

ORDINANCE No. 2055

AN ORDINANCE AMENDING CHAPTER 11.45

**Allowing the Operation of All-Terrain Vehicles (ATV) and Utility Terrain Vehicles (UTV)
on City of Whitewater Streets Located (Excluding City Streets Located Within the
Boundaries of the University of Wisconsin – Whitewater Campus)**

The Common Council of the City of Whitewater, Walworth and Jefferson Counties,
Wisconsin, do ordain as follows:

SECTION 1. Whitewater Municipal Code Chapter 11.45, is hereby amended to read as follows:

11.45.010 General. This ordinance is enacted pursuant to sections 62.11 (5) and 23.33 Wis. Stats., and the provisions of Wisconsin Administrative Code NR 64 regulating ATV and UTV operation, which is hereby adopted and incorporated herein.

11.45.020 Applicability and Enforcement. The provisions of this Ordinance shall apply to all streets, roads and highways, hereinafter at times referred to as City Streets, in the City of Whitewater, Wisconsin (except City streets located within the boundaries of the University of Wisconsin - Whitewater campus) and the provisions of this ordinance shall be enforced by the City of Whitewater Police Department.

Adoption of this ordinance shall not prohibit any law enforcement officer or DNR warden from proceeding under any other ordinance, regulation, statute, law or order that pertains to the subject matter addressed in this Chapter.

11.45.030 Limitations. The following limitations apply to all areas of operation designated in this Ordinance:

(a) Operators and passengers of ATVs/UTVs shall comply with all federal, state and local laws, orders, regulations, restrictions and rules, including, but not limited to, section 23.33 Wis. Stats. and Wisconsin Administrative Code NR 64.

(b) This Ordinance incorporates by reference all definitions under section 23.33 Wis. Stats. and Wisconsin Administrative Code NR 64 and any other applicable Wisconsin Law defining ATVs/UTVs and regulating ATV/UTV use unless this Ordinance states otherwise.

(c) ATVs/UTVs shall be operated on the paved surface on the extreme right side of the roadway.

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

(e) ATVs/UTVs operators are required to have applicable liability insurance.

(f) ATVs/UTVs shall not be operated at a speed greater than the posted speed limits.

(g) ATVs/UTVs may not be operated on any city street without fully functional headlights, taillights and brake lights.

(h) ATVs/UTVs may not be operated on any city street between the hours of 10:00 p.m. and 5:00 a.m.

(i) No person may operate an ATV/UTV on any city street without a valid driver's license and shall display the license on demand from any law enforcement officer or official described in section 23.33 (12) Wis. Stats.

(j) The operation of an ATV/UTV shall be limited to traveling on a direct route from the initial starting point of the vehicle to a specific destination in the City of Whitewater, Wisconsin. Operating ATV/UTV vehicles on City streets for other purposes is prohibited.

11.45.040 Routes.

(a) Any modification to the routes designated for ATV/UTV use shall be approved by the Common Council.

(b) The routes designated as an ATV/UTV vehicle route shall be as follows:
All streets, roads and highways in the City of Whitewater, Wisconsin (excluding City streets located within the boundaries of the University of Wisconsin - Whitewater campus and portions of streets, roads and highways where the designated speed limit is greater than 35 m.p.h.).

(c) The City Manager or his or her designee shall have the authority to suspend operation on any route or segment thereof due to hazards, construction, emergency conditions, road damage or any other issue deemed appropriate for public safety. Routes subsequently removed as an ATV/UTV vehicle route will be posted on the City of Whitewater website.

11.45.050 Route Signs.

(a) All initial route signs will be installed and maintained by the City of Whitewater Public Works Department in cooperation with the Jefferson and Walworth County Highway Departments.

(b) No person may erect or remove any official designated route sign unless authorized by the City of Whitewater Public Works Department in writing.

(c) No person shall operate an ATV/UTV contrary to any authorized and official posted sign.

11.45.060 Penalties.

(a) This Ordinance shall be enforced by the City of Whitewater Police Department, or any other law enforcement official as set forth in section 23.33 (12) Wis. Stats., including the issuance of citations under section 66.0113 Wis. Stats.

(b) The penalties set forth in section 23.33 (13) (a) Wis. Stats., are adopted and incorporated by reference herein.

11.45.070 Severability.

- (a) Should any subsection, clause or provision of this ordinance be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of this ordinance as a whole or any part thereof, other than the part declared invalid.

11.45.080 Maintenance.

(a) Designation of City of Whitewater streets and roads as ATV/UTV routes does not impose upon the City of Whitewater a greater duty of care or responsibility for maintenance of those segments than that required for any other street or road. Operators of ATV/UTVs on City streets assume all the usual and normal risks of ATV/UTV operation.

Gerber moved to approve the ordinance with a press release, public education and postings on the City's website and social media outlets. Majkrzak seconded the motion.

AYES: McCormick, Smith, Allen, Majkrzak. Brown, Gerber, Schreiber.

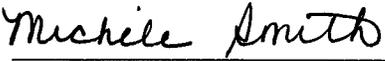
NOES: None.

ABSENT: None.

ADOPTED: March 7, 2023



John S. Weidl, City Manager



Michele R. Smith, City Clerk