



Council Agenda Item

Meeting Date: October 6, 2026

Agenda Item: ATV/UTV Operating Hours

Staff Contact (name, email, phone): Steven T. Chesebro, schesebro@whitewater-wi.gov, 262-458-2780

BACKGROUND

(Enter the who, what, when, where, why)

The City enacted an Ordinance in November 2021 that allowed the operation of ATV/UTVs on City streets. Part of that Ordinance included a provision that ATV/UTVs could not be operated between the hours of 10:00 p.m. and 5:00 a.m. At the August 4, 2026 Common Council meeting, Alderperson Hicks asked for a review of these hours. At the September 15, 2026 Common Council Meeting, the Council requested the proposed ordinance be amended to prohibit operation of ATV/UTV's between the hours of 11:00 p.m. and 5:00 a.m. while repealing subsection 11.45.030(3) which required ATV/UTV's be operated on the extreme right side of the roadway.

The Ordinance has been revised to reflect the Common Council's choice on the hours of operation for the ATV/UTVs. However, further consideration may be needed for the repeal of subsection (3). The current proposed ordinance instead of repealing subsection (3) removes the requirement for ATV/UTVs to operate on the extreme right side of the road, but establishes that the ATV/UTVs must be operated on the right side of the center line of the road consistent with traffic regulations. Simply repealing subsection (3) may create an argument or lead some individuals to believe the ATV/UTVs can be operated on the left side of the road which may obstruct oncoming traffic.

PREVIOUS ACTIONS – COMMITTEE RECOMMENDATIONS

(Dates, committees, action taken)

In November 2021, the Common Council adopted Chapter 11.45 – Operation of all-terrain vehicles and utility terrain vehicles allowed.

At the September 8, 2026 Public Works Committee meeting, the Committee, on a vote of 2 – 1, recommended

- changing the non-operating hours in subsection (8) from between the hours of 10:00 p.m. and 5:00 a.m. to 12:00 a.m.(midnight) and 5:00 a.m.
- removing subsection (3) ATVs/UTVs shall be operated on the paved surface on the extreme right side of the roadway.

At the September 15, 2026 the Council requested the proposed ordinance be amended:

1. to prohibit operation of ATV/UTV's between the hours of 11:00 p.m. and 5:00 a.m.
2. repealing subsection 11.45.030(3) which required ATV/UTV's be operated on the extreme right side of the roadway.

FINANCIAL IMPACT

(If none, state N/A)

N/A

STAFF RECOMMENDATION

Based on the Public Works Committee recommendation, and discussion from Common Council staff recommends a motion to approve Ordinance 2026-O-22 amending Section 11.45.030 by amending subsection (3), to require operating on the right side of the road, and updating subsection (8) to the hours of 11:00 p.m. and 5:00 a.m.

ATTACHMENT(S) INCLUDED (If none, state N/A)
--

1. Complaint Log
2. City Attorney Responses
3. Amending Ordinance 2026-O-22