it important to only use signs that are recognized in the WMUTCD?

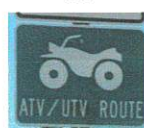
A. It provides consistency for all motorists that travel on all highways throughout the United States. Homemade signs may be hard to read or confuse some motorists. Most importantly, these signs may not be deemed as official if their validity was challenged in court.



3. May the ATV/UTV word signs or ATV/UTV symbol signs shown in pictures (1) or (2) be used on state or local highways?

A. No. Neither one of these signs is recognized in the WMUTCD. Only the D11-10 sign in picture (3) may be used. It is also applicable to UTVs.

(1)



(2)



(3)



4. May an ATV route sign be erected on the same post as a STOP sign?

A. No. It must be on a separate post. No other sign should interfere with the regulatory importance of a STOP sign. Mount ATV route signs on their own post — not on an existing sign post, utility pole, fence post, etc.

5. May an ATV route sign be placed next to a STOP sign?

A. Yes. See diagram (1) below.

6. How far in advance of a STOP sign should an ATV route sign be placed?

A. 150 feet. See diagram (2) below.



7. What is the offset from the edge of pavement that an ATV route sign should be placed?

A. See question 9.

8. What height should an ATV route sign be placed?

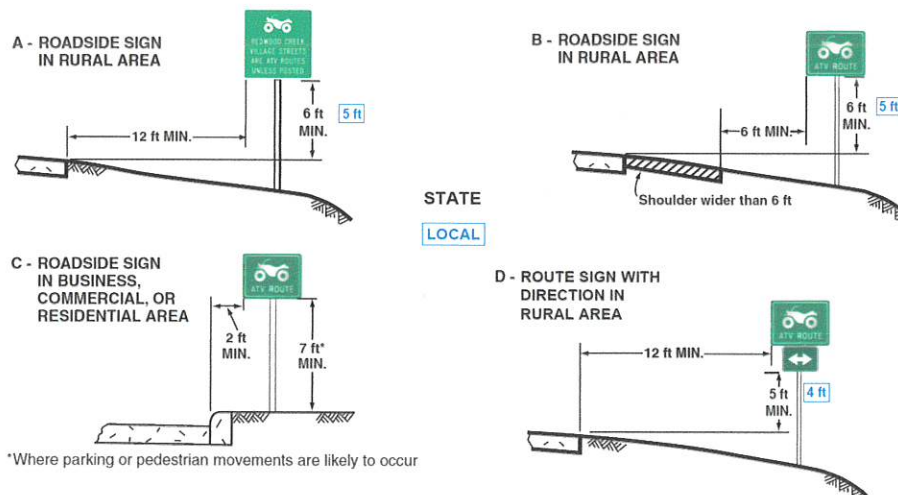
A. See question 9.

9. What height should a ATV route sign with an arrow assembly be placed?

A. For questions 7-9, see the diagrams in Figure 2A-2 below (amended from the Federal MUTCD).

Figure 2A-2. Examples of Heights and Lateral Locations of Sign Installations

Note: Height and offset tolerance is $\pm 6.0"$



Exception: On conventional roads in areas where it is impractical to locate a sign with the lateral offset prescribed by Section 2A-19 of the 2009 MUTCD, a lateral offset of at least 2 feet may be used. Minimum of 3 feet is preferred on rural roads due to snow plowing.

Signs are to be mounted so as to project 1" to 1-1/2" above the top of the post.

In the picture below, the ATV route sign is placed too low and may pose a hazard if struck by an errant vehicle or motorcycle. The sign must also be placed on its own post.



10. May the ATV symbol be used on an ATV speed limit sign?

A. See question 11.

11. May an ATV speed limit sign have green letters on a white background?



A. No for questions 10 and 11. The ATV symbol is only recognized in the WMUTCD for guide signs (white lettering on a green background). A speed limit sign is a regulatory sign. It must have black lettering on a white background. The correct design for an ATV limit sign is (4) above.

12. Where does the D11-10A sign need to be placed, i.e., at a municipal or county border, or at the beginning of the ATV route?

A. Near the border. Under Wis. Stat. [s. 23.33\(8\)\(e\)3.](#), "[a] town, village, city, or county may erect a sign on each highway that crosses its territorial boundary in a position to be viewed by motorists **as they enter the town, village, city, or county.**"

13. May a town, village or city install ATV route signs on a county road?

A. Maybe. The maintaining authority of the highway decides who erects ATV route signs on its roads.

14. Do I need a permit to put up ATV route signs?

A. On state highways, yes. The WisDOT region office will issue the permit. On municipal and county highways, contact the maintaining authority of the highway.

15. If a route on a local road continues straight at an intersection with a state highway, can you just erect the up arrow, or do you need an ATV route sign and the arrow?

A. While an ATV route sign in addition to the up arrow is preferred, on local highways the up arrow by itself would be adequate. On a state highway, the arrow cannot be by itself.



16. Do you have examples of ATV route signing diagrams?

A. Yes. Select any of the examples below.

[Example 1](#) - Bridge crossing

[Example 2](#) - 35 mph speed limit or less and D11-10A signing

[Example 3](#) - Bridge crossing, 35 mph speed limit or less, and D11-10A signing

[Example 4](#) - Close-up of Example 3

17. When should the PREFERRED sign be used with an ATV route sign?

A. Wis. Stat. [s. 23.33\(8\)\(e\)5.](#) allows a municipality or county to designate a preferred route and erect signs marking the route over highways under their jurisdiction that have been designated as ATV routes.



18. Are U-channel posts okay to use to mount ATV route signs?

A. Yes, if installed in accordance with the MUTCD. The WMUTCD did not change the language from the Federal MUTCD. From Section 2A.19, Paragraph 2: "Post-mounted sign and object marker supports shall be crashworthy (breakaway, yielding, or shielded with a longitudinal barrier or crash cushion) if within the clear zone."

Section 1A.13 of the MUTCD defines crashworthy: "Crashworthy—a characteristic of a roadside appurtenance that has been successfully crash tested in accordance with a national standard such as the National Cooperative Highway Research Program Report 350, "Recommended Procedures for the Safety Performance Evaluation of Highway Features."

FHWA has issued eligibility letters for sign supports that have passed National Cooperative Highway Research Program Report 350 (NCHRP 350). These letters may be found at this [link](#).

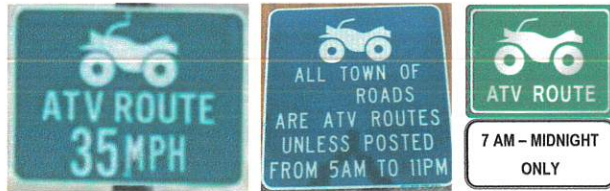
On January 1, 2020, NCHRP 350 was superseded by the Manual for Assessing Roadside Hardware (MASH). FHWA is issuing eligibility letters for sign supports that pass MASH. These letters may be found at this [link](#). There are only two letters currently published there. WisDOT's understanding is that both perforated square steel tube post and U-channel posts have passed MASH, and that FHWA just needs to get the letters written and published.

19. Our municipality has developed an ATV ordinance that prohibits ATV operation during the hours of 12AM to 7AM, and proposes ATV speed limits on highways. Understanding the route signing requirements under Wis. Stat. s. 23.33, may signs be erected that would also include these hour restrictions and speed limits as part of the signs?

A. No. A municipality or county has the authority to impose hours of operation and speed restrictions in their ordinance. However, those restriction messages, if used, should be posted on supplemental signs using the correct regulatory color scheme - black letters on a white background. They cannot be included on a D11-10 (left) or D11-10A sign (center). Generally, guide signs and regulatory signs should be on separate posts. In this case, it may be better to place the hours' restrictions underneath the D11-10 sign as a plaque, but still black-on-white so it is regulatory like the example (right). The

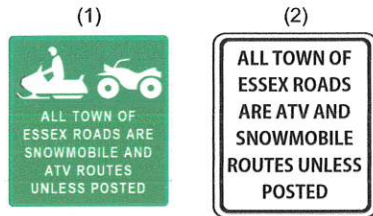


ATV speed limit sign shown in question 11 #(4) may be on a separate post to the right of these signs.



20. Our municipality has an ordinance that designated all of our highways as ATV and snowmobile routes. Can the D11-10A sign be modified to include this message as shown in picture (1)?

A. No. That particular sign is not allowed in the WMUTCD. However, a white sign with black letters (regulatory sign) could be made without the symbols as shown in picture (2).



21. We have several roads with double STOP signs, e.g., signs on both sides of the road as shown in picture (1). Is it okay to place ATV route signs as shown in pictures (2) and (3) below?

A. Yes to both situations. This is similar to question 5 only the ATV sign is facing the opposite direction.



22. Where should the ATV Route "END" sign be placed?

A. On top as in picture (2) and not in combination as in picture (3). Also, the MK4-6 sign is "END" not "ENDS."



23. Our town has designated all of its roads as ATV routes and wants to use the D11-10A sign on all town roads. If we erect a D11-10A sign near the boundary, what signs would we need to install on the other side of the town road if the neighboring town does not allow ATVs on its roads?

A. You would need to erect the MK4-6 sign and the D11-10 sign as shown in question 22, picture (2).

24. Are NO ATV TRAFFIC (R5-51) signs required on a highway that is not designated as an ATV route if it intersects a road that is designated as an ATV route?

A. No. However, if ATVs are operating on the non-designated highway, NO ATV TRAFFIC signs should be erected. This is referenced in Wis. Stat. [s. 23.33\(8\)\(e\)4.](#)

25. A county highway department is requiring the use of the NO ATV TRAFFIC sign in combination with placing a D11-10A sign on every county highway at the mutual county/town boundary since ATVs are not allowed on county roads. Is this permitted? Doesn't Wis. Stat. s. 23.33(8)(e)6. state that, "If a town, village, city, or county erects and maintains signs under subd. 3., the department may not require the town, village, city, or county to erect any additional signs marking the all-terrain vehicle routes within the town, village, city, or county."

A. Under s. 23.33(8)(e), was developed to allow a municipality or county to erect a sign on each highway that crosses its territorial boundary to alert motorists that all highways in the municipality or county have been designated as ATV routes. If D11-10 signs are erected, then a municipality or county does not have to erect signs on all ATV routes as required in [subd 2.](#) Subd. 6., however, does not refer to the R5-51, which is a regulatory sign prohibiting ATV operation. In addition, "the department" refers to the Department of Natural Resources, not a county highway department (CHD). Since the CHD has jurisdiction over the county highways it maintains, it may require R5-51 signs on those highways.

26. Are D11-10A signs mandatory on state and county trunk highways?

A. No. Wis. Stat. s. 23.33(8)(e)3., states "may," which is not mandatory. If a municipality has designated all roads under its jurisdiction as ATV routes, the municipality has the option to erect D11-10A signs only on those municipal roads:

3. If a town, village, city, or county designates all highways under its jurisdiction as all-terrain vehicle routes under par. (b)2., the town, village, city, or county **may** erect a sign on each highway that crosses its territorial boundary in a position to be viewed by motorists as they enter the town, village, city, or county. The signs shall alert motorists that all highways under the jurisdiction of the town, village, city, or county have been designated as all-terrain vehicle routes.

27. If a municipality uses D11-10A signs and it also "authorizes the operation" of ATVs on a STH where the posted speed limit is 35 MPH or less, are D11-10 signs also required?

A. Yes. D11-10A signs may be used when a municipality designates all roads/streets under its jurisdiction (maintained by the municipality) as ATV routes under Wis. Stat. s. 23.33(8)(b)2. D11-10 signs are required to denote the 35 MPH (or less) zone limits for ATV operation on a STH under Wis. Stat. s. 23.33(11)(am)4. See this [diagram](#) for two signing examples.

Contact WisDOT

► For **specific** questions regarding your ATV situation, click on [transportation region office](#) to see a state map with region boundaries and office contacts, telephone numbers and email addresses.

For general questions regarding WisDOT ATV policy or this website, contact:

Bob Fasick

Wisconsin DOT

Bureau of Highway Maintenance

4822 Madison Yards Way, 5th Floor South

Madison, WI 53705

(608) 266-3438

robert.fasick@dot.wi.gov

Stay safe on the road

Whether driving a car or operating an ATV, it's important to always eliminate distractions, be patient and stay focused.

- Motorists who encounter ATVs on the road should slow down and wait for a safe opportunity to pass.
- ATV riders should always be aware of their surroundings, stick to authorized areas and always use helmets and protective gear.

The [Wisconsin DNR](#) publishes additional resources on ATV safety and registration. Additionally, interested parties can help spread the word by displaying the [Share the Road](#) flyer (pictured right).



Contact WisDOT

- 👤 General Contact Information
- ⚙️ Technical Web Support
- 👤 Contact DMV
- 👤 Media Contacts

Forms/Notices

- Acceptable Use Policy
- Accessibility Statement
- Forms
- Legal Notices
- Privacy Policy
- Software Information

WisDOT Employees

- Employee Information
- HR Self-Service
- Travel Expenses
- WisDOT LearnCenter

Translate Website

- Traducir el sitio de web
- 翻譯網站
- Website übersetzen
- ترجمة الموقع
- Txhais website
- 웹 사이트 번역
- Перевести сайт

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**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 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 Copps 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

miles to a point on or near the east line of the SW 1/4 - SE 1/4 approximately 330 feet north of the south line of said Section 16, T6N, R8E, said point being at the intersection of County Trunk Highway "MV" (formerly United States Highway 18 & 151) and Nine Mound Road.

(3) **"MV" EAST:** Beginning at the intersection of County Trunk Highway "MV" (formerly United States Highway 18 & 151) with the west line of the NE 1/4 - SE 1/4 of Section 15, T6N, R8E, Town of Verona, Dane County, Wisconsin, said point being approximately 1,320 feet west and 1,856.2 feet north of the Southeast Corner of said Section 15; thence northeasterly a distance of 0.853 miles to the intersection of County Trunk Highway "MV" (formerly United States Highway 18 & 151) and Nesbitt Road located in the SW 1/4 - NE 1/4 of Section 14, T6N, R8E, said point being approximately 2,600 feet south and 470 feet east of the North Quarter Corner of said Section 14.

[History: cr., Sub. 1 to OA 11, 1989-90, pub. 03/30/90; [intro.] am. and (2) and (3) cr., OA 18, 1996-97, pub. 08/06/96; [intro.] am., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

79.07 COMPLIANCE WITH ORDINANCES, REGULATIONS AND PLANS. [intro.] Any persons, firm or corporation seeking access to land abutting a county trunk highway designated in sections 79.05 or 79.06 shall comply with the requirements of subchapter I and:

(1) Applicable Dane County ordinances and regulations.

(2) Master plans or master plan components adopted by the Dane County Board or by the Dane County Regional Planning Commission.

(3) The official map of any municipality or governmental unit has

79.06(1) – 79.11

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

79.08 RIGHT OF ACCESS. After the designation of a controlled access highway, no owners or occupants of abutting lands shall have the right of easement of access, by reason of the fact that their property abuts on the controlled access highway, unless otherwise provided for herein.

79.09 ACCESS AUTHORIZATION. (1) *Access.* Except at places specifically designated and provided for such purposes, no private entrance upon or departure from a designated controlled access highway shall be permitted by the department. The department may designate a

private access point as temporary and subject to periodic review. In the interest of public health, safety and general welfare, the department may revoke a temporary access permit or it may require modifications to remedy a problem situation.

(2) *Connection with streets or highways.* Review and approval by the department shall be required prior to any private entrance upon or departure from a designated controlled access highway being converted to public street or highway status. Such approvals shall be given by the department only if the public interest shall be served thereby and shall specify the terms and conditions on which such approvals are given.

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

79.10 VACATION. A controlled access highway shall remain in force until the access control is revoked by an action of the county board on recommendation of the agency. The county board may revoke access control on a controlled access highway or any portion thereof, provided that, after traffic engineering surveys, investigations and studies and after a public hearing conducted by the agency, the county board finds that the revocation of access control on such highway or portion thereof is in the public interest. The department shall record the formal notice of revocation of access control on the highway with the Dane County Register of Deeds.

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

79.11 EXISTING POINTS OF ACCESS. All existing points of access may be continued after the implementation of subchapter I. However, if the use of an established point of access is discontinued for a period of one year, the department may revoke the access privilege or require alterations or improvements to achieve compliance with the standards set forth in subchapter I. Modifications to points of access which were established prior to adoption of subchapter I shall be subject to the requirements set forth herein.

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

79.12 CHANGE OF USE. Any point of access permitted under subchapter I shall be subject to review and approval by the department where the department determines that there has been a

change in the use which will affect safe and efficient ingress and egress to, and use of, a controlled access highway. This determination shall be based primarily on a significant change in the volume of traffic or the type of vehicle using that point of access.

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

79.13 STANDARDS OF SPECIFIC PROVISIONS. (1) Spacing and frequency. (a)

One access may be permitted for each parcel of land except where an alternate means of access is available and would better serve the public interest.

(b) Access permits shall not be issued where the horizontal distance between access points will be less than 600 feet, except as provided under subsections (a), (b), (d) and (e) of section 79.13(1).

(c) A maximum of six access points per side per mile of highway shall be permitted, except as provided under subsections (a), (b), (d) and (e) of section 79.13(1).

(d) In areas where a speed zone of less than forty (40) miles per hour has been adopted by county ordinance the minimum horizontal distance between access points shall be 300 feet with a maximum number of twelve (12) access points per side per mile of highway, except as provided under subsections (a), (b), (c) and (e) of section 79.13(1).

(e) In areas controlled by paragraphs (a), (b) and (c), additional access points may be permitted where the sole purpose of the additional access is to facilitate the continuance of agriculture operations on adjacent properties, and provided further convenience, general

79.12 – 79.14(1)(f)

protected. The department shall make appropriate findings in each individual case before granting any such additional access permits.

(2) *Design.* The design of a driveway or a street intersection for appropriate sight distances, return radii, angles, profiles and widths shall be based upon engineering standards as established by the department to be generally in conformance with the minimum standards of the American Association of Highway Officials and the National Cooperative Highway Research Program Report #93, "Guidelines for Medial and Marginal Access Control on Major Roadways." In locating access points along a controlled access highway, consideration shall be given to the alignment of

the potential street intersections in order to facilitate the safe and efficient flow of traffic across the highway. The design is the responsibility of the owner and shall be completed in accordance with the State Facilities Development Manual and the Manual on Uniform Traffic Control Devices. Plans must be approved by the department. Traffic projections may be required to determine the impact of the access and the design classification.

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

79.14 ADMINISTRATION.

(1) *Permits.*

(a) *Applications.* Applications for permits shall be made to the department at the following site:

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

(b) *Permits required.* Permits shall be required for all new access points along a county trunk highway designated as a controlled access highway in section 79.05 or 79.06.

(c) *Authority.* The authority to approve, conditionally approve, or reject applications for access is delegated to the department by the Dane County Board of Supervisors.

(d) *Staff consultation.* Prior to department action on an access application, the staff of the Dane County Department of Planning & Development shall be consulted regarding the proposed access.

(e) *Inspections.* The department shall conduct periodic inspections to determine compliance with subchapter I and shall maintain permanent records of data submitted, staff recommendations and permits issued.

(f) *Expiration of permit.* An access permit shall expire one year from the date of issuance if evidence of use has not been established within that time.

(g) *Construction inspections.* Upon issuance of a permit, the point of access shall be inspected during and after construction.

(h) *Revocation.* When violations occur, the department may revoke the access permit.

(2) *Required data.* Applications shall be made at the following site:

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

Additionally, the department may require the submission of a scale drawing showing property lines, topography, streams, lakes, ponds, marshes and locations of existing and proposed structures, and other appropriate supporting data as deemed necessary for the adequate review of the applications.

(3) *Variances.* (a) Any person denied an access permit may appeal to the agency. Where the agency finds that unnecessary hardship may result from strict compliance with these regulations, it may vary the regulations, provided that the public interest is secured and that such variation will not establish an undesirable precedent and will not have the effect of nullifying the intent and purpose of these regulations.

(b) *Entering in minutes.* Any modifications or variance thus granted shall be entered in the minutes of the agency setting forth the reasons which, in the judgment of the agency, justified the modification or variance.

(4) *Controlled access maps.* The locations of all recognized access points are shown on the maps entitled *controlled access maps* on file in the office of the department. The department shall periodically update the *controlled access maps* to show any changes resulting from the actions of the agency. The *controlled access maps*, together with all information shown thereon and all amendments thereto, shall be a part of these regulations.

[History: (1)(d) and (5) am., OA 1, 1985-86, adopted 05/15/85; 79.14 am., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98; (1)(a) and (2) am., 2021 OA-32, pub. 12/2/21 & 1/24/22.]

79.145 HIGHWAY ACCESS FOR SPECIAL EVENTS: PERMIT REQUIRED.

(1) *Authority.* This Section is adopted under the authority of ss. 349.185 and 349.23(1), (2), and (3), Wis. Stats.

(2) *Permits.*

(a) Permits shall be issued for events which take place on highway right-of-way.

(b) Applications for permits shall be made at the following site:

<https://highway.countyofdane.com/permits>. Only complete applications containing all required information shall be considered.

(c) Completed applications will be accepted beginning January 1 of the calendar year the event takes place. An event date will be reserved on a first-come, first-serve basis. Applications must be submitted at least 30 days prior to the scheduled event.

(d) Completed applications must include the following information: (i) Completed permit application; (ii) signed "Requirements For Permit To Use County Trunk Highways" form; (iii) Completed and signed "Indemnification/Hold Harmless" form; (iv) Detailed map of event route;

(v) Certificate of Insurance naming Dane County as an additional insured.

(3) *Review.* The department and the Sheriff's Office shall evaluate the application and the department shall approve, approve with conditions, or deny the permit request. The reasons for denial shall be set forth in writing and provided to the applicant. Permits shall be issued unless it is determined that one of the following conditions exist:

(a) the time and size of the event would substantially interrupt the safe and orderly movement of vehicular or pedestrian traffic in or around the vicinity of the event's location;

(b) The concentration of persons at the event would interfere with the administration of emergency services;

(c) another highway use permit has already been applied for or issued for substantially the same time and location;

(d) the event is reasonably likely to cause injury to persons or property and there is inadequate planning for crowd control of participants;

(e) the time, size or nature of the event is incompatible with the normal activity at that location so as to impermissibly intrude on the comfort or convenience of local residents;

(f) the applicant has provided incomplete or fraudulent information on the application or has failed to satisfy the permit requirements; or

(g) any other condition which, in the discretion of the department, creates an unacceptable health or safety risk.

(4) The department shall notify the Parks department and each affected municipality when a permit application is received.

(5) All applicants for a special event permit shall agree, as a condition of the permit, to indemnify, defend and hold Dane County and its officials, employees and agents harmless against all claims, liability, loss, damage or expense incurred by the County on account of any injury to or death of any person or any damage to property caused by or resulting from the activities for which the permit is granted.

(6) A preliminary decision shall be made on the application within fourteen (14) days of receipt by the department. Applicants shall be notified of any changes in permit conditions or routes at least twenty-one (21) days prior to the scheduled event.

(7) Each permit shall be valid for the dates and times stated therein. A separate permit shall be required for each separate event.

(8) Any applicant may appeal the denial of a special event permit to the Dane County

Highway Committee or its designee. All appeals shall be made in writing to the department within ten (10) days of denial.

(9) **Penalty.** Any person who fails to obtain a special event permit in violation of this ordinance may be subject to the penalties set forth in sec. 79.025 herein.

[History: cr., OA 35, 2011-12, pub. 02/28/12; (2)(b) and (c) am., 2021 OA-32, pub. 12/2/21 & re-pub. 1/24/22.]

79.15 CONTROLLED ACCESS HIGHWAYS; FEES. [intro.] The department shall collect fees for connections to controlled access highways according to the following schedule:

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

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

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

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

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

(6) For a permit to construct an access to a projected commercial site, with an ADT of 100 but less than 1,000, \$575.

(7) For a permit to construct an access to a projected commercial site, with an ADT of 1,000 or more, \$1,125.

(8) For a permit to construct an access consisting of a public street or road, \$1,125.

(9) For a permit to construct an access consisting of a private street or road, \$1,125.

(10) For a permit to engage in public utility work in a highway 79.145(6) – 79.30(2)

(11) For a permit to engage in public utility work in a highway right-of-way, \$80.

(12) For a permit to bore in a highway right-of-way, the fee set forth in sub. (11) and, in addition thereto, \$45 for each boring.

(13) For a permit to make an open cut, crossing pavement in highway right-of-way, the fee set forth in sub. (11) and, in addition thereto, \$220 for each cut.

(14) For a permit to trench in a highway right-of-way, the fee set forth in sub. (11) and, in addition thereto, \$110 for each 1,000 feet or fraction thereof in excess of 1,320 feet.

(15) For a permit to construct or place a vault or other structure in a highway right-of-way, the fee set forth in sub. (11) and, in addition thereto, \$110 for each vault or other structure.

(16) For a permit to construct improvements at an intersection with a highway, \$1,125.

(17) For issuance of an overweight or oversize vehicle load permit on a single trip basis, \$90.

(18) For issuance of an overweight or oversize vehicle load permit on a multiple trip, calendar year basis, \$245.

[History: cr., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98; (17) am. and (18) cr., OA 8, 1998-99, pub. 09/16/98; (13) am., OA 21, 1998-99, pub. 03/02/99; (1) – (18) am., OA 21, 2003-04, pub. 12/03/03, eff. 01/01/04; am., Sub. 1 to OA 21, 2006-07, pub. 11/30/06, eff. 01/01/07; (1)-(11), (16)-(18) am., 2021 OA-32, pub. 12/2/21 & re-pub. 1/24/22.]

[79.16 - 79.29 reserved.]

[History: 79.20 renum. as 79.025, OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

[History: 79.21 renum. as 79.026, OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

[History: 79.22 renum. as 79.027, and (2) and (3) am., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98.]

SUBCHAPTER II

79.30 REGULATIONS APPLICABLE TO GENERAL ACCESS HIGHWAYS.

(1) The department is authorized to issue access permits for connections to general access highways. While such access is of right for adjacent landowners, there are costs that accrue to the county in overseeing the construction of such connections in order to assure conformity with highway engineering requirements and to minimize adverse impact on highway travel.

(2) The department is also authorized to issue permits for construction in highway rights-of-way, including the traveled portion of the highway. It is the policy of the county that the county's costs of overseeing such work and in issuing such permits is to be recovered from the persons and firms engaging in such work.

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

79.31 GENERAL ACCESS HIGHWAY FEES.

[intro.] The department shall collect fees according to the following schedule:

(1) For a permit to construct a temporary access, \$100.

(2) For a permit to construct an access to agricultural lands, \$100.

(3) For a permit to construct an access to a single-family residential dwelling site, \$100.

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

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

(6) For a permit to construct an access to a projected commercial site, with an ADT of 100 but less than 1,000, \$575.

(7) For a permit to construct an access to a projected commercial site, with an ADT of 1,000 or more, \$1,125.

(8) For a permit to construct an access consisting of a public street or road, \$1,125.

(9) For a permit to construct an access consisting of a private street or road, \$1,125.

(10) For a permit to construct an access not otherwise specified, in a highway right-of-way, \$70.

[History: cr., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98; (1) – (9) am., (10) cr., OA 21, 2003-04, pub. 12/03/03, eff. 01/01/04; am., Sub. 1 to OA 21, 2006-07, pub. 11/30/06, eff. 01/01/07; (1) – (10) am., 2022 OA-15, pub. 08/01/22.]

79.32 GENERAL ACCESS HIGHWAY FEES; CONTINUED. The department shall collect the permit fees set forth in subsections (10) through (18), inclusive, of s. 79.15 for similar work to be done or similar activities to occur on or in general access highways.

[History: cr., OA 30, 1997-98, pub. 03/17/98, eff. 05/01/98; am., OA 21, 1998-99, pub. 03/02/99.]

[79.33 - 79.49 reserved.]

79.50 REGULATIONS APPLICABLE TO AGRICULTURAL COMMERCIAL VEHICLES AND IMPLEMENTS OF HUSBANDRY.

[History: cr., 2014 OA-061, pub. 12/29/14, eff. 01/01/15.]

79.51 DEFINITIONS.

(1) *Agricultural Commercial Vehicle* shall have the meaning given in Sec. 340.01(1o).

(2) *Implement of Husbandry* shall have the meaning given in Sec. 340.01(24).

(3) *Maintaining* 79.31 – 79.53(5)
Department.

[History: 79.51 cr., 2014 OA-061, pub. 12/29/14, eff. 01/01/15.]

79.52 PERMIT REQUIRED. It shall be unlawful and a violation of this ordinance for any person, without a permit therefor, to operate an implement of husbandry, including a Category B implement of husbandry, or an agricultural commercial vehicle on any county trunk highway under the jurisdiction of the department which exceeds the length and/or weight limits imposed by s. 348.15(3)(g), Wis. Stats.

[History: 79.52 cr., 2014 OA-061, pub. 12/29/14, eff. 01/01/15.]

79.53 ADMINISTRATION.

(1) Authority. This Subchapter is adopted under the authority of s. 348.27(19)(b)5a, Wis. Stats. and Trans. 230 of the Wisconsin Administrative Code.

(2) Permits. Applications for permits shall be made to the department, 2302 Fish Hatchery Road, Madison, Wisconsin. Permit information is located at the following site:

<https://highway.countyofdane.com/permits>. Only applications containing all required information shall be processed.

(3) Fee. No fee shall be charged for issuance of a permit.

(4) Review. Upon receiving an application for a permit under this section, the department shall provide the applicant with a final decision on the application within three (3) weeks of its receipt. If the department fails to approve or deny the application during this 3-week period, the application is considered approved until the applicant receives a denial meeting the requirement of subsection (6) or until six (6) weeks from receipt of the application. If the department fails to approve or deny the application within 6 weeks of its receipt, the application is approved.

(5) Amendment. Any person to whom a permit has been issued under this section may, at any time, apply for an amendment to the permit to reflect a change in the applicant's circumstances or information, including a change in the listing or map of highways to be traveled. Upon receiving an application for amendment, the department shall provide the applicant with a decision on the application within five (5) business days of its receipt. If the department fails to approve or deny the application within the 5-day period, the application is considered approved until the applicant receives a denial under subsection (6) or until 10 business days from receipt of the application. If the department fails to approve or deny the application within 10 business days of its receipt, the application is approved.

(6) Denial of permit. If the department denies a permit application it shall notify the applicant in writing of the denial and the notice shall include a reasonable and structurally based explanation of the denial that relates to the preservation of the roadway. If the only basis to deny the application is the listing or map of highways accompanying the application, the department shall modify the application to include an approved alternate route or map of highways for operation and approve the application.

(7) Permit renewal. Permits issued under this section shall automatically renew each year unless there is a material change to any roadway for which the permit applies. Permit holders shall be notified in writing of a non-renewal.

(8) Suspension/Revocation of Permit. Alteration of a permit, providing false information on the permit application or failure to comply with the conditions of a permit shall be just cause for suspension of a permit upon verbal or written notice or revocation of a permit upon notice and an opportunity for a hearing.

(9) Appeal. Any person aggrieved by an adverse determination by the department under this section, shall file a written request for appeal with the Public Works Committee within 30 days of the date of the adverse decision.

[History: 79.53 cr., 2014 OA-061, pub. 12/29/14, eff. 01/01/15; (2) am., 2021 OA-32, pub. 12/2/21 & 1/24/22.]

79.54 ENFORCEMENT. Failure to obtain a permit or to have permit in possession shall constitute a violation.

[History: 79.54 cr., 2014 OA-061, pub. 12/29/14, eff. 01/01/15.]

79.55 PENALTIES.

(1) If weight exceeds by 1,000 pounds or less – forfeiture of not less than \$50 and not more than \$100 upon first conviction and each subsequent conviction within a 12-month period, a forfeiture of not less than \$100 nor more than \$200.

79.53(6) – END

(2) If weight exceeds by more than 1,000 pounds:

(a) For the first conviction, a forfeiture of not less than \$50 nor more than \$200 plus an amount equal to whichever of the following applies:

1. One cent for each pound of total excess load when the total excess is not over 2,000 pounds.

2. Three cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.

3. Five cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000.

4. Eight cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.

5. Fifteen cents for each pound of total excess load if the excess is over 5,000 pounds.

(b) for the 2nd and each subsequent conviction within a 12-month period, a forfeiture of not less than \$100 nor more than \$300, plus an amount equal to whichever of the following applies:

1. Two cents for each pound of total excess load when the total excess is not over 2,000 pounds.

2. Five cents for each pound of total excess load if the excess is over 2,000 pounds and not over 3,000 pounds.

3. Eight cents for each pound of total excess load if the excess is over 3,000 pounds and not over 4,000.

4. Twelve cents for each pound of total excess load if the excess is over 4,000 pounds and not over 5,000 pounds.

5. Eighteen cents for each pound of total excess load if the excess is over 5,000 pounds.

[History: 79.54 cr., 2014 OA-061, pub. 12/29/14, eff. 01/01/15.]

[79.56 - 79.99 reserved.]

END OF CHAPTER

**TOWN OF BLUE MOUNDS RESIDENTS
NOTICE OF ORDINANCE AMENDMENT**

PLEASE TAKE NOTICE that the Board of Supervisors of the Town of Blue Mounds, Dane County, Wisconsin adopted the following ordinance amendment at the Town of Blue Mounds Annual Meeting on April 16, 2024.

Ordinance Number 21 – TOWN OF BLUE MOUNDS ALL-TERRAIN and UTILITY TERRAIN VEHICLE ORDINANCE. This ordinance recognizes the recreational and economic value to expanding and further defining trail opportunities. This ordinance with amendments considered and addresses any known possible dangers, public health and safety considerations along with reviews of terrain, traffic density and vehicular traffic history data. This ordinance has been created pursuant to Town Board authority under Wisconsin Statute 5 59.02, 23.33(4)(d)3.b, 23.33(11)(a) and (am), and 23.33(8)(b) as amended.

YOU ARE FURTHER NOTIFIED that a copy of the amended ordinance is on file and open for public inspection in the office of the Town Clerk. It is also available on the Town website at townofbluemounds@gmail.com.

Amanda Burghy, Town Clerk
5/16/2024

Passed

Ordinance Number 21

TOWN OF BLUE MOUNDS

ALL-TERRAIN and UTILITY TERRAIN VEHICLE ROUTE ORDINANCE

SECTION 1.0: INTRODUCTION

1.1 NAME

This Ordinance shall be called the Town of Blue Mounds All-Terrain and Utility-Terrain Vehicle Route Ordinance.

1.2 INTENT

Following due consideration of the recreational and economic 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 pursuant to Town Board authority under Wisconsin Statute 5 59.02, 23.33(4)(d)3.b, 23.33(11)(a) and (am), and 23.33(8)(b) as amended.

1.3 DEFINITIONS

- A. All-Terrain Vehicle (ATV) has the meaning specified within Wisconsin Statute 5 340.01 (2g).
- B. ATV/UTV Route shall mean Town Roads designated for use by all-terrain and utility-terrain vehicle operators by the Town Board having jurisdiction.
- C. Utility-Terrain Vehicle (UTV) has the meaning specified within Wisconsin Statute 5 23.33, (ng).

1.4 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 ordinance whose terms conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

1.5 SAVING CLAUSE

This Ordinance shall in no way be deemed to supplant or otherwise invalidate any provision of state statutes relating to the subject matter hereof. Any person entrusted with the enforcement of this Ordinance may, in the exercise of his or her discretion, proceed under applicable state statutes.

SECTION 2.0: ATV/UTV ROUTES AND OPERATION

2.1 DESIGNATION

All requests for new or revised ATV/UTV route designations shall first be submitted to the Town of Blue Mounds for review at a regularly scheduled monthly board meeting. Town Roads designated as ATV/UTV routes shall be approved by the Town Board by amendment of Sec. 2.4 of this Ordinance.

ATV's and UTV's are permitted on all township roads per vehicular traffic unless otherwise specified. The township may temporarily or permanently close ATV/UTV routes at any time through the removal of route signage and public notification. A copy of ATV/UTV routes, along with a map showing their location, shall be kept on file at the Town of Blue Mounds. The Town of Blue Mounds shall file ATV/UTV routes adopted by this Ordinance to the Dane County Sheriff Department and Wisconsin Department of Natural Resources, P.O. Box 7921, Madison, WI 53707.

The Town of Blue Mounds Town Board shall have the authority to temporarily close or terminate an ATV/UTV route enacted by this Ordinance.

2.2 RULES OF OPERATION

- A. All ATV/UTVs shall operate only on the paved portion of the roadway. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way area is prohibited and illegal.
- B. No operator or passenger of an ATV/UTV will be allowed to have an open intoxicant while operating an ATV/UTV on any Town designated route(s).
- C. No ATV/UTV may be operated on any designated route between the hours of 1:00 AM and 5:00 AM daily.
- D. No ATV/UTV shall be operated at a speed greater than 35 30 miles per hour (MPH), or the posted speed limit, whichever is lower.
- E. All ATV/UTV operators shall ride in a single file on the extreme righthand side of the paved portion of the highway except that left turns may be made from any part of the roadway which is safe given prevailing conditions.
- F. All ATV/UTV operators shall have their headlight and taillight illuminated, while operating on the Town Roads.
- G. Except as otherwise authorized by State law, all operators:
 - a. Of ATV/UTVs who are at least 12 years of age and who are born on or after January 1, 1988 shall possess a valid state-issued ATV/UTV Safety Certification to operate on designated all terrain routes.
 - b. Of ATV/UTVs between the age of 12 and 15 must be accompanied by a parent or legal guardian or a person at least 18 years of age who is always designated by the parent or guardian with operating on a designated all-terrain route.
 - c. Of ATV/UTVs must be 16 years of age or older to operate on approved roads.
 - d. of ATV/UTVs who are at least 16 years of age and who are born on or after January 1, 1988 must possess a valid state-issued Safety Certificate.
 - e. of ATV/UTVs and their passengers under 18 years old shall wear protective headgear while operating on a Town route designated. Seatbelts on UTV's required by all passengers.
 - f. All ATV's and UTV's registered for public use will be required to furnish a rear plate that displays the registration number and a current registration sticker on BOTH sides of the vehicle.
- H. ATV/UTV operation shall be subject to all provisions of Wisconsin Statue 5 23.33, which is adopted as part of this Ordinance by reference.
- I. The Town accepts no liability for the operation of ATVs or UTVs on any Town road.

2.3 SIGNAGE OF ATV ROUTES

- A. Routes shall be marked with uniform all-terrain vehicle route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code. No person may do any of the following regarding in regard to signs marking ATV/UTV routes:
 - 1) Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail sign.
 - 2) Possess any uniform ATV/UTV route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform ATV/UTV route or trail sign or standard in a lawful manner. Possession of a uniform ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.

- B. All required designated route signs shall be paid for, installed, and maintained by an ATV/UTV Club, with the approval of the Town of Blue Mounds.
- C. The quantity and location of signage shall be reviewed and approved by the Town of Blue Mounds, where appropriate, placed at the beginning of an all-terrain vehicle route within the Town and at such location and intervals deemed necessary to enable the ATV/UTV operators to follow the route.
- D. No sign may be mounted to any existing Town signpost unless authorized by Town Board. Posts shall be suitable sized for mounting the necessary number of signs at the location.
- E. No person shall operate an ATV/UTV contrary to any authorized and official posted sign.
- F. All complaints regarding signage shall be addressed to the Town of Blue Mounds. These complaints will be communicated to the Club within 48 hours. The Club has 48 hours to address the complaint.

2.4 DESIGNATION OF ROUTES-SEE BELOW

All connecting roads within the township boundaries. ~~A. Ryan Road (within Town of Blue Mounds limits) B. Park Road (within Town of Blue Mounds limits)~~

SECTION 3.0: ENFORCEMENT AND PENALTIES

This ordinance shall be enforced by any officer employed by the Dane County Sheriff Department or any other law enforcement official as set forth in Wisconsin Statute 5 23.33(12).

3.1 PENALTIES

The penalties as found in Wisconsin Statute 5 23.33(13)(a) are adopted by reference.

SECTION 4.0: EFFECTIVE DATE

The Town Clerk shall properly publish this ordinance as required under Wisconsin Statute 5 60.80 will become effective upon passage and publication. Ordinance Number 21 was adopted by the Town of Blue Mounds Town Board on _____.

This Ordinance is subject to formal annual review and can be rescinded at any time by the Blue Mounds Board of Supervisors.

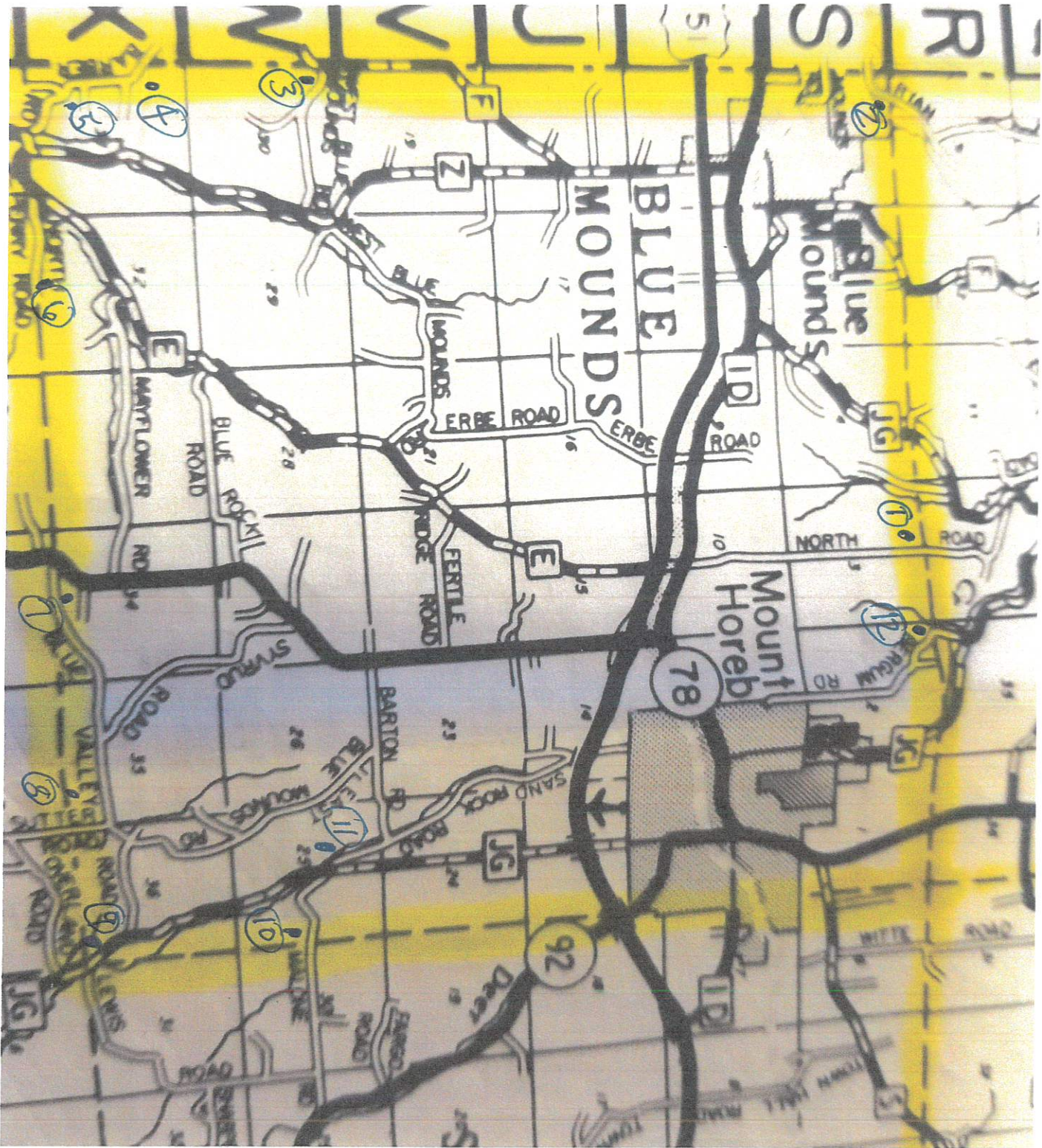
Passed this ____ day of _____, 2024 by the Blue Mounds Town Board.

Dennis Jelle – Town Chairperson

Mary Ann Bellazzini – Supervisor #1

Richard VanDomelen – Supervisor #2

Amanda Burghy – Clerk (Attest)



CHAPTER 52 SNOWMOBILES, ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES

SECTION 52.01 State Statutes Adopted.

The provisions of Section 346.02(10), Stats. are hereby adopted and incorporated herein as if fully set forth. Further, unless the terms and provisions of this Chapter are more restrictive, the provisions of Section 23.33 and Chapter 350 of the Wisconsin Statutes are hereby adopted and incorporated herein as if fully set forth. Any act required to be performed or prohibited by any provision incorporated herein is required or prohibited by this Chapter. Any future amendment of any of these provisions that the Village could adopt as an ordinance is hereby adopted as an ordinance and is incorporated herein as if fully set forth as of the effective day of that future amendment.

SECTION 52.02 Snowmobile Operation.

- (a) **General Prohibition.** Except as otherwise provided in this Section, it shall be unlawful to operate any snowmobile on the Village streets, alleys, parks, and parking lots, or on any public land, private land, or parking lot held open to the public. The operator of the snowmobile shall at all times have the consent of the owner of land before operating a snowmobile on private lands.
- (b) **Permitted Use of Snowmobiles.** Snowmobiles may be operated in the Village on public rights-of-way only as follows:
 - (1) Snowmobiles may be operated on public streets for the purpose of residential access. "Purpose of residential access" means for the purpose of traveling the shortest distance between the snowmobile operator's residence and the Village or County snowmobile route or trail that is closest to that residence.
 - (2) Snowmobiles may be operated in the Village on the marked snowmobile route.
 - (3) Snowmobiles may be operated in public parks and on other municipal property where their use is approved by the Director of Parks, Recreation and Conservancy.
 - (4) Snowmobiles may be operated for law enforcement emergency purposes as permitted under Section 350.02 Wis. Stats., by public utilities as permitted under Section 350.045 Wis. Stats., and for snowmobile events authorized in accordance with Section 350.04 Wis. Stats.
- (c) **Authority to Open and Close Snowmobile Routes and Prohibit Residential Access.** The Chief of Police or Director of Parks, Recreation and Conservancy may declare any snowmobile route, or part thereof, in the Village closed at any time and

may prohibit the use of snowmobiles for the purpose of residential access in the Village, or any part of the Village at any time. All snowmobile routes in the Village are closed, and the use of snowmobiles for the purpose of residential access in the Village are prohibited, when any Dane County snowmobile trail or route located within one mile of the Village is closed, except that the Chief of Police or the Director or Parks, Recreation and Conservancy may subsequently reopen any snowmobile route or street for the purpose of residential access irrespective of a county trail or route being closed.

- (d) **Operation on Sidewalks Prohibited.** No person shall operate a snowmobile upon any sidewalk, pedestrianway or upon the area between a sidewalk and curb of any street, except for the purpose of crossing by the most direct route to obtain access to an area in which the snowmobile may be lawfully operated.

SECTION 52.03 Speed Limit.

No person may operate a snowmobile within the Village limits at a speed in excess of 15 miles per hour.

SECTION 52.04 Hours of Operation.

No person may operate a snowmobile between the hours of 10:00 p.m. and 7:00 a.m. except on an open, approved trail or on a Village-approved route for the purpose of gaining access to or from an open, approved trail.

SECTION 52.05 Unattended Snowmobiles.

No person may allow a snowmobile to be unattended on any public property, or on any property to which Section 346.63, Wis. Stats., is applicable, while the snowmobile motor is running or while the snowmobile ignition key is in the ignition.

SECTION 52.06 All-Terrain Vehicles and Utility Terrain Vehicles.

- (a) **Definitions.** For purposes of this Section:

- (1) “All-Terrain Vehicle” (ATV) means an engine driven device which has a net weight of 900 lbs. or less, has a width of 50 inches or less as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors and accessories that are not essential to the vehicle’s basic operation, is equipped with a seat designed to be straddled by the operator and which is designed to travel on three or more tires.
- (2) “Highway” means all public ways and thoroughfares and bridges on the same. It includes the entire width between the boundary lines of every way open to the use of the public as a matter of right for the purposes of vehicular travel. It includes roads, driveways and municipal parks which have been

opened to the use of the public for the purpose of vehicular travel and roads or driveways upon the grounds of public schools. This definition does not include private roads or driveways.

- (3) “Low pressure tire” is a tire which has a minimum width of 6 inches and is designed to be inflated with an operating pressure not to exceed 10 pounds per square inch as recommended by the manufacturer.
- (4) “Roadway” means that portion of a highway between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder. On a divided highway, the term “roadway” refers to each roadway separately but not to all such roadways collectively.
- (5) “Snow Removal Device” means an attachment designed and installed for the purpose of removing snow. An attachment under this definition may be a plow blade, blower, bucket or brush.
- (6) “Utility Terrain Vehicle” (UTV) means any of the following:
 - a. A 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 primarily off of a highway, and that has, and was originally manufactured with all of the following:
 - 1. A net weight of less than 2,000 pounds;
 - 2. Four or more tires;
 - 3. A cargo box installed by the manufacturer;
 - 4. A steering wheel;
 - 5. A taillight;
 - 6. A break light;
 - 7. Two headlights;
 - 8. A width of not more than 65” as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors and accessories that are not essential to the vehicle’s basic operation;
 - 9. Seats for at least 2 occupants, all of which seating is designed not to be straddled;
 - 10. A system of seatbelts, or a similar system, for restraining each occupant of the device in the event of an accident;
 - 11. A system of structural members designed to reduce the likelihood that an occupant would be crushed as a result of a rollover of the device.
 - b. A motor-driven device that has a net weight of more than 900 lbs., that is originally manufactured with a width of 50” or less, that is equipped with a seat designed to be straddled by the operator, and that is designed by the manufacturer to travel on three or more tires.

(b) Operation on or Near Roadways for Snow Removal Purposes.

- (1) The provisions of Section 23.33(4) of the Wisconsin Statutes as amended from time to time are adopted as the law of the Village of Cross Plains and incorporated herein by reference.
- (2) A person may operate an ATV or UTV with a snow removal device attached on a roadway or adjacent to a roadway or on a public sidewalk during the period beginning on October 1 and ending on April 30 of each year for the purpose of removing snow if such operation is necessary to travel to or from a site where the snow removal device will be used. The travel necessary to or from the site may not exceed two (2) miles.
- (3) Operation of an ATV or UTV with a snow removal device on a roadway or adjacent to a roadway is authorized only if the applicable roadway speed limit is 45 miles per hour or less. The speed limit for operation of an ATV or UTV with a snow removal device adjacent to a roadway shall be 15 miles per hour; however, if the vehicle is being operated within 150 feet of a dwelling, the speed shall not exceed 10 miles per hour.
- (4) Operation of an ATV or UTV on a roadway is authorized only on the extreme right side of the roadway except that left turns may be made from any part of the roadway where it is safe to do so, given prevailing conditions.
- (5) The operator of an ATV or UTV with a snow removal device is permitted to drive upon a sidewalk for the purpose of snow removal. The operator shall access the sidewalk from a permanently or temporarily established driveway. If an operator is driving an ATV or UTV with a snow removal device on a sidewalk, the speed may not exceed five (5) miles per hour.
- (6) No person who is under sixteen (16) years of age may operate an ATV or UTV for purposes of snow removal under any circumstances.
- (7) Any person operating an ATV or UTV with a snow removal device attached is required to display at least one or more flashing or rotating amber or yellow lights, and at least one of the lights shall be visible from every direction.

(c) **Operations of ATV/UTV on Roadways Within the Village.**

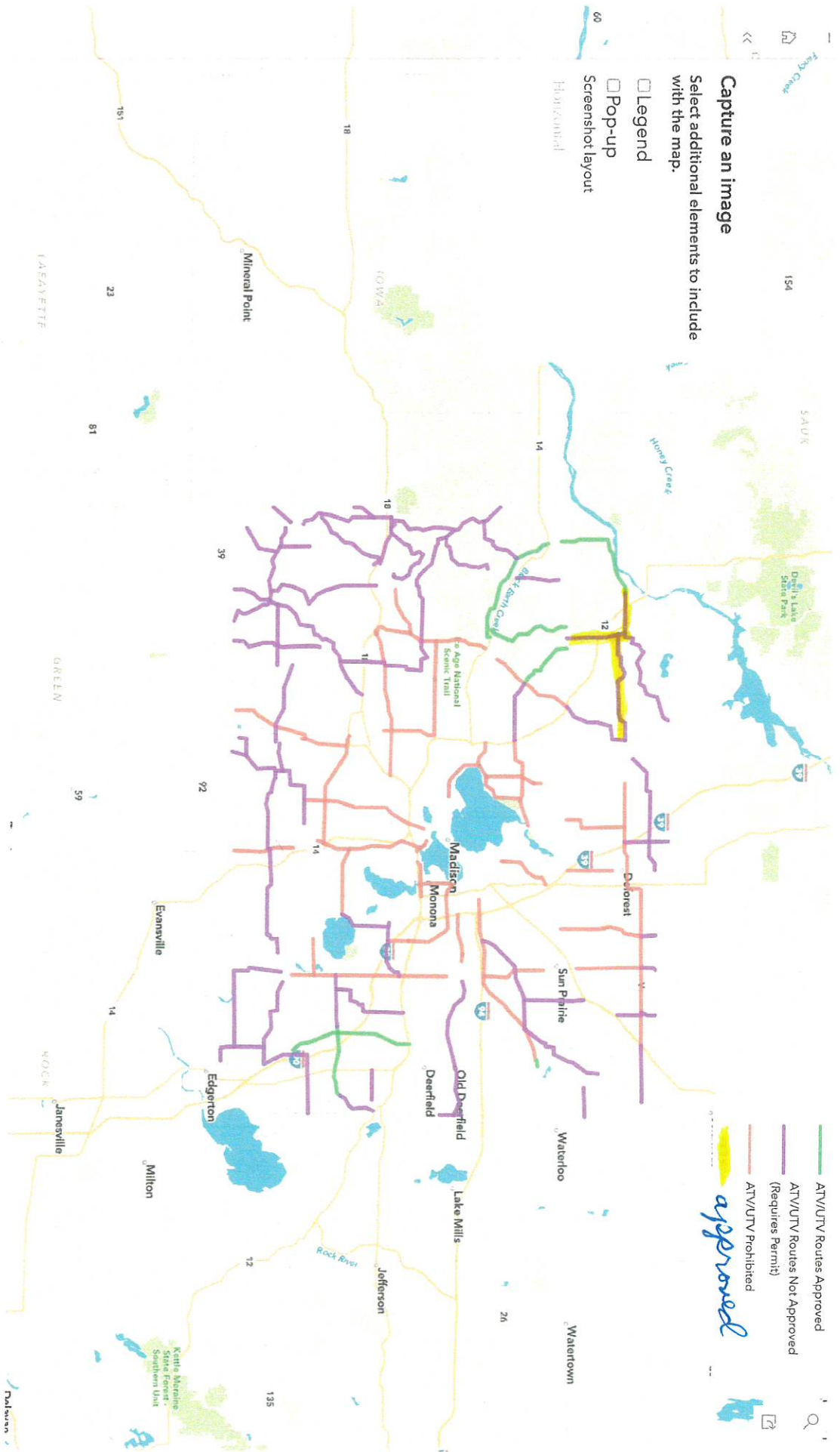
- (1) Except as modified by the terms of this section, the provisions of Section 23.33 of the Wisconsin Statutes as amended from time to time are adopted as the law of the Village of Cross Plains and incorporated herein by reference.
- (2) All village roadways are declared to be ATV and UTV routes, except as follows:
 - a. US Highway 14 (Main Street) throughout the village limits;
 - b. ATVs and UTVs can cross US Highway 14 (Main Street) as allowed by law.
- (3) No person shall operate an ATV/UTV in excess of the posted speed limit within the village limits, with the exceptions outlined in 52.06(b).
- (4) All Village ATV and UTV routes will be open for travel between the hours of 7:00 a.m. until 9:00 p.m.

- (5) No person shall operate, park, store an ATV/UTV or trailer in any:
 - a. Village park
 - b. Conservancy
 - c. School property
- (6) Operators of ATVs and UTVs must be at least 16 years of age, possess a valid driver's license, and possess a valid safety certificate.
- (7) Operators of ATVs and UTVs must possess proof of current liability insurance on the ATV/UTV.
- (8) Operators must always display lighted headlights and taillights.
- (9) Operators must operate in single file and with the flow of traffic.
- (10) Operators must conform to all noise and equipment requirements as set forth in the Wisconsin State Statutes.
- (11) ATV/UTV must have current registration, which will include a rear license plate.
- (12) No person may operate an ATV/UTV upon any sidewalk or pedestrian way.
- (13) It shall be unlawful for any person to possess an open intoxicant while operating, or as a passenger, on an ATV or UTV on any village route.
- (14) It shall be unlawful for any person to operate an ATV or UTV in such a manner as to cause, or disturb the peace, by excessive and unnecessary acceleration, the tires of such vehicle to spin or emit loud noises, to unnecessarily throw stones or gravel, or to cause the wheels to leave the ground.
- (15) Operators and passengers under the age of 18 shall wear a minimum DOT standard ATV or motorcycle helmet with the chin strap properly fastened as required by Wis. Stat §23.33.
- (16) The Chief of Police shall have the authority to:
 - a. Temporarily close any part of the ATV/UTV route for any reason.
 - b. Request the Village Public Safety Committee review the use of any ATV/UTV route. The Public Safety Committee shall make recommendations to the Village Board concerning the use of any part of the route.

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Select additional elements to include with the map.

- ☐ Legend
- ☐ Pop-up
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Capture an image

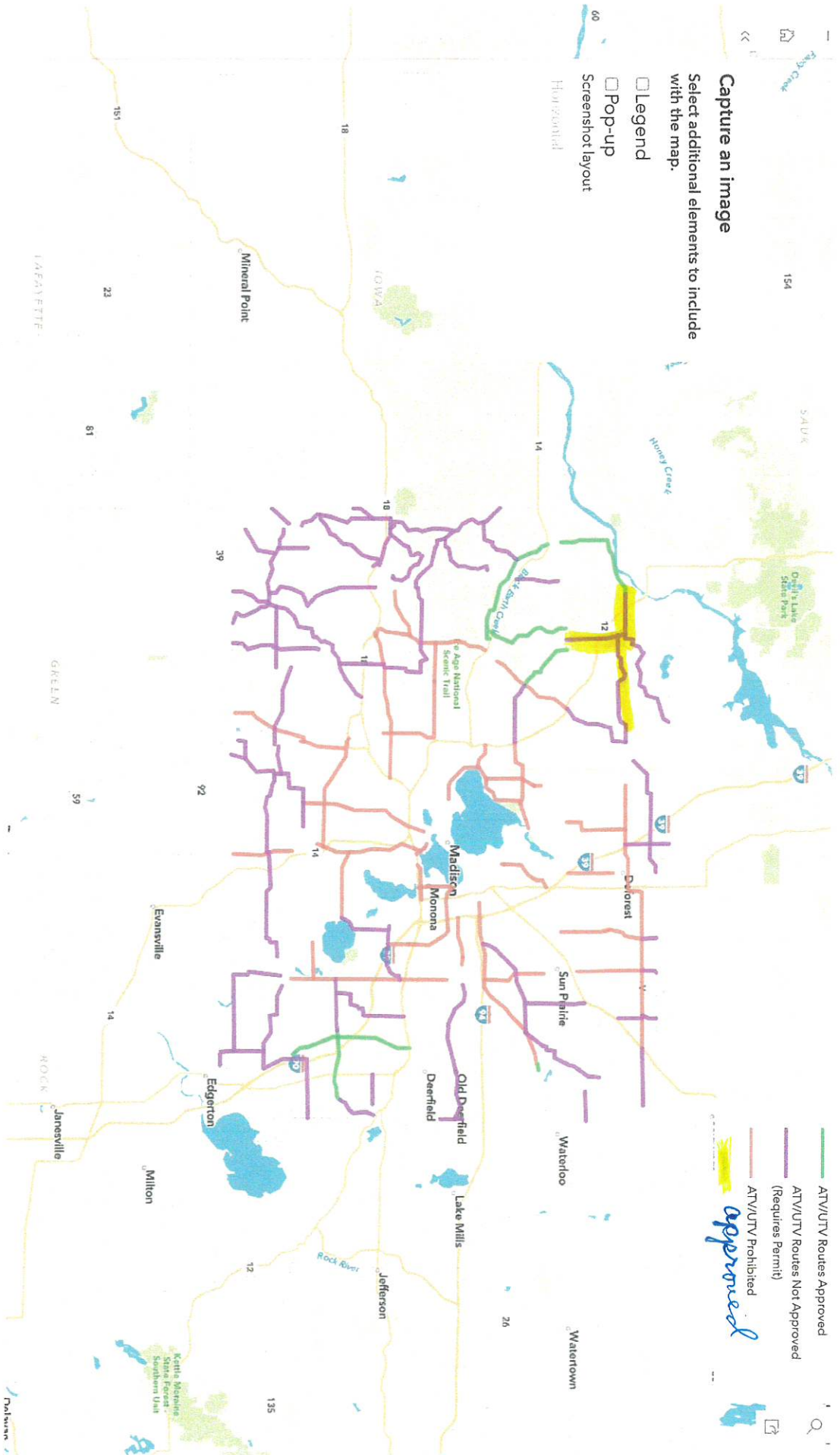
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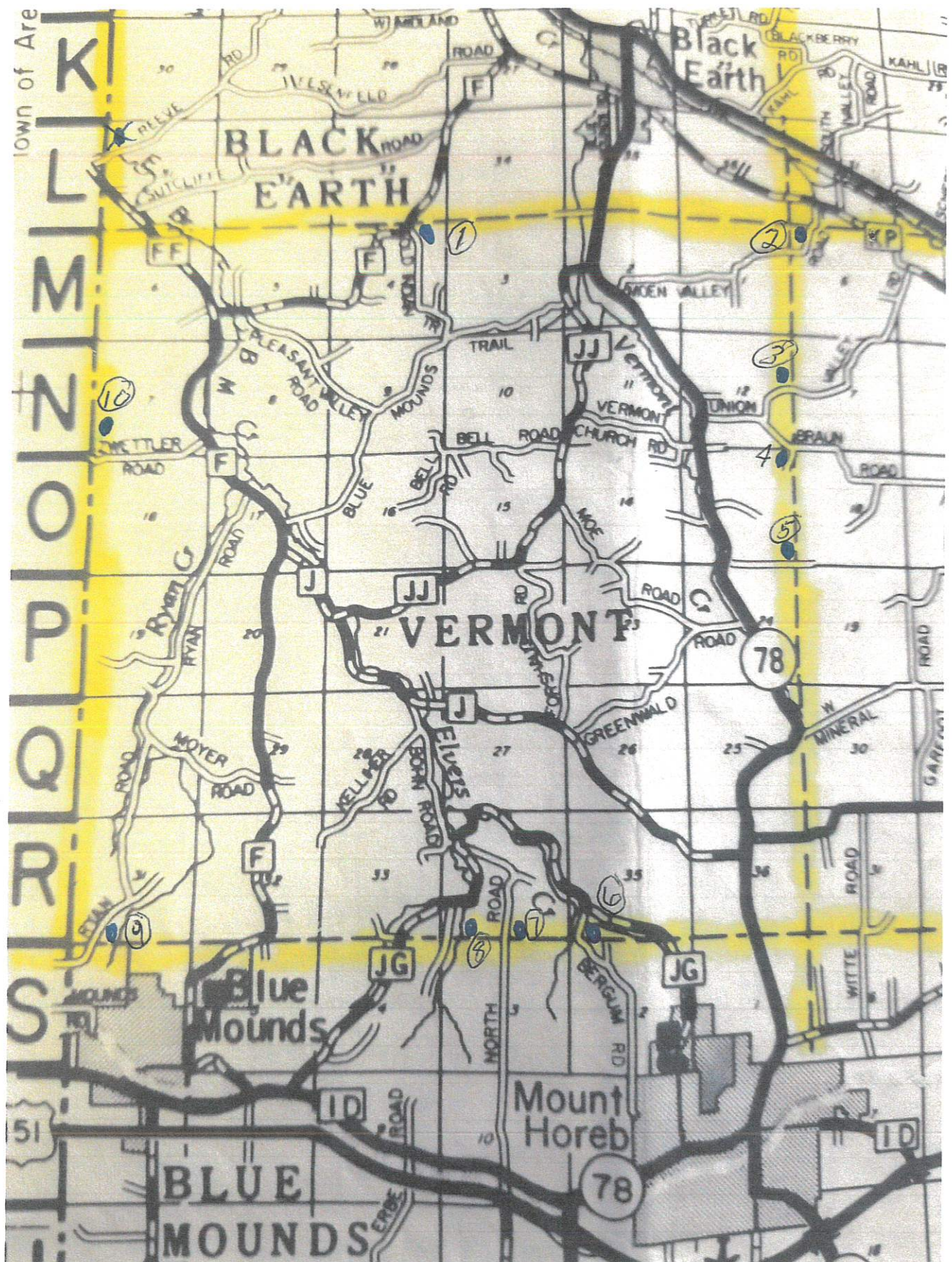
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☐ Screenshot layout

☐ Horizontal







HERITAGE
COMMUNITY
OPPORTUNITY

Village of Mount Horeb

138 E Main Street

Mount Horeb, WI 53572

Phone (608) 437-6884/Fax (608) 437-3190

Email: mhinfo@mounthorebwi.info Website: www.mounthorebwi.info

PROCLAMATION RECOGNIZING FARMERS MARKET WEEK

Whereas, the United States Department of Agriculture has officially proclaimed August 4th – 10th 2024 as National Farmers Market Week; and,

Whereas, Mount Horeb has a vibrant agricultural industry which is part of our Village's heritage; and

Whereas, Farmers Markets create economic vitality for farmers and food producers, and for the communities where the markets are located; and,

Whereas, Farmers Markets are a critical element of a strong sustainable local food system, serve as a public and community gathering place, and foster a closer connection between the consumer and the food they consume; and,

Whereas, Farmers Markets create healthier communities by providing access to fresh, healthy food to all residents; and,

Whereas, the Mount Horeb Farmers Market brings the community together in Downtown Mount Horeb every Thursday from 3pm-6:30pm in the summer and several winter markets, and,

Whereas, we celebrate the dedication and hard work of all those who make the Mount Horeb Farmers Market possible and thank all the Market vendors and patrons, past and present, for their support.

Now, therefore, I, Ryan Czyzewski, do hereby proclaim the week of August 4th through 10th, 2024, as Farmers Market Week in the Village. I call upon all Village residents to join me in recognizing the hard work, dedication, and sacrifice of our area producers and their contribution to our community.

DATED this 7th day of August 2024.

Signed: _____
Ryan Czyzewski, Village President



AGENDA ITEM REPORT

MEETING DATE

August 7, 2024

PREPARED BY

Nicholas Owen, Administrator

AGENDA ITEM # 6.c

Consideration of Ordinance 2024-11 Building Inspection Certified Municipality

BACKGROUND

This ordinance adopts certain sections of the State Administrative Code relating to building requirements and inspection which allows the Village's contracted building inspector to do commercial plan review instead of having the plans reviewed by the state. By becoming a certified municipality, it will speed up plan review times due to low staffing and backlogs at the state. This ordinance will be effective with our current inspector or if we decide to change inspection contractors. We can also opt back in to having the state review our plans if this change does not work out.

RECOMMENDATION

ATTACHMENTS

1. Ord 2024-11 Building Inspection Certified Municipality

**VILLAGE OF MOUNT HOREB
ORDINANCE 2024-11**

**AN ORDINANCE TO AMEND SECTION 14.01 BUILDING INSPECTOR (3)
CERTIFIED MUNICIPALITY, 14.07 WISCONSIN ADMINISTRATIVE CODE
ADOPTED, 15.02 STATE PLUMBING CODE ADOPTED AND 16.06 STANDARDS
FOR ELECTRIC WIRING.**

The Village Board of the Village of Mount Horeb, Wisconsin, do ordain as follows:

Chapters 14.01 and 14.07, 15.02 and 16.06 of Mount Horeb Code of Municipal Ordinances is amended as follows (**changes in bold**):

14.01 Building inspector

(3) Certified municipality.

a) Responsibilities. The Village will assume the following responsibilities for the Department of Safety and Professional Services:

1. Provide inspection of commercial and residential buildings with state-certified inspectors.
2. **Provide plan review of all size commercial buildings with state-certified inspectors.**

b) **Plan Examination. Drawings, specifications, and calculations for all the types of buildings and structures, except state owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:**

1. **All size commercial buildings, without size limitations [Appointed Agent per Wis. Stat. §101.12(3g)].**

c) **Note:**

1. **A certified municipality may waive its jurisdiction for the plan review of a specific project, or type of project, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.**

2. **The Department may waive its jurisdiction for the plan review of a specific project, agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.**

d) **Plan Submission Procedures.**

All commercial buildings, structures, and alterations, including new buildings and additions less than 25,000 cubic feet, require plan submission as follows:

1. **Building permit application.**
2. **Application for review – SBD – 118, or equivalent.**
 - a. **Fees per Table SPS 302.31-2 and SPS 302.31.**
 - b. **Fees apply to commercial projects.**
3. **Four sets of plans.**
 - a. **Signed and sealed per SPS 361.31.**
 - b. **One set of specifications.**
 - c. **Component and system plans.**
 - d. **Calculations showing code compliance.**

14.07Wisconsin Administrative Code adopted.

Except as otherwise specifically provided in this chapter, all provisions of the Wisconsin Administrative Code governing the construction, maintenance, repair, remodeling, razing, moving, plumbing, heating, ventilating, wiring, fire protection and sanitation requirements of buildings and premises, including all subsequent revisions, amendments and additions, are hereby adopted by reference as if fully set forth herein. Any act required to be performed or prohibited by any section incorporated by reference is required or prohibited by this chapter. The following chapters of the Wisconsin Administrative Code, as well as all subsequent revisions, are specifically adopted by the Municipality and will be enforced by the Inspector:

Chs. SPS 302.31

Ch. SPS 305

Ch. SPS 316

Chs. SPS 320 through 325

Ch. SPS 327

Chs. SPS 361 through 366

Chs. SPS 375 through 379

Chs. SPS 381 through 387

Plan Review Fee Schedule

Credentials

Electrical Code

Uniform Dwelling Code

Campgrounds

Commercial Building Code

Buildings Constructed Prior to 1914

Uniform Plumbing Code

15.02State Plumbing Code adopted.

[Amended 5-5-2021 by Ord. No. 2021-06]

The provisions of Chs. SPS 381 to 387, Wis. Adm. Code, relating to plumbing and plumbers, promulgated by the State Department of Safety and Professional Services, are hereby adopted and made a part of this chapter and shall apply to all plumbing, drainage and drain laying in the Village. The following Chapters of the Wisconsin Administrative Code, as well as all subsequent revisions, are adopted by the Municipality and will be enforced by the Plumbing Inspector.

Ch SPS 302.31

Ch. SPS 305

Plan Review Schedule

Credentials

Chs. SPS 320 through 325
Ch. SPS 327
Chs. SPS 361 through 366
Chs. SPS 375 through -379
Chs. SPS 381 through 387

Uniform Dwelling Code
Campgrounds
Commercial Building Code
Buildings Constructed Prior to 1914
Uniform Plumbing Code

16.06 Standards for electric wiring.

(2) The following Chapters of the Wisconsin Administrative Code, as well as all subsequent revisions, are adopted by the Municipality and will be enforced by the Inspector.

Ch SPS 302.31

Ch. SPS 305
Ch. SPS 316
Chs. SPS 320 through 325
Ch. SPS 327
Chs. SPS 361 through 366
Chs. SPS 375 through 379

Plan Review Fee Schedule

Credentials
Electrical Code
Uniform Dwelling Code
Campgrounds
Commercial Building Code
Buildings Constructed Prior to 1914

This ordinance shall take effect and be in full force after its passage and publication as required by law.

Introduced and passed this 7th day of August, 2024.

APPROVED:

Ryan Czyzewski, Village President

ATTEST:

Alyssa Gaffney, Village Clerk

APPROVED: _____

PUBLISHED/POSTED: _____



AGENDA ITEM REPORT

MEETING DATE

August 7, 2024

PREPARED BY

Nicholas Owen, Administrator

AGENDA ITEM # 6.d

Recommendation on MPO Membership

BACKGROUND

In May, Alexandra Andros, Director of the [Greater Madison Metropolitan Planning Organization](#) (MPO) made a presentation on what the MPO could offer Mount Horeb. I have included her presentation from that night as a refresher. In the months since, I have had discussions with other members and thought about how the MPO membership would be beneficial to Mount Horeb. Aside from the access to grant opportunities, the MPO staff's expertise at all levels of transportation planning would be a valuable asset to the Village. As we continue to look at plans for growth and redevelopment, they can assist us with analyzing how this development would affect traffic patterns and make sure we are planning for current and future developments. Additionally, the MPO is well versed in alternative forms of transportation, such as cycling. Between the desire to encourage alternative forms of transportation to reduce the number of cars driven downtown and trying to encourage Military Ridge Trail users to leave the trail and visit our downtown businesses, we would have immediate projects that the MPO can help us with. With an estimated membership fee of \$4,000 annually, the Village will easily see that in the benefits of the use of MPO staff on projects.

RECOMMENDATION

ATTACHMENTS

None



AGENDA ITEM REPORT

MEETING DATE

August 7, 2024

PREPARED BY

Alyssa Gaffney, Village Clerk

AGENDA ITEM # 6.e

Consider Transfer of Reserve "Class B" Liquor License to the Town of Blue Mounds

BACKGROUND

The Town of Blue Mounds has requested that the Village transfer one of our Reserve "Class B" Liquor Licenses. This is a procedure allowed in Wisconsin law for communities that have at least one liquor license in use and are contiguous with the other municipality. If we approve the transfer, we do not have control over whom the Town issues the license to, but our understanding is they are making the request for the Eloise, a relatively new wedding venue south of the Village on CTH JG. We feel the Eloise would be a good recipient of this liquor license as they do generate overnight stays at Mount Horeb hotels and also likely generate other business at Village businesses. Reserve licenses carry a fee of \$10,000. The entity receiving the entity will pay \$10,000 to the Town for the license and the Town will then pay the Village the \$10,000 fee.

RECOMMENDATION

ATTACHMENTS

1. PROPOSED AGREEMENT- LICENSE TRANSFER TO TOWN OF BLUE MOUNDS

**AN AGREEMENT OF MUTUAL COOPERATION AND BENEFIT
BETWEEN
THE VILLAGE OF MOUNT HOREB AND THE TOWN OF BLUE MOUNDS, DANE
COUNTY, WI.**

Within the statutes of the State of Wisconsin, **CHAPTER 125 ALCOHOLIC BEVERAGES, SUBCHAPTER III INTOXICATING LIQUOR, section 125.51 Retail licenses and permits, subsection (e) states:**

- “1. A municipality may make a request to another municipality that is contiguous with, or within 2 miles of, the requesting municipality that the other municipality transfer a reserve “Class B” license to the requesting municipality. If the request is granted, the reserve “Class B” license shall be transferred.
2. A municipality may transfer or receive more than one reserve “Class B” license under this paragraph as long as each transfer meets the requirements of this paragraph, but a municipality may not transfer more than 3 reserve “Class B” licenses under this paragraph.
3. After transfer of a reserve “Class B” license under this paragraph, the municipality receiving the reserve “Class B” license may issue and renew the reserve “Class B” license in the same manner as other reserve “Class B” licenses that have not been so transferred, except that the fee under sub. (3) (e) 4., not sub. (3) (e) 2., applies upon issuance of the reserve “Class B” license by the receiving municipality after the transfer. Upon receipt of the issuance fee from the licensee, the receiving municipality shall remit this issuance fee to the municipality that transferred the license.
4. Notwithstanding subds. 1. to 3., if a municipality has not issued any licenses, the municipality may not transfer any licenses under this paragraph.”

The Board of Supervisors of the Town of Blue Mounds, Dane County, WI, is contiguous with the Village of Mount Horeb, Dane County, WI. Therefore, the Board of Supervisors of the Town of Blue Mounds, Dane County, WI requests the Village Board of the Village of Mount Horeb, Dane County WI transfer a reserve “Class B” license to the Town of Blue Mounds, Dane County WI. as allowed by subsection (e) 1.

In accordance with subsection (e) 3., the Town of Blue Mounds, Dane County, WI, shall remit to the Village of Mount Horeb, Dane County WI the issuance fee of \$10,000.00 (ten thousand dollars).

The Town of Blue Mounds, Dane County, WI understands the Village of Mount Horeb, Dane County, WI has previous to this agreement already issued at least one (1) “Class B” license within the Village of Mount Horeb, Dane County WI. thereby meeting the conditions of subsection (e) 4.

This agreement of mutual cooperation and benefit shall be considered complete and binding upon each of the respective Boards: Town of Blue Mounds, Dane County WI and Village of Mount Horeb, Dane County, WI having

placed notice of the agreement on the agenda of a regularly scheduled Town Board meeting, read the agreement to all present in open session, having properly received a motion to adopt and seconded and passed by a roll call vote of a majority of each of the Board of Supervisors of the Town of Blue Mounds and the Board of Trustees of the Village of Mount Horeb.

Dennis Jelle, Town Chairman Yea ☒ Nay ☐ 2ND

Mary Ann Bellazzini, Supervisor Yea ☐ Nay ☐ ABSTAIN

Richard VanDomelen, Supervisor Yea ☒ Nay ☐ MOTION

Yeas 2 Nays 0 Abstained 1 Absent 0

Passed by the Board of Supervisors of the Town of Blue Mounds, Dane County, Wisconsin this 17th day of JULY 2024.

The above agreement is approved and attested to by me this 17th day of JULY 2024.

Amanda Burghy Amanda Burghy
Clerk, Town of Blue Mounds, Dane County,
Wisconsin.

Dennis Jelle, Chairman

Dennis Jelle

Mary Ann Bellazzini, Supervisor

ABSTAIN

Richard VanDomelen, Supervisor

Richard VanDomelen



AGENDA ITEM REPORT

MEETING DATE

August 7, 2024

PREPARED BY

AGENDA ITEM # 6.f

Discussion on Gap Financing and Closing Date for Lukken Property Purchase

BACKGROUND

With the tight timeline for the closing on the Lukken purchase, we have decided to reduce our loan request from the Board of Commissioners of Public Lands (BCPL) to the \$5 million maximum. Loans above \$5 million trigger additional review which may require a delay in the closing. For the remaining \$0.5 million, we can either make another application to the BCPL or seek bids from local banks. We can also apply unused ARPA funds to bring down the additional amount we need to borrow.

Additionally, Lukken mentioned this week that due to a change in their plans they may be interested in staying in their house until December. I will work with them to determine the logistics of this and bring it back to the Board once we have a decision.

RECOMMENDATION

ATTACHMENTS

None



AGENDA ITEM REPORT

MEETING DATE	PREPARED BY
August 7, 2024	
AGENDA ITEM # 7.a	
Community Development Authority	
BACKGROUND	
RECOMMENDATION	
ATTACHMENTS	
None	



AGENDA ITEM REPORT

MEETING DATE	PREPARED BY
August 7, 2024	
AGENDA ITEM # 7.m	
Sustainability and Natural Resources Committee	
BACKGROUND	
RECOMMENDATION	
ATTACHMENTS	
None	