

Ordinance No 9-4-19

ALL-TERRAIN and UTILITY TERRAIN VEHICLE ROUTE ORDINANCE
TOWN OF SARATOGA, WOOD COUNTY

AN ORDINANCE DESIGNATING ALL-TERRAIN AND/OR UTILITY VEHICLE ROUTE(S) AND
REGULATION OF THE OPERATION OF ALL TERRAIN AND/OR VEHICLES AND UTILITY TERRAIN
VEHICLES

The Town Board of the Town of Saratoga, Wood County,
Wisconsin do ordain as follows:

Section I --Intent

Adopt the following All-Terrain and/or Utility Terrain vehicle ordinance and route for the operation of All-Terrain and/or Utility Terrain vehicles upon the roadways listed in Section III.

Following due consideration of the recreational value to connect trail opportunities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic, these routes have been created.

Section II-Statutory Authority

This ordinance is adopted as authorized under Wis. Statute 23.33(8)(b) STATE ALL-TERRAIN and/or Utility Terrain VEHICLES LAWS ADOPTED. The provisions describing and defining regulations with respect to all-terrain and/or utility terrain vehicles in the following enumerated Subsections of Sec. 23.33, Wis. Statutes and any future amendments or revisions, are hereby adopted by reference and made part of this Section as if fully set forth herein. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

- 23.33(1) Definitions
- 23.33(2) Registration
- 23.33(3) Rules of operation
- 23.33(3g) Use of headgear
- 23.33(4) Operation on or near highway
- 23.33(4c) Intoxicated Operation
- 23.33(4g) Preliminary Breath Screening Test
- 23.33(4j) Applicability of the Intoxicated Operation of an All-Terrain and/or Utility Terrain Vehicle Law
- 23.33(4L) Implied Consent
- 23.33(4p) Chemical Tests
- 23.33(4t) Report Arrest to Department
- 23.33(4x) Officer's Action After Arrest for Operating an All-Terrain and/or Utility Terrain Vehicle While Under the Influence of an Intoxicant
- 23.33(5)(a)thru(c) Age Restrictions
- 23.33(6) Equipment
- 23.33(7) Accidents
- 23.33(8)(b)Routes
- 23.33(11) Local Ordinances

Section III--Designated Roadways and/or Highways

Pursuant to Wis. Stats. Sec. 23.33(4)(d)4, except as otherwise provided in Sec. 23.33(4), and subject to the following provisions, all roads in the Town of Saratoga ~~*with the exception of Townline Road~~ are hereby designated as authorized All-Terrain and/or Utility Terrain routes. Any such vehicle is to be operated at the extreme right side of the paved roadway surface except that left turns may be made from any part of the roadway which is safe given prevailing conditions.

Per Wis. Stats. 23.33(4)(d)3.b. and (11)(am)3, the Town under Wis. Stat. ss 23.33(4)(d)3.b. and (11)(am)3., the Town of Saratoga authorizes the operation of ATVs/UTVs on WIS 73 from Church Avenue to the Town of Saratoga/City of Nekoosa boundary to cross the bridge over the Wisconsin River. This is only authorized if the City of Nekoosa enacts an ordinance authorizing the operation of ATVs/UTVs on WIS 73 from WIS 173 to the Town of Saratoga/City of Nekoosa boundary to cross the same bridge. The following condition for the use of such travel over said bridge shall apply to all operators (and passengers):

- (1) Cross the bridge in the most direct manner practicable and at a place where no obstruction prevents a quick and safe crossing.
- (2) Stay as far to the right of the roadway or shoulder as practicable
- (3) Stop the vehicle prior to the crossing
- (4) Yield the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway or shoulder
- (5) Exit the highway as quickly and safely as practicable after crossing the bridge

Section V--Enforcement

This ordinance shall be enforced by any law enforcement officer.

Section VI-Penalties

Wisconsin State All-Terrain and/or Utility Terrain Vehicle penalties as found in S.23.33(13)(a)Wis. Statutes are adopted by reference.

Section VII-Severability

The provision of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and application of such provisions to other persons or circumstances shall not be affected.

Section VIII-Revocation of Previous Ordinances

Town of Saratoga Ordinance 6-5-19 shall be revoked upon the passage of this Ordinance.

Section VII-Effective Date

This ordinance will become effective upon passage and publication.

Passed this 4th day of September, 2019

***Amendment- Ordinance 5-18-22**