

CHAPTER 39: ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTE

SECTION 39.01 PURPOSE

The purpose of this ordinance is to establish All-Terrain and Utility Terrain Vehicle routes in the Town of Baraboo and to regulate the operation of All-Terrain and Utility Terrain Vehicles in the Town.

SECTION 39.02 AUTHORITY

The Town Board of the Town of Baraboo, Sauk County, Wisconsin, has the specific authority to adopt this All-Terrain and Utility Terrain Vehicle Ordinance under Wis. Stats. §§ 23.33(8)(b) and (11).

SECTION 39.03 ADOPTION OF ORDINANCE

This ordinance adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town to designate All-Terrain and Utility Terrain vehicle routes in the Town and to regulate the use of those routes and All-Terrain and Utility Terrain Vehicles in the Town.

SECTION 39.04 DEFINITIONS

A. FOR THE PURPOSES OF THIS CHAPTER.

For the purposes of this Chapter, the following definitions shall be used. Words used in the present tense included the future; singular includes plural; and the plural includes singular. The words “shall”, “will”, and “must” are always mandatory. The words “may” and “should” are discretionary terms. The masculine includes the feminine. Terms not defined in this Section shall be based on common usage, unless otherwise indicated.

1. “All-Terrain Vehicle” or “ATV” meets all the following and all other requirements listed in Wisconsin Statute 23.33. A Commercially designed and manufactured motor driven device to which all of the following applies:

- a. It has a weight, without fluids, of 900 pounds or less.
- b. It is equipped with a seat designed to be straddled by the operator.
- c. It travels on 3 or more low-pressure tires or non-pneumatic tires.
- d. It must be equipped with at least a single white headlamp and a red tail-lamp that must be activated during the hours of darkness or while operating on or along a roadway, even when crossing roads.
- e. It must be equipped with a functioning muffler that prevents unusual or excessive noises.

2. “Town” means the Town of Baraboo, the Town Board, or any other town of Baraboo official(s) authorized by the Town Board to act on behalf of the Town of Baraboo.

3. “Utility Terrain Vehicle” or “UTV” means A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle that is designed to be used primarily off of a highway and that has and was originally manufactured with all of the following:

- a. A weight, without fluids, of 2,000 pounds or less.
- b. Four or more low-pressure tires or non-pneumatic tires.
- c. A steering wheel.
- d. A tail light.
- e. A brake light.
- f. Two headlights.
- g. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
- h. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.

SECTION 39.05 OPERATION OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLES

Pursuant to Wis. Stat. § 23.33(4)(d)4, except as otherwise provided in Wis. Stat. § 23.33(4), no person may operate an All-Terrain and Utility Terrain Vehicle on the roadway portion of any highway in the Town except on roadways that are designated as All-Terrain and Utility Terrain Vehicle routes by this ordinance.

SECTION 39.06 DESIGNATION OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTES

A. ROADS DESIGNATED

The Town of Baraboo hereby designates the following Town roads as All-Terrain and Utility Terrain Vehicle routes:

- | | | |
|------------------|-------------------|--------------------------|
| 1. Old Hwy. 33 | 5. Terrytown Road | 10. Kohlmeyer Road |
| 2. Hogsback Road | 6. Hatchery Road | 11. Hoot Owl Valley road |
| 3. Loggers Lane | 7. Lovers Lane | 12. Pikes Peak Road |
| 4. Brennan Road | 8. Cornfield Road | 13. Rick Road |
| | 9. Rock Hill Road | 14. Harmon Road |

15. Sunset Road
16. Fairview Road
17. Happy Hill Road
18. Lehman Road

19. Cowles Road
20. South Gasser Road
21. Fox Hill Road
22. Goerks Road

23. Crawford Street (from Goerks Road to County Highway A)

B. ADDITIONS

The addition of roads or removal of any listed road or roads can be done at the Town Board's discretion after notification of Baraboo Bluffs ATV Club or the Local ATV Club who is responsible for installation and maintenance of Township ATV/UTV Route Signage

C. SUBDIVISIONS EXCLUDED

The following subdivisions and the roadways within them are excluded from being designated all-Terrain Vehicle and Utility Terrain Vehicle Routes, but will be considered if the residents requesting the change within the subdivision get documented majority approval of residents within that subdivision:

1. Wynsong Subdivision
2. Pine Acres
3. Birnam Woods

SECTION 39.07 CONDITIONS APPLICABLE TO ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTES

A. AUTHORITY

The following restrictions are placed on the use of the Town All-Terrain and Utility Terrain Vehicle routes designated by this Chapter, pursuant to Wis. Stat. § 23.33(11).

B. ROUTE MARKERS

Routes shall be marked with uniform All-Terrain and Utility Terrain Vehicle route signs in accordance with Wis. Admin. Code NR 64.12(7). No person may do any of the following in regard to signs marking Town All-Terrain and Utility Terrain Vehicle routes:

1. Intentionally remove, damage, deface, move, or obstruct any uniform All-Terrain and Utility Terrain Vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform All-Terrain and Utility Terrain Vehicle route or trail sign or standards if the sign or standard is legally placed by the State, any municipality, or any authorized individual.
2. Possess any uniform All-Terrain and Utility Terrain Vehicle route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless the person obtained the uniform All-Terrain and Utility Terrain Vehicle route or trail sign or standard in a lawful manner. Possession of a uniform All-Terrain and Utility Terrain Vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

C. ROUTE SIGNS

Under the direction of the Township, all ATV/UTV route signs shall be provided and installed by the Baraboo Bluffs ATV/UTV Club or its successor, in accordance with Wisconsin Admin. Code NR 64.12(7). Signs shall be inspected annually and shall be maintained by the Baraboo Bluffs ATV/UTV Club or its successor. The Township shall be notified immediately in any change in responsibility for maintenance of ATV/UTV Route signs.

D. OFFICERS REPORTED.

Each club is required to submit Club Board Officer's names, addresses, and phone numbers annually.

E. ANNUAL REVIEW

All ATV/UTV Routes are subject to annual review and must be renewed annually with the Town.

F. SUBJECT TO STATUTE

Operation shall be subject to all provisions of Wis. Stat. § 23.33, which is adopted by reference.

G. TRAFFIC LAWS

Operators must abide by all traffic laws and are further restricted by this Chapter.

I. PAVED SURFACES ONLY

ATVs/UTVs may be operated on paved surfaces only, unless yielding the right-of-way.

J. SINGLE FILE

All ATV/UTV operators shall ride single file.

K. FULLY FUNCTIONAL LIGHTS

No ATV/UTV may be operated on any designated route without fully functional headlights, tail-lights, and brake lights.

L. HOURS

ATV/UTV may only be operated on any designated route between the hours of 7:00 PM and 9:00 PM daily, unless a different restriction on hours of operation has been specified by the Town and notice of the same is duly posted on the segment of the route to which such change is applicable.

M. RIGHT SIDE OF ROUTE

All ATV/UTV operators shall ride on the right-hand side of the paved portion of the highway, unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way is prohibited, unless yielding right-of-way.

N. NOISE AND POLLUTION STANDARDS

No ATV/UTV may be operated on any designated ATV/UTV route if the ATV/UTV does not meet all applicable State noise and Federal air pollution standards.

O. INSURANCE

All ATV and UTV equipment is required to have applicable liability insurance and be able to provide proof of such insurance if requested to.

P. HELMET

No person under the age of eighteen (18) may operate or be a passenger on an ATV/UTV on any designated route unless wearing a state-approved protective helmet.

Q. LICENSE

All persons operating an ATV/UTV on a segment of Town road which is designated as an ATV route shall be at least 16 years of age and have in such person's immediate possession a valid motor vehicle operator's license, and shall be able to display the license document upon demand from any law enforcement officer or official described in Wis. Stat. § 23.33(12).

R. PASSENGERS

No person may ride an ATV or UTV on or in an area not intended by the manufacturer as an area to be used by passengers.

S. NO ALCOHOL

1. No operator may drink alcohol beverages while the person is operating an ATV or UTV on any segment of a designated ATV/UTV Route.
2. No person may possess, in or on an ATV or UTV, on any segment of a designated ATV/UTV Route in the Town of Baraboo, any bottle or receptacle containing alcoholic beverages, if the bottle or receptacle has been opened, the seal has been broken or the contents of the bottle or receptacle have been partially removed or released.

SECTION 39.08 ENFORCEMENT

This chapter may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin. A copy of this Chapter shall be sent by the Town Clerk to the Department of Natural Resources,

the County Clerk, Sauk County Sheriff's Department, and any other law enforcement agency serving the Town of Baraboo's jurisdiction.

SECTION 39.09 PENALTIES

The penalties under Wis. Stat. 23.33(13) are adopted by reference.

SECTION 39.10 MAINTENANCE

Designation of segments of the Town road system as ATV/UTV routes does not impose upon the Town a greater duty of care or responsibility for maintenance of those segments than for any other segment of Town road. Operators of ATVs/UTVs on Town roads assume all the usual and normal risks of ATV/UTV operation.

SECTION 39.11 SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 39.12 EFFECTIVE DATE

This ordinance shall take effect on August 13, 2018, or as soon as the Town Chairperson determines the routes are posted with proper signage, whichever is later. The Town Clerk shall properly publish this chapter as required under Wis. Stat. § 60.80.

ORDINANCE NO. 2020-1

**STATE OF WISCONSIN
Town of Baraboo
Sauk County**

AMENDMENT TO CHAPTER 39, SECTION 39.06
“ALL TERRAIN AND UTILITY TERRAIN VEHICLE ROUTE”
OF THE CODE OF ORDINANCES, TOWN OF BARABOO, SAUK COUNTY, WISCONSIN

The Town Board of the Town of Baraboo, Sauk County, Wisconsin, has the specific authority under s. 23.33(4)(d)3.b and (11)(am)3. of the Wis. Stats., and Ch. 39, s. 39.06(B) of the Town of Baraboo Ordinances, to adopt this amendment to the Code of Ordinances of the Town of Baraboo.

This amendment to the Code of Ordinances, adopted by a majority vote of the Town Board on a roll call vote, with a quorum present and voting, and proper notice having been given, amends Chapter 39, Section 39.06 “Designation of All Terrain and Utility Terrain Vehicle Routes” by adding as follows:

D. Bridges Designated

The Town of Baraboo, under s. 23.33(4)(d)3.b and (11)(am)3. of the Wis. Stats., authorizes the operation of ATVs / UTVs to cross the following bridges on State Highway 136:

1. The bridge over Pleasant Valley Creek between Cornfield Drive and a driveway on the north side of State Highway 136, located approximately 630 feet west of Cornfield Drive.
2. The bridge over Skillet Creek between Skillet Creek Road and South Gasser Road, located approximately 638 feet north of Skillet Creek Road.
3. The bridge over Skillet Creek between Point of Rocks Road and County Highway DL, located approximately 590 feet west of Point of Rocks Road.

In addition, all ATV / UTV operators must do the following when crossing the designated bridges:

1. Cross the bridge in the most direct manner practicable, at a place where no obstruction prevents a safe and quick 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.

This ordinance shall take effect upon: adoption by the Sauk County Board of Supervisors of a similar amendment to Chapter 15 of the Sauk County Code; approval by the Wisconsin Dept. of Transportation; and posting or publication as required by law.

Dated: January 13, 2020

ORDINANCE NO. 2020-1

Willis F. Kle

Town Chairperson

Mary Jo

Town Clerk

Supervisors:

Michael Terry
Randall Pirtkauer
Paul Haderlein
Jim We