



townofwhitewaterwi.gov

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Whitewater, WI 53190

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TOWN OF WHITEWATER, WISCONSIN

ORDINANCE NO. 4-19-2023

AN ORDINANCE DESIGNATING ATV/UTV ROUTES

The Town Board of the Town of Whitewater, Wisconsin (the "Town") hereby ordains as follows:

Section 1. Purpose.

The Town of Whitewater adopts the following all-terrain vehicle ordinance to establish routes and regulations and to provide for the safe operation of all-terrain vehicles ("ATV's") and utility terrain vehicles ("UTV's") upon township roadways. Designated roadways in Section 3 are restricted from the use of ATV/UTV's.

Section 2. Authority

The Town Board of the town of Whitewater, Walworth County, Wisconsin, has the specific authority to adopt this ordinance under Wis. Stats. Sections 23.33(8)(b) and (11). The town board retains the right to close any town road to ATV/UTV operation for any reason, including but not limited to special events, unlawful use, and road construction or repair. Said closures of town roads to ATV/UTV use may occur without prior notice. The town accepts no liability for the operation of ATV/UTVs on any town road under the provisions of this chapter. Operation of ATV/UTVs shall be at the operator's own risk. ATV/UTV operators within the town shall abide by all state, county, and local laws, and the applicable provisions of Wis. Stats. Section 23.33 regulating ATV/UTV operations are adopted by reference and made part of this chapter.

Section 3. Definitions

- A. "ATV" shall mean an all terrain vehicle as defined in Wis. Stats. Section 23.33(1)(b)
- B. "UTV" shall mean a utility terrain vehicle as defined in Wis. Stats. Section 23.33(1)(ng)

Section 4. Routes

Town roads that are excluded from ATV/UTV use are as follows:

Alden
Bayview
Blue Heron
Bradley Ct

Burr Oak Rd
Chapel Dr
Clover Valley from Engel to Kettle Moraine
Crestview
Cruise Lane
Deep Pond
Deerwood
E Lakeshore Dr
Grandview
Hackett
Hill Dr
Hillside
Hi-Lo
Kettle Moraine Dr from R&W Townline Rd to Cty P
Krahn
Kristy Lane
Larry's Road
Linden Dr
Little Acorn
Lorwood
Oakridge
Pine Knolls
R&W Townline from Chapel to County P
R&W Townline from Engel to Krahn
Ridge Road
Shagbark
Shereda
Stacey Lane
State Park Road
W. Lakeshore
West Dr
Woodfield Lane

C. ATV/UTVs are strictly prohibited from operating on any state and county highways in the Town, unless otherwise authorized by the state of Wisconsin or Walworth County. ATV/UTVs may cross state and county highways as necessary to travel through the Town.

D. All authorized ATV/UTV routes shall be signed in accordance with Wis. Stats. Section 23.33(8)(e). The Town, or its designee, shall maintain all route signs within the Town. Any restrictions on authorized routes shall be designated by a majority vote of the Town Board and shall be signed accordingly.

Section 5. Operation of ATV/UTV's.

ATV/UTV routes shall be marked with uniform, all-terrain vehicle route signs in accordance with Wis Stat NR 64.12(7), Wisconsin Administrative Code. In addition to proper signage, the roads must also be within the Town and maintained by Town personnel.

Section 6. Conditions

- A. No person may intentionally remove, damage, deface, move or obstruct any uniform ATV/UTV route or trail sign or standard, if the sign is legally placed by the state, any municipality or any authorized individual.
- B. As a condition for the use of the designated routes, the following shall apply to all operators and passengers (where applicable). The individuals must:
 - 1. observe all posted speed limits as indicated by official signs posted within the town.
 - 2. ride single file along the extreme right side of the roadway, with the exception of left turns which may be made from any part of the roadway if it is safe given then occurring conditions.
 - 3. not ride on the shoulder of the road or in the ditch.
 - 4. hold a valid ATV/UTV Certificate (if born after December 31, 1987), be at least 16 years of age and have a valid Wisconsin Driver's License.
 - 5. accompany any rider under the age of 16 by an adult over the age of 18
 - 6. wear a helmet if under the age of 18.
 - 7. not operate on any Town route between the hours of 11:00 p.m. and 5:00 a.m., unless they are engaged in snow plowing.
 - 8. operate a vehicle that has headlights, taillights, and brake lights on while operating on any town route and have a muffler that falls within the legal decibel limits.
 - 9. use hand signals if ATV/UTV is not equipped with turn signals.
 - 10. register the ATV/UTV with the Wisconsin Department of Natural Resources and have current stickers and license plates.

11. provide proof of insurance for the minimum liability coverage amounts consistent with motor vehicle requirements under Wisconsin law.

Section 7. Enforcement.

This Ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin, Walworth County and the Town of Whitewater.

Section 8. Penalties.

Wisconsin state ATV/UTV penalties as found in Wis. Stats. Section 23.33(13)(a) are adopted by reference.

Section 9. Severability.

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

Section 10. Effective Date

This ordinance shall become effective upon adoption and publication or posting as provided by law. The Town clerk shall properly post or publish this ordinance as required under s. 60.80 Wis stats.

Adopted by the Town Board of Whitewater, Wisconsin this 19th day of April, 2023.

TOWN OF WHITEWATER

By:

Lowell C. Hagen
Lowell C. Hagen, Chair

Robert A. Strand

Robert Strand, Supervisor

Jonathan Tanis
Jonathan Tanis, Supervisor

Attest:

Jorja Boile
Jorja Boile, Clerk/Treasurer



ORDINANCE 7-12-23 B

AN ORDINANCE TO ADD SECTION 38-4 OF THE MUNICIPAL CODE

Whereas, the Town Board of the Town of Whitewater wishes to ensure the durability of the roadways in the town by setting weight limits for roadways in the town.

Therefore, The Town Board of the Town of Whitewater does hereby ordain to create and add Section 38-4 to the Town of Whitewater Municipal Code as follows:

Section 1. Section 38-4 of the Town of Whitewater Municipal Code is hereby created to read as follows:

Section 38-4: CLASSIFICATION OF AND WEIGHT LIMITATIONS ON TOWN HIGHWAYS.

(1) CLASS "B" HIGHWAYS DESIGNATED. All roads, highways and alleys within the Town are designated as Class "B" Highways and shall be subject to the weight limitations imposed by Sec. 348.16, Wis. Stats.

(2) SPECIAL OR SEASONAL WEIGHT LIMITATIONS.

(a) The Town Chairperson is empowered to exercise the authority granted by Sec. 349.17(1), Wis. Stats., to impose temporary seasonal special weight limitations on any Town road or portion thereof which, because of weakness of the roadbed due to deterioration or climatic conditions or other special or temporary condition, would likely be seriously damaged or destroyed in the absence of such special limitations.

(b) Imposition of the special weight limitations authorized by paragraph (a) above shall be done by erecting signs on or along the highway on which it is desired to impose the limitation sufficient to give reasonable notice that a special weight limit is in effect and the nature of that limitation.

(c) The Town Chairperson is further empowered to exercise the discretion authorized by Sec. 349.16, Wis. Stats., to exempt vehicles carrying certain commodities such as construction materials and fuel from the limitations imposed by paragraph (a)

above or to set different weight limitations than those imposed by paragraph (a) above for vehicles carrying such commodities if, in the judgement of the Chairperson, the exemption or limitation is reasonable and necessary to promote the public health, safety and welfare.

Section 2. Severability. Each section, subsection, paragraph, sentence, clause, phrase, and provision of the foregoing Ordinance is and the same is hereby declared to be severable and if any portion or provision thereof is duly determined to be invalid for any reason, such determination shall not invalidate any other portion or provision thereof.

Section 3. Effective Date. This Ordinance shall take effect and be enforced from and after its passage and posting as required by law.

Adopted by the Town Board of the Town of Whitewater, Walworth County, Wisconsin this 12 day of July, 2023.

TOWN OF WHITEWATER
WALWORTH COUNTY, WISCONSIN

By: Lowell Hagen
Lowell Hagen, Town Chairman

Attest: Jorja Boiley
Jorja Boiley, Town Clerk



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ORDINANCE 7-12-23 A

AN ORDINANCE TO AMEND SECTION 46-2 OF THE MUNICIPAL CODE

Whereas, the Town Board of the Town of Whitewater wishes to ensure that the bond schedule that is referred to in the municipal code shall be up to date.

Therefore, The Town Board of the Town of Whitewater does hereby ordain to create and add Section 46-2 to the Town of Whitewater Municipal Code as follows:

Section 1. Section 46-2 of the Town of Whitewater Municipal Code is hereby amended to read as follows:

Section 46-2: Adoption of state bond schedule.

The Town Board of the Town of Whitewater, Walworth County, Wisconsin, does hereby adopt the state bond schedule as amended from time to time for violation of this chapter.

Section 2. Effective Date. This Ordinance shall take effect and be enforced from and after its passage and posting as required by law.

Adopted by the Town Board of the Town of Whitewater, Walworth County, Wisconsin this 12 day of July, 2023.

TOWN OF WHITEWATER
WALWORTH COUNTY, WISCONSIN

By: Lowell C. Hagen
Lowell Hagen, Town Chairman

Attest: Jorja Boileau
Jorja Boileau, Town Clerk



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TOWN OF WHITEWATER
AMENDMENT TO ORDINANCE NO. 4-19- 2023
Amended 7-12, 2023

Section 4-C: the wording is changed to:

ATV/UTV's are prohibited from operating on State Highway 12 and State Highway 89 within the TOWN OF WHITEWATER, except to cross as necessary to travel through the TOWN. ATV/UTV's are allowed on County Road P subject to installation of the appropriate signage.


Lowell Hagen, Chair


Robert Strand, Supervisor


Jonathan Tanis

Attest: 
Jorja Boile Clerk/Treasurer